

CONFERENCES AND REPORTS

The fourth year of a doctoral private law conference called *Civilistické pábení*, this year on Civil Law and New Technologies, Prague, 29th April 2022¹

The Faculty of Law, Charles University, hosted on the 29th April 2022 a doctoral conference called **Civilistické pábení** for a fourth year. This tradition which commenced in 2019 with initial support of Professor Jan Dvořák, Professor Michal Tomášek, Professor Alena Macková and Professor Jan Kuklík, is being carried on since. This annual conference has been started as a **conference for doctoral students with specialization in private law**, concentrating on issues of civil law, including civil procedure and intellectual property, commercial law, private international law, European law, non-fiscal financial law, labour law, legal theory, sociology and political science, including the historical background of these disciplines and artificial intelligence. This focus of the conference remained the same ever since. The conference provides venue for doctoral students to share their research with their peers from the Faculty of Law, Charles University, and from other faculties of law national and abroad, as well as with academics. The conference has also another purpose, it allows participants to get to know each other. Therefore, the conference is not only a place of presentation of research, it is also a networking place – to help the attendees to make possibly academic relations between them. The Department of Civil Law has organised the conference as the primary and general venue of private law of the Faculty of Law, Charles University.

It is worth reminding that the title of the conference *Civilistické pábení* is to resemble one of the renowned literary figures, Bohumil Hrabal, who is the graduate of the Faculty of Law, Charles University, and is said to be the author of the term “**pábení**”. In the context of private law, the notion of “*pábení*” relates to the narration of private law, to a free-flowing speech on the ordinary and mundane aspects of individuals and their lives that the private law in general regulates. The vital part of this format of the conference is not only the presentation of the research in front of the auditorium but also the questioning and debating the issues afterwards in a rather informal discussion. Thus, gagging is both a creative principle and a creative mask by which the conference is covered.

As the title of the conference **Civil Law and New Technologies suggests**, conference was held in a **hybrid form**. Therefore, participants could attend in person at the Faculty of Law, Charles University, or join the conference on-line. This year's conference brought the attention of nearly 40 doctoral students from the faculties of law in the Czech Republic (Prague, Pilsen, Brno, Olomouc and others) as well as from abroad (Univerzita Mateja Bela v Banské Bystrici, University of Edinburgh and others). The conference attracted quite a high number of participants, adding up to the number of participants in previous years.

The interrelations between civil law and new technologies are multiple as the conference showed. The new technologies can be understood as a challenge to civil law which is a forefront of law regulating industriousness and endeavours of individuals and moral persons and their results. The civil law must adequately reflect new technologies and should not be falling behind. This requires to **re-think traditional legal conceptions** (such as the topics analysed by the participants, for example **liability, divorce, testament, enforcement, employment, securities and personality rights**) and their application to new technologies or in context of **new technologies** (to name a few of the new technologies the participants dealt with at the conference: **social networks, NFT, software, meta-**

¹ The conference was supported by the PROGRES Q03 program: Private Law and Today's Challenges, conducted at the Faculty of Law, Charles University. The partnership was, as in the previous years, provided by the publishing house Wolters Kluwer, Czech Republic, which is also a partner for the publication from the conference that is being prepared.

verse, artificial intelligence, tokens, internet domains, surveillance technologies and genetic manipulation). Some of the conceptions, combining traditional legal concepts and new technologies, already get their way to the legal system such as electronic delivery or electronic payment order, some of the conceptions are awaiting wider recognition such as decentralized autonomous organisations. The new technologies naturally, as they are of factual nature, provoke “the world that ought to be” (the law) to manifest itself facing the challenges of the new factual reality. This conflict is utmost inherent to new technologies as they are breakthroughs at first available to a handful and eventually (sometimes very quickly) widespread. The reality always precedes law. This is fully valid in terms of new technologies, and it is inevitably so. However, the civil law, to simplify, as an open structure of predominantly dispositive legal norms, can intervene only when individual private rights of another are affected, public order or bonos mores; otherwise, private law provides as wide private space for individuals to follow their own aims as possible. The new technologies are tools to follow such private aims in a multiplicity of ways. Therefore, the private law is there to enable, not to hinder, the new technologies to be useful tools by securing rights to the new technologies (e.g. rights to internet domain) and guarantying balance between rights and duties of private persons (e.g. liability for genetic manipulation). In general, the core conceptions of private law, despite not specifically regulating new technologies, are in principle applicable to new technologies and legal relations directly or indirectly related to them. On the other hand, the new technologies pose a significant challenge to interpretation and application of law when the issues are analysed in sufficient detail.

This year’s conference was divided into four consecutive sections. The first section started in the morning and was dealing with rather **general issues of the topic** such as methodological approaches towards modern technology in law, artificial intelligence in medicine or legal aspects of virtual reality. The first part of the conference was moderated by **Assistant Professor Miroslav Sedláček**. The second section, moderated by **Daniel Hanuš**, was focused on individual legal institutions or rather **specific topics of civil, medical and labour law** (e.g. modern technologies in divorce law, liability for editing human genome or monitoring of employees). In the third part (first afternoon section), moderated by **Assistant Professor Klára Hurychová**, the themes of modern technologies in **non-fiscal financial law, commercial and corporate law** were mainly discussed (e.g. decentralized autonomous organisations, system of early warning of financial difficulties of commercial corporations, windfall clause). In the late afternoon, the last section of the conference, which **Assistant Professor Tomáš Střeleček** moderated, took place focusing mainly on **modern technologies and civil procedural questions** (such as electronic proceedings, use of new technologies in enforcement or software in insolvency proceedings).

The conference was officially opened by **Professor Radim Boháč**, Dean of the Faculty of Law, Charles University, followed by **Professor Jan Dvořák**, Head of the Department of Civil Law, and **Professor Alena Macková** from the Department of Civil Law, both from the Faculty of Law, Charles University. Professor Radim Boháč appreciated that the conference is already a tradition of the faculty and wished the conference fruitful discussions. Professor Jan Dvořák has concentrated in his speech on various aspects of new technology in civil substantive law and analysed possible setbacks of new technologies in the interpretation of private law. Professor Alena Macková concluded the opening by stressing the importance of networking and getting acquaintances as well as providing platform for doctoral students. These introductory remarks were followed by the presentation of the contributions of the individual participants of the conference in the consecutive sections.

More than 25 papers were presented at the conference. To mention some of them, **Jan Hořeňovský** in the first part spoke on the topic of *Methodology and models of regulation of law and new technologies*, **Barbora Ohnoutková** gave an analysis on the issue of *Environment of metaverse (advanced virtual reality) and protection of personality*, **Richard Macko** spoke on the topic of *Virtual hearing – evolution in dispute resolution?*, **Klára Zikmundová** presented her research on *Artificial Intelligence in health care – do we need a new law?* Consequently, **Kateřina Joklíková** presented on topic of *Issues related to the practical implementation of the new European regulation of financial crowdfunding*, and **Ondřej Mocek** had a speech on *The “product” and its obligation to compensate?*

After the break **Barbora Havlíková** had a contribution titled *Editing human genome and liability for the genome of own offspring: will genetically modified children sue their parents?*, **Ondřej Mach** had a statement on *Manifestations of parental irresponsibility on social media*, **Ondřej Drachovský** and **Kristián Fischer** presented a paper on *Testaments from the future – tablet, video and other modern technologies as a (r)evolution in question of forms of testaments*, **Vojtěch Jirásko** gave a speech on *Employment challenges in the age of new technologies (flexibility vs. securitization)*, and **Vojtěch Hanzal** on *Employee monitoring and its limits in the era of the fourth industrial revolution*, all presented in the second morning part. After the lunch break, **Jan Kubica** delivered a presentation on the topic of *Decentralised Autonomous Organisations (DOA) as a challenge for corporate law*, **Martina Černá** gave a speech on *Selected concepts from the field of managing commercial corporations in the context of discussion on legal personality of distributed autonomous organisations*, **Petra Kotápišová** presented a contribution on the topic of *Protection of children and minors in the internet environment* and also **Jan Škrabka** presented his research on *Nature of security as a document in the light of digitalization and tokenization of assets*. Additionally, **Martin Novotný** presented topic of *Property law and NFTs*, **Eva Decroix** gave a speech on *Searching for new technologies in divorce law*. The fourth part, taking place in the late afternoon, commenced with a presentation on *Electronic proceedings and issuing of payment order* by **Dominik Čipka and Matúš Mendrej**, followed by presentations of **Aneta Rýdlová** on topic of *Interlocutory measures in the realm of internet domains*, **Bohdan Chrenovský** with a presentation on *Software (computer program) as a part of insolvency assets* and **Otakar Koutenský** with a speech on *Use of modern technologies in enforcement procedure* to name a few. All contributions were of a high standard, posing provoking questions and delivering meticulous analysis.

The conference was concluded by awarding a **prize called Civilistický pábítel** for the best presentation of research at the conference. This year, it was up to the participants, both present in the conference room and those who joined online, to choose Civilistický pábítel among them using a democratic principle. The prize winner was **Barbora Havlíková** (from the Department of European Law, Faculty of Law, Charles University). She presented her research in a presentation titled *Editing human genome and liability for the genome of own offspring: will genetically modified children sue their parents?*. She posed quite provocative question which eventually appeared after her elaborate analysis as a real-life question of the future. In her analysis, she focused on legal aspects of genomic editing in parent-children relation and eloquently analysed with precise arguments liability for such editing and presented absurd consequences of such liability.

The conference was supported by the program **PROGRES Q03: Private Law and Today's Challenges**, conducted at the Faculty of Law, Charles University. The partnership of the conference was again accepted by the publishing house **Wolters Kluwer, the Czech Republic**, which is also a partner for the conference output – a collective monograph that is currently being prepared under the supervision of the editor **Marie Novotná**. Finally, let us recall the successful publications from previous editions of the conference under the titles *Legal Actions and Procedural Acts* (2019), *Representation* (2020) and *Duty and Liability in Civil Substantive and Procedural Law* (2021).

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