

A comparison of the authorial work in the legislation of the Czech Republic and the United Kingdom

Abstract

The thesis compares authorial work in the legislation of the Czech Republic and the United Kingdom. The International copyright framework is briefly introduced. Further, the thesis examines the concept of Authorial work in the legislation of the European Union and established decision praxis of the Court of Justice of the European Union. An objective of the thesis is to find key differences between the requirements for the protection of the authorial works within the compared legislations, to describe those differences and to find out whether a similar protection is offered to the authorial works.

The first part of the thesis provides a theoretical introduction to the concept of the authorial work and delineates an international context of the topic. The most important international copyright treaties are scrutinized with the special emphasis on the Bern Convention and the authorial work in the legislation of the EU. The second part compares the domestic approaches to the authorial works in both national Copyright Acts. Also, it identifies the most important requirements for the copyright protection. The final part is focused on thorough comparison of the three most important requirements for the copyright protection. It deals with the requirement that the work must be original, fall within the right category of Work and that it must be recorded in a material form in order to be protected. The comparison of those requirements is enriched with the decision praxis of the Court of Justice of the EU.

The conclusion of the thesis is that the originality requirement is more demanding in the Czech Republic. On the other hand UK legislation requires that the work must fall within the category of work enumerated in the CDPA 1988 and that some categories of the works must be recorded in a material form in order to be protected. However, author of the thesis is aware of the fact that UK is leaving EU so it is pointed out that the current trend of moving the court decisions in UK towards the EU concept of work may change significantly in the future. Finally, the prediction is made about the development of Copyright in both legislations as well as in EU.

Klíčová slova: Authorial work, Comparison, Originality