

Abstract

Main objective of this thesis is to examine in detail the topic of performers' intellectual property rights and their term of protection, offering an insight based both on the historical background and the current state of legal regulation (Czech, European and international). Especially, I deal with the changes resulting from implementation of Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights. A significant part is also dedicated to the recently adopted Beijing Treaty on Audiovisual Performances (2012).

The introductory chapter consists of a comprehensive historical overview that covers important events and sources of law relevant to performers' intellectual property rights and their term of protection. Certain documents can be considered milestones, such as Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the WIPO Performances and Phonograms Treaty and the Beijing Treaty on Audiovisual Performances. A substantial part is also dedicated to the harmonisation of term of protection of copyright and certain related rights through European law. The second chapter gives a brief overview of the concept and definitions of performers' rights as stated in the Czech Copyright Act. The third chapter offers a further insight into performers' rights in the Czech Republic, providing an exhausting list of moral and property rights performers enjoy according to up-to-date legal regulations.

The final chapter is focused on the term of protection itself. Furthermore, in this part I took into account the specific relationship between a performer and a phonogram producer and how it shows in particular provisions. Besides a detailed historical summary, I focus mostly on the aforementioned Directive on the extension of term of protection and accompanying measures the purpose of which is to protect performers in their contractual relations with producers. Secondly, I review the transposition of the Directive into the Czech law and deal with particular problems arising from its implementation and practice. In addition, three annexes are provided, which aim at clarifying the large number of legislation concerning term of protection and facilitating comparative work with the text of selected provisions.

Keywords

Performer, term of protection, extension period, Directive 2011/77/EU, Beijing Treaty

Simona Costantini: Performers and term of protection of their rights