

UOOU-01100/20

The inspection was with this company

initiated on the basis of 52 complaints about the sending of commercial messages that were

sent precisely for the benefit of the controlled person, or the controlled person was

by the operator of online stores that were promoted in this way. It was discussed

o commercial messages offering various consumer goods, such as masks,

respirators, dental products, hair removal products, etc. and was sent almost

the whole year (February 2020-January 2021). She was first in this thing

a preliminary check was carried out in order to find out the actual sender of these

business messages. In the case of two controlling sending domains

they found out that the sender is the person being checked. In others

cases involved foreign senders who could not be traced. After pre-inspections have been carried out

actions, the Office focused precisely on the controlled person, because

in the case of two domains, she was the actual sender, and further because all

commercial messages were directed in her favor. As part of this proceeding

the controlled person sent only one response (as mentioned above

in the framework of pre-control procedures). In that to document the legal titles for

mailings to individual e-mail addresses, she admitted cooperation with the big one

by a number of domestic and foreign partners, in the form of affiliates

marketing - i.e. in the form of payments for brought customers. Specific consents

subject addressees to send commercial messages, however, the controlled person

she did not testify.

Given the fact that

upon further requests by the controller to provide cooperation, the controlled person

she did not respond, a sanction was imposed on her for violating § 10, paragraph 2 of the inspection regulations

in the amount of CZK 50,000. The inspector thus concluded that the inspected person as the disseminator of commercial communications for whose benefit the commercial communications are sent, disseminated the commercial messages in question without prior provable evidence the consent of the addressees, and thus in violation of § 7, paragraph 2 of Act No. 480/2004 Coll., about some information society services. In the case of commercial communications sent from the two domain names was even in a factual position the sender. In the case of some commercial communications, the Office stated also a violation of § 7 paragraph 4 letter a) of the aforementioned law, because this business messages were not properly marked. In all cases it was stated violation of § 7 paragraph 4 letter b) of the aforementioned law, because in the sent commercial communications did not indicate the identity of the person on whose behalf the communication was made carries out, i.e. the one on whose behalf the commercial communications are sent. There was more to the matter appropriate administrative proceedings have been initiated, also with regard to the newly filed one complaint. However, within it, the party to the proceedings again did not present any evidence about cooperation with affiliate partners, or working with one affiliate was proven by the partner, however, this partner within the administrative procedure stated that the cooperation was discussed, however, it was never started. The participant in the proceedings did not prove this even in the context of this follow-up proceeding legal title to send commercial communications to the subject email addresses and nor did he show that any of the partners he claimed were doing so. He was against the issued decision however, the breakdown submitted by this participant in full. About the filed breakdown the Chairman of the Office will further decide.

ContextLocation: Document folders > Site map > Main menu > Supervisory and decision-making activities > Completed inspections > Inspections for 2021 > Unsolicited commercial communications - 1st half of the year > Commercial companyView current documents | document archive | documents including the archive