

A work made by an employee, upon an order and a collective work

Abstract

This thesis deals with the topic of commissioned works protected by copyright; more specifically, with the issue of works made by employees, works made upon order and collective works. The aim of the thesis is to examine the Czech legal regulation of these works and assess how the Czech Copyright Act manages to balance the conflicting interests of the author on one side and the employer or ordering party on another.

The thesis consists of six chapters. In order to put the issue of commissioned works in a broader context of the Czech copyright law, the introductory part of the thesis is dedicated to explanation of some of the essential principles and rationale of the Czech regulation of copyright, as these directly impact the regulation of commissioned works. The first chapter deals with the concept of a work protected by copyright (author's work). The second chapter clarifies the notion of author of the work within the meaning of the Czech Copyright Act. The third chapter concerns the subjective rights of the author of the work, especially the different nature of the economic and moral rights included in copyright. The fourth chapter is dedicated to the issue of commissioned works. Legal regulation of works made by employees, works made upon an order and collective works is examined, with the emphasis on the question how the Copyright Act counterbalances the exclusive rights of the author to the work with the right of the employer or an ordering party to protection of their non-creative contribution to the work. Although the main focus of this thesis is the Czech national regulation of commissioned works, in order to provide a broader perspective on the issue, in the fifth chapter, legal regulation of some other countries (namely the USA, the Netherlands and Sweden) is briefly presented and compared to the approach of the Czech Copyright Act. In the last chapter, the regulation of commissioned works is evaluated with regard to how the rights and interests of the stakeholders are balanced by the Copyright Act. The key findings are summarized in the conclusion.

Key words:

work made by an employee, work made upon an order, collective work