

Abstract

The law of business corporations riding on the wave of digitalisation

The topic of this diploma thesis is the law of business corporations riding on the wave of digitalisation. Due to the spread of the topic, the author decided to narrow it down. Therefore, the thesis focuses solely on online establishment of a limited liability company in the Czech Republic and attempts to answer the question if any limited liability company in the Czech Republic can be established online within several minutes.

The thesis is divided into three main chapters. In the first chapter the reader is provided with an insight into the legal regulation of electronic identification by the virtue of electronic identification being the key for digitalisation of this part of the company law. Its near future is also partly explained in this thesis due to the fact that the legal regulation of electronic identification and thus its technical side will most likely undergo major changes in the next few months.

The second chapter is dedicated to the amendment of the notary code, which introduced the possibility of writing a notary record in an electronic form. This option for notaries is the second key innovation that enables the establishment of a limited liability company in the Czech Republic online. However, in this chapter the thesis also draws attention to some legal institutes that have become potentially dangerous for notaries as a result of this amendment.

The third chapter deals with shortcomings of the current legislation regarding the possibilities of establishing a limited liability company online. In particular, it focuses on obtaining a trade license and fulfilling the deposit obligation, which so far is delaying the registration in the commercial register. While the former of these obstacles will be legislatively removed in the foreseeable future, in the second case any change is not even being considered. In this chapter the author also strives to produce a solution to this problem, for which he finds an inspiration in Estonia and the Netherlands.

Key words: online establishment of a limited liability company in the Czech Republic, digitalisation of notaries, electronic identification