

UOOU-01976/20

The inspection was initiated on the basis of

75 complaints. Its subject was the assessment of compliance with obligations

resulting from Act No. 480/2004 Coll., on certain information services

company, when disseminating commercial messages by electronic means, e-mail. Subject commercial communications

it contained an offer of various consumer goods with links to websites

e-shops where these goods were offered. Sending e-mail addresses, or

the domain names from which they were formed did not function as separate webs

pages, also changed frequently. However, they were always formed by a certain phrase,

which evoked a bargain purchase. The operator of the e-shops that sent

commercial messages promoted, was for the most part a controlled person, from a smaller one

part, and for commercial messages sent later, it was another company,

which operated the given e-shop after the controlled person. However, it must be added

connection, namely in the person of the manager, who is identical for both companies. For factual

the sender was then marked with three other companies, because it was on them

registered outgoing domain names and were also included in some commercial communications

listed as senders. Controlled person and also others

the companies that sent the commercial messages in question were invited to

proof of legal title to these mailings. Considering the fact that the controlled

the company did not respond to the sent request even after the invitation, it was found guilty of violating §

10, paragraph 2 of the control order imposed a penalty of CZK 50,000. Other

the approached companies responded, however, it did not appear from their statements that

would have the legal titles to send commercial messages. The inspector stated so

violation of § 7 paragraph 2 of Act No. 480/2004 Coll., i.e. sending business communications

without the prior consent of the addressees. Another violation related to § 7 paragraph 4 letter

b) of Act No. 480/2004 Coll., as the commercial communication did not contain information about the identity of the sender on whose behalf the communication takes place. Joint infringement proceedings then was conducted with four companies. One of them that performed in the position of the disseminator for whose benefit the commercial communications are disseminated, a penalty of CZK 100,000 was imposed. To three other companies which acted in the position of actual senders, sanctions in the amount were imposed 100,000 CZK, 25,000 CZK and 20,000 CZK. The decision has already entered into force and after it also became enforceable, while the penalties were not paid, they were imposed fines referred for enforcement to the relevant customs authority.

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