

Collective management and use of copyright on the Internet

Abstract

This thesis is dealing with two main areas. The first one is a concept of collective management, particularly the collective management of rights in musical works. At the beginning it is described as a general concept. More detailed aspects such as the inner organization of a collective society, its relations with other persons and entities and the exercise of collective management through setting tariffs, licensing and distribution of remuneration are explained thoroughly on the example of OSA. The difficulties for OSA in the field of extended collective licensing in connection with the royalty-free music are pointed out while describing the regimes of collective management.

The second area is the use of musical works on the Internet with regards to collective management. At first, the terms Internet and Internet Service Providers (ISPs) are described. Closely analysed is a liability of these providers for the content online and limitation of this liability with so-called safe harbours. It is argued that these harbours need to be revised as it is shown on the example of YouTube. Focus then turns on the possible ways of using musical works online – downloading, streaming, linking, webcasting and simulcasting. The greatest attention is paid to the matter of online licensing. The development in EU which led to the adoption of Directive 2014/26/EU on Collective Management of Copyright and Related Rights and Multi-territorial Licensing of Rights in Musical Works for Online Use in the Internal Market and which can be described as “licensing chaos” is examined in detail. In this regard, the thesis also dwells on the current development of online licensing in the United States associated with the adoption of Music Modernization Act. It is followed by a brief example of a fictitious online streaming service showing which right holders need to be considered while setting up such service.

Thesis concludes with *de lege ferenda* thoughts on extended collective licensing and possible impacts of the proposed Directive on Copyright in the Digital Single Market.

Klíčová slova: collective management; musical works; online use