

ABSTRACT

COLLECTIVE MANAGEMENT IN THE CONTEXT OF MODERN TECHNOLOGIES

MGR. BC. LUCIE SMOLKA, PH.D.

The thesis focuses on transformation of the role of collective management in the online world. The main goal and the research question that this work sets is to analyse and provide an answer to the question how the collective management and its position changes depending on modern technologies (especially the Internet). Within this main research question, two tendencies are observed, two main areas influenced by the general characteristics of copyright, reflected in the functioning of collective management in the environment of modern technologies. An aspect that permeates the work is the view of copyright territoriality and its influence and its changes regarding the collective management. The goal is to find out how the application and perception of the principles of territoriality is changing in a context of ever-increasing intersection of copyright and modern technologies. In addition to the general features of collective management, in connection with the territoriality, we will concentrate on multi-territorial licensing instruments, which were introduced, despite the previous efforts, only through the Collective Management Directive. The second examined feature and an important principle is the autonomy of the will of the rightholder, in contractual relations manifested as a principle of contractual freedom. Collective management is (although it also reflects some elements of public law) part of the system of private law, which recognizes the principle of autonomy of will as an expression of fundamental freedom, as one of its basic principles. Only if this principle is respected, it is possible for the authors, respectively holders of rights to the subject of protection, to advocate for the fulfilment of their social and economic interests.

The first two chapters present the goals, methodology and ideological basis for elaborating the topic. The third chapter presents the historical development of collective management as a complement to the development of modern technologies. The fourth chapter analyses the legal regulation of collective administration de lege lata. The fifth chapter analyses the territorial aspects of collective management, the monopoly of collective management and multi-territorial licensing. The sixth chapter deals with the analysis of alternative ways of compensating rightholders.