

## **Moral rights in the Czech Republic and in selected countries of continental and Common Law legal systems**

### **Abstract**

This thesis focuses on moral rights, which together with economic rights form one of basic ways how to divide copyright law. The primary function of moral (copyright) rights is to protect various rights of the author, which are not economic rights. In the **introduction** part of this thesis there are basic definitions and specifications of moral rights and their genesis in the continental legal system. The **second chapter** explains the different approach to moral copyright in the continental legal system and in the Common Law legal system, including a short historical excursion into those legal systems. The **third chapter** is briefly dedicated to the development of copyright law with the emphasis on moral rights during the 18<sup>th</sup> century, explanation of the difference between one-tier and two-tier approach to copyright law and certain issues regarding the territoriality of law. It also contains relevant legal acts that were in force in the Czech Republic during the 20<sup>th</sup> and partially during the 19<sup>th</sup> century. The **fourth chapter** consists of thorough explanation concerning each type of moral rights in the Copyright act that is currently in force in the Czech Republic. The **fifth chapter** is devoted to moral rights in the law of European Union with the conclusion, that European Law doesn't target the area of moral rights yet. In the **sixth chapter** there are presented the most important multination legal treaties with the emphasis on the Berne Convention, that enshrined the multinational standard of protection of certain moral rights and the Universal Copyright Convention because of its significance as intermediate stage for countries, that didn't want to or couldn't join the Berne Convention. Members of the TRIPS Agreement were forced to agree certain substantial provisions of the Berne Convention, but it excluded the provision 6 bis that regulates moral rights. A similar commitment was established for countries that joined the WIPO Copyright Treaty, that recognized all of the rights in Berne Convention, with no exception for the exclusion of moral rights. The **seventh chapter** depicts various regulations in certain countries form the continental legal system and from the Common Law legal system. Great emphasis is on the law of the United states of America (USA), because the USA were one of the main opponents of Berne Convention and refused to accede to it, the disagreement to the rendition of the moral rights being one of the main reasons. In **the conclusion** of this thesis is summarisation of all the previous information with certain suggestions of change of Czech legal law in the future.

**Keywords:** moral author rights, copyright, Continental law system, Common Law system