

Abstract

A comparison of the approach to authorial works in the legal systems of the Czech Republic and the United Kingdom

The thesis is dedicated to the comparison of the treatment of works of authorship in the legal systems of Czech Republic and United Kingdom. The goal of the text is to firstly explain the basis and evolution of both systems, and subsequently to describe and compare their basic conceptual attributes and institutes. The first step is the embedding of both systems into a philosophical and historical framework. Then follows a cross section of the most important international sources of law which affect both systems. While discussing the supranational influences on the subject the most space is dedicated to the law-making and case law of the European union. The described judgements are mostly concerned with the definition of a work and its originality as viewed under union law. This section of the thesis aims to explain the framework both systems are set in and the influence of supranational organizations and treaties.

The following part is dedicated to the respective treatment of authorial works in both countries and it compares the individual elements of both systems. The matter of the British “closed list” approach is discussed in contrast to the non-exhaustive list used by the Czech Republic. Subsequently the different approach both systems take regarding the originality requirement is described, as the Czech approach makes a lot more demands of the author as opposed to the British “skill and labour” doctrine which is a lot less demanding in comparison. Also mentioned here is the influence European laws have on the matter and the effort to unite the perception of originality in the union. The following topic is the British requirement for a work to be expressed in a tangible form before it is eligible for copyright protection and how it differs from the Czech approach. The matter of authorship and the different approaches both compared systems take is also discussed.

The following chapters compare the transferability of copyright (authors' rights respectively) and the legislation relating to authors' moral rights in Czech Republic and the United Kingdom. British copyright law founded upon utilitarianism is based on the ability to transfer your copyright, which is perceived as an economic right, freely. The concept of moral rights is to some extent alien to copyright and they are only guaranteed because of obligations stemming from international law. In comparison the Czech legal system does not even allow transfer of authors' rights in the true sense of the word, but only the licensing of economic

authors' rights. In contrast to the British system moral rights are an inseparable part of authors' rights in the Czech legal system because of its basis in natural law theory. The final part of the thesis analyses the impact of Brexit on British copyright.

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