

The Internet and copyright - the scope of liability of individual parties involved and modes of protection against piracy

Abstract

The main aim of this thesis is to evaluate the extension of Internet piracy as well as to determine which subjects are liable for the unlawful sharing of files and copyright protected works by using different platforms. I have decided to write about this topic primarily because of the persisting phenomenon of Internet piracy and copyright infringement. In this thesis I am proposing some ideas which could help to fight Internet piracy. I am also considering current EU legislation and the EU case-law regarding copyright on the Internet.

The thesis is divided into eleven chapters, which include sub-chapters. The opening chapter introduces the reader to the piracy phenomenon and copyright infringement. The following chapters deal with the evolution of the Internet in the world in general and in the Czech Republic specifically.

The third chapter describes copyright in cyberspace. Further, I consider the relevant international law, legal sources of copyright in the EU and the copyright legislation in the Czech Republic, including the protection against administrative offences in the field of copyright and criminal offences.

The fourth chapter highlights specific examples of liability of subjects, including the Internet service provider and the user. Subsequently, I explore the definition of caching, hosting and the liability concerning these services. Towards the end of chapter four, there is a description of “no general obligation to monitor information transmitted” as it is stated in Directive 2000/31.

The fifth chapter considers the liability of the subjects within the BitTorrent platform, including commentary on the important court decision regarding The Pirate Bay and deliberation over the legal use of this platform.

In the sixth chapter I discuss Internet storage websites and the subjects using this platform for saving and downloading data as well as the subjects operating these websites. There is also reference to the case-law regarding the storage website platform.

Chapters seven and eight consider the liability when using, linking and streaming. In these chapters I also focus on the Regulation on cross-border portability of online content services in the internal market, which came into force in March 2018.

The ninth chapter consists of a Proposal for a Directive of the European Parliament and the Council on copyright in the Digital Single Market. I aim to address the problematical provisions, which could lead to contradiction between existing legislation and EU case-law.

In the tenth chapter I outline some preventive and punitive solutions, which in my opinion could help to combat Internet piracy. In the second sub-chapter I examine the protective measures against piracy, which are provided by the Act No. 121/2000 Coll.

I close by summarizing the main themes of my thesis, while proposing some ideas of, how Internet piracy could evolve in the future.

Klíčová slova: copyright, copyright infringement, liability