

## **Copyright law protection in the US and Europe**

### **Abstract**

The thesis compares copyright in the US and author rights in Europe. The comparison provides historical, theoretical, and international context. The thesis uses national legislation, European acquis, and international agreements. The case law of the EU Court of Justice and the US Supreme Court is used to provide a true picture of current legal regimes.

The comparison uses the limits of copyright protection theory. General limits, such as the principles of uniqueness and originality or idea/expression dichotomy, draw the line between protected and unprotected works in selected copyright legislations.

The Lockean natural law theory and utilitarian theory are compared to each other from the historical and philosophical points of view. This part of the thesis answers the question of where did these arguments emerge and what is their reason for copyright protection. Subsequently, the thesis introduces Aristotle's teleology as a suitable alternative for developed copyright systems. The following chapter describes international treaties and their role in the standardization of examined copyright systems.

The thesis also explores contractual freedom in copyright. This chapter focuses mainly on legal reasons for authors to withdraw from the contract. The next part of the thesis further explains personal and economic rights, including the right to authorship. It explores differences in creator's doctrine between European employee work and US *works made for hire* doctrine, which provides a possibility for a legal person to become an author.

The last part of the thesis observes a different US and EU approach to fundamental rights as external limitations to copyright protection. The fair use doctrine and idea/expression dichotomy in hands of US courts internalize the process of balancing fundamental rights. On the other hand, the Charter of Fundamental Rights of the European Union is used as an external tool by European courts when balancing freedom of speech and other fundamental rights on one side and the right to property on another.

**Klíčová slova:** Copyright, Droit d'auteur, Comparison