

# Václav JANEČEK

St Edmund Hall, Oxford, OX1 4AR  
vaclav.janecek@law.ox.ac.uk

## A Brief Statement of Research Interests

There are three main areas of my research: (1) the law of obligations, (2) legal and moral philosophy, and (3) legal, philosophical and ethical issues relating to information society and emerging technologies.

In more practical terms, I am interested in questions relating to personal responsibility and liability, legal remedies and their co-ordination, the intersection of public and private law, digital privacy and security, access to legal information, and the use of computer algorithms in law.

## University Education

<i>University of Oxford / St Edmund Hall</i> <b>Doctoral degree in Law—DPhil</b> Dissertation title: <i>Between the Public and Private Law of Damages</i> , supervisor: J Goudkamp	2017–2019
<i>University of Oxford / Keble College</i> <b>MSt in Legal Research</b> Dissertation title: <i>Theory of Non-Compensatory Damages</i> , supervisor: J Goudkamp	2016–2017
<i>Charles University</i> <b>Doctoral degree in Theory, Philosophy, and Sociology of Law—PhD</b> Dissertation title: <i>A Theoretical Conception of Civil Liability</i> , supervisor: K Beran	2013–2017
<i>Charles University</i> <b>Post-master's research degree in Law—JUDr (MPhil equivalent)</b> Dissertation title: <i>A Theoretical Conception of Just Satisfaction under Recent Law</i> , without supervision	2014–2016
<i>Charles University</i> <b>Master's degree in Law—Mgr (MA equivalent)</b> 5-year integrated study programme Master's thesis title: <i>Punitive Aspects of Damages</i> , supervisor: K Beran	2007–2013
<i>University of Sussex</i> <b>Visiting and exchange student of Law and Philosophy</b> LLB dissertation title: <i>Exemplary Damages: A Genuine Concept?</i> , supervisor: M Davies	2012–2013
<i>Charles University</i> <b>Bachelor's degree in Philosophy—Bc (BA equivalent)</b> Bachelor's thesis title: <i>Fictionalism in Law and Morality</i> , supervisor: J Jirsa	2007–2011

## Notable Awards and Research Funding

<i>Max Planck Institute for Comparative and International Private Law</i> Max Planck Doctoral Scholarship	2019
<i>Ius Commune Research School</i> Ius Commune Prize	2018
<i>Law Faculty, University of Oxford</i> Graduate Assistance Fund Scholarship	2018–2019
<i>St Edmund Hall, Oxford</i> Pontigny Scholarship	2017–2018

<i>Charles University, Prague</i>	
Full PhD scholarship	2013–2016
Prize for the best research paper in legal theory amongst law students at Charles University	2011
<i>Karl, the Prince of Schwarzenberg</i>	
Individual grant to support my Oxford studies and to promote Czech legal culture	2016
<i>Hlávka Foundation, Prague</i>	
Scholarship for exceptional and talented individuals (Hlávka Foundation is the oldest continuously operating Czech foundation for sciences and arts)	2015
Funding for research activities within the following projects:	
<i>Engineering and Physical Sciences Research Council (EPSRC)</i>	
PETRAS: Cybersecurity of the Internet of Things	2017–2018
<i>Czech Science Foundation (Grant Agency of the Czech Republic)–GACR</i>	
Legal Transactions and Legal Responsibility of Juristic Persons	2016–2018
Methodology of Legal Interpretation as a Safeguard for Legal Certainty in a Democratic Legal State	2011

### Research Experience (a selection)

<i>Postdoctoral Researcher in Digital Ethics</i>	
<b>University of Oxford</b> , Oxford Internet Institute (Digital Ethics Lab)	2017–2018
Part of the ‘PETRAS: Cybersecurity of the Internet of Things’ project (EPSRC)	
Principal investigators Luciano Floridi and Mariarosaria Taddeo; research on data ownership in the Internet of Things	
<i>Researcher (part-time position)</i>	
<b>Charles University</b> , Faculty of Law	2016–2018
Part of the ‘Legal Transactions and Legal Responsibility of Juristic Persons’ project (GACR)	
Principal investigator Karel Beran	
<i>Research Assistant</i>	
<b>University of Oxford</b> , St John’s College	2018
Principal investigator Georgi Gardiner; I assisted her with a project on legal epistemology	
<b>University of Oxford</b> , Faculty of Law	2016–2018
Principal investigator James Goudkamp; I assisted him with these projects: ‘The Dynamic Law of Torts’, ‘Defences in Equity’, ‘Scholars of Tort Law’	
<b>Charles University</b> , Faculty of Law	2009–2012
Work for the Department of Legal Theory and Legal Doctrines; various projects	
<i>Visiting Researcher</i>	
<b>European University Institute</b> in Fiesole (Aug–Sep)	2017
<b>Institute for European Tort Law</b> in Vienna (Aug)	2016
<b>Max Planck Institute for Comparative and International Private Law</b> in Hamburg (Jan–Apr)	2016

### Teaching Experience (a selection)

<i>Tutor in Law</i>	
University of Oxford, New College	2017
<b>Philosophy of Law</b>	
<i>Guest Lecturer in Law</i>	
Charles University, Faculty of Law	2017
<b>Common Law Legal Sources and Electronic Databases</b>	

<i>Lecturer in Law</i> Charles University, Faculty of Law <b>Jurisprudence and Legal Theory</b>	2014–2016
<i>Lecturer in Law</i> Charles University, Faculty of Law <b>Electronic Legal Information Systems</b>	2013–2016
<i>Tutor in Philosophy</i> Charles University, Faculty of Arts <b>Moral Philosophy and Phenomenology</b>	2011–2012
<i>Teaching Training</i> University of Oxford, Faculty of Law	2017
Charles University, Faculty of Law	2015
Charles University, Faculty of Arts	2011

### **Other Experience and Memberships (a selection)**

<i>Associate Editor</i> <b>Oxford Business Law Blog</b> (editing and soliciting blog content; initiating and producing video interviews for the blog)	since 2018
<b>Oxford University Commonwealth Law Journal</b> (editing articles in English private law)	2016–2017

#### *Academic Engagement*

<b>University of Oxford</b> , Faculty of Law First year research students' representative	2016–2017
Establishing and running an original termly talk series called 'Aula Narrat' at St Edmund Hall	since 2017
Convening the Law Research Students' Discussion Group	2016–2017, 2018–2019
Initiating and convening the Philosophy of Private Law WG (termly workshops)	since 2017

#### *Academic and Professional Memberships*

<b>ELI</b> (European Law Institute)
<b>IAAIL</b> (International Association for Artificial Intelligence and Law)

### **Publications (peer reviewed)**

#### *Journal Articles*

- Ownership of Personal Data in the Internet of Things**  
(2018) 34(5) *Computer Law & Security Review: The International Journal of Technology Law and Practice* 1039–52, JCR 5-year Impact Factor 2017: 1.112
  - reviewed by P Botsford at LegalCheek.com (25 March 2018)
  - awarded the Ius Commune Prize
- How Does the Substantial Modification of a Public Contract Affect Its Legal Regime?**  
(2015) 24(3) *Public Procurement Law Review* 90–105 (co-authored with J Brodec)
- Exemplary Damages: A Genuine Concept?**  
(2014) 6(2) *European Journal of Legal Studies* 189–206

#### *A Book*

- Artificial Legal Entities: Essays on Legal Agency and Liability**  
(Wolters Kluwer 2019) (forthcoming) (co-authored with K Beran et al)

#### *Book Chapters*

- Vicarious Liability of Juristic Persons: A Historical, Comparative and Philosophical Study**  
in K Beran (ed), *Artificial Legal Entities: Essays on Legal Agency and Liability*  
(Wolters Kluwer 2018) (forthcoming)

- 6 **Digitalised Legal Information: Towards a New Publication Model**  
in C Öhman and D Watson (eds), *The 2018 Yearbook of the Digital Ethics Lab*  
(Springer 2018) (forthcoming)

*A Case Note*

- 7 **CPR Pt 36: Enhanced Interest Should Not Function as Punitive Damages for Malicious Defence**  
(2019) 38(2) *Civil Justice Quarterly* (forthcoming)

*Academic Blog Posts (refereed)*

- 8 **A Book Review: Humans as a Service (OUP 2018) by Jeremias Prassl**  
(13 November 2018) *Oxford Business Law Blog*
- 9 **Trade in Data: Constructive Limits of Personal Data Ownership**  
(31 May 2018) *Oxford Business Law Blog*

**Publications in Czech (peer reviewed, Czech titles in square brackets)**

*Books*

- 10 **Critique of Legal Responsibility** [Kritika právní odpovědnosti]  
(Wolters Kluwer 2018)
  - a. reviewed by D Elischer (2018) 48(4) *Bulletin advokacie* 64–65
  - b. a colloquium about the book held in Prague on 17 October 2018 (panellists: K Beran, D Elischer, J Hrádek, V Janeček)
  - c. shortlisted for the ‘Bolzano Prize’ for outstanding scholarship in social sciences and humanities
- 11 **Legal Transactions and Liability of Juristic Persons after the Recodification of Czech Private Law** [Právní jednání a odpovědnost právnických osob po rekodifikaci českého soukromého práva]  
(Wolters Kluwer 2018) (co-authored with K Beran et al)
- 12 **Function and Position of Legal Responsibility in the Recent Legal Order** [Funkce a místo právní odpovědnosti v recentním právním řádu]  
(Leges 2014) (co-authored with A Gerloch et al)
  - a. reviewed by V Kallai (2015) 23(2) *Časopis pro právní vědu a praxis* 180–83
  - b. reviewed by O Urban (2015) 5(3) *The Lawyer Quarterly* 229–30
  - c. reviewed by J Tryzna (2015) (3) *Bulletin advokacie* 55–56

*Journal Articles*

- 13 **Causation and the Scope of Liability** [Kauzalita a rozsah odpovědnosti]  
(2016) 155(11) *Právník* 959–81
- 14 **When Is It De Lege Lata Possible to Award Punitive Damages?** [Kdy lze de lege lata poškozenému přiznat preventivně-sankční složku přiměřeného zadostiučinění]  
(2016) 24(22) *Právní rozhledy* 767–74
- 15 **Unequal Fault-Based Liability** [Nerovná subjektivní odpovědnost]  
(2016) 25(5) *Jurisprudence* 15–21
- 16 **Invalidity of Legal Transaction That Is Contrary to the Act on Public Contracts** [Neplatnost právního jednání pro rozpor se zákonem o veřejných zakázkách]  
(2015) 24(4) *Jurisprudence* 3–9 (co-authored with J Brodec)
- 17 **A Substantial Amendment to a Contract as Privative Novation** [Podstatná změna smlouvy jakožto privativní novace]  
(2014) 23(5) *Jurisprudence* 3–13 (co-authored with J Brodec)
- 18 **Punitive Damages** [Sankční náhrada škody]  
(2013) 152(10) *Právník* 989–1012
- 19 **On the Acceptability of Exemplary Damages** [K přípustnosti sankční náhrady škody]  
(2013) 21(5) *Právní rozhledy* 153–59

*Book Chapters*

- 20 **Responsibility and Liability of Juristic Persons** [Odpovědnost a závazanost právnických osob]  
in K Beran (ed), *Legal Transactions and Liability of Juristic Persons after the Recodification of Czech*

Private Law [Právní jednání a odpovědnost právnických osob po rekonstrukci českého soukromého práva]

(Wolters Kluwer 2018) 190–207

- 21 **Functions of Damages** [Funkce náhrady škody]  
in A Gerloch et al, Function and Position of Legal Responsibility in the Recent Legal Order [Funkce a místo právní odpovědnosti v recentním právním řádu]  
(Leges 2014) 37–66
- 22 **Conclusion** [Shrnutí]  
in A Gerloch et al, Function and Position of Legal Responsibility in the Recent Legal Order [Funkce a místo právní odpovědnosti v recentním právním řádu]  
(Leges 2014) 243–47
- 23 **Fictionalism in Law** [Fikcionalismus v právu]  
in P Šturma (ed), IV. Student Scientific Conference [IV. Konference studentské vědecké odborné činnosti: sborník vítězných prací]  
(1st edn, Charles University Press 2011) 177–93

#### *Other Research Articles (invited contributions)*

- 24 **Reimbursements for the Municipal Representatives in Practice** [Náhrady zastupitelů za výkon funkce v praxi aneb co může být po volbách jinak]  
(2014) 22(9) Právní rádce 60–64 (co-authored with O Trnka)
- 25 **Works Contracts vs New EU Legislation** [Veřejné zakázky na stavební práce vs. nová legislativa EU]  
(2014) 2(1) Veřejné zakázky v praxi 16–20 (co-authored with J Brodec)

#### *A Textbook*

- 26 **Coursebook on Legal Theory** [Praktikum teorie práva]  
(2nd edn, Aleš Čeněk 2017) (co-authored with A Gerloch et al)

#### *A Book Review*

- 27 **L Tichy and J Hradek, *The Law of Delict* [Deliktní právo] (CH Beck 2017)**  
(2017) 25(3) Časopis pro právní vědu a praxi 571–74

### Conference Presentations and Invited Talks

- 1 **A Critique of Legal Responsibility** [Kritika právní odpovědnosti], invited talk at a panel discussion regarding my book *Critique of Legal Responsibility*, Charles University, Prague (CZE), 17 October 2019, 10 min talk followed by 1.5 hours replies to other panellists/commentators of my book
- 2 **Digitalised Legal Information: Towards a New Publication Model**, presentation at the Conference Law via the Internet 2018: Knowledge of the Law in the Big Data Age, Florence (ITA), 11–12 October 2018, 20 min presentation
- 3 **A Theory of Public Damages**, presentation at the Ninth Biennial Conference on the Law of Obligations (Obligations IX), University of Melbourne, Melbourne (AUS), 17–20 July 2018, 20 min presentation
- 4 **Legal Responsibility in Post-Socialist Countries**, invited talk at the St Edmund Hall Graduate Seminar, Oxford, 5 June 2018, 15 min presentation
- 5 **A Theory of Public Damages**, presentation at the Obligations Discussion Group meeting, University of Oxford, Oxford, 10 May 2018, 25 min presentation
- 6 **Personal Data Ownership: Ethical and Normative Implications**, presentation at the Living in the Internet of Things: Cybersecurity of the IoT, The Institute of Engineering and Technology (IET), London, 28–29 March 2018, 15 min presentation
- 7 **Ownership of Personal Data in the Internet of Things**, presentation at a joint Property Law & EU Law Discussion Groups meeting, University of Oxford, Oxford, 15 February 2018, 40 mins presentation
- 8 **Models of Publication of Legal Information**, presentation at the Digital Ethics Lab meeting, Oxford Internet Institute, University of Oxford, Oxford, 15 November 2017, 15 min presentation
- 9 **Strogovic and Kelsen: A Theory of a Norm Structure**, paper presented at the EUI Legal and Political Theory WG, European University Institute, Fiesole (ITA), 20 September 2017, 30 min presentation
- 10 **Politics in Legal Norms** [Politika v právních normách], paper presented at Weyr's Days of Legal Theory: International Conference, Brno (CZE), 1 June 2017, 20 min presentation

- 11 **The Goals of Non-Compensatory Damages: Methodical Challenges**, paper presented at Oxford Graduate Legal Research Conference, University of Oxford, Faculty of Law, 20 April 2017, 10 min presentation
- 12 **A Theoretical Conception of Delictual Liability under the New Czech Civil Code – Doctrinal Limits on Punitive Awards**, invited talk at Juristenrunde, Institute for European Tort Law, Vienna (AUT), 3 August 2016, 45 min presentation
- 13 **Theoretical Conception of Civil Liability – A Cold War in Legal Theory**, paper presented at Aktuelle Stunde, Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg (GER), 17 March 2016, 30 min presentation
- 14 **Protective Purpose of a Norm** [Ochranný účel normy], paper presented at Legal Theory Discussion Group at Charles University, Faculty of Law, Prague (CZE), 12 October 2015, 25 min presentation
- 15 **Corrective Justice and Liability in Private Law** [Soukromoprávní odpovědnost prismaticem korektivní spravedlnosti], paper presented at Legal Theory Discussion Group at Charles University, Faculty of Law, Prague (CZE), 13 October 2014, 25 min presentation
- 16 **A Substantial Amendment to a Contract in the Light of Transitional Provisions** [Podstatná změna smlouvy ve světle přechodných ustanovení], paper presented at 8<sup>th</sup> Olomouc Days of Law (An International Scientific Conference), Olomouc (CZE), 16 May 2014, 20 min presentation
- 17 **Fictionalism in Law** [Fikcionalismus v právu], paper presented at Legal Theory Discussion Group at Charles University, Faculty of Law, Prague (CZE), 2 May 2011, 25 min presentation