

Abstract

Limitations to copyright protection of computer programs

The topic of this work is the limitations to copyright protection of computer programs. The first chapter explains the basic terms of computer science, which shall help the reader to orientate in this issue. These are terms as computer program, software, source code and machine code and graphical user interface. The chapter draws attention to lack of the legal definition of a computer program in Czech law, the difference between software and computer program is explained and the individual categories of software are introduced herein. After this introductory chapter, the second chapter provides an overview of the basic sources of software law. First it presents the international agreements by which the Czech Republic is bound as the Berne Convention, the TRIPS agreement, the WCT agreement and Convention on Cybercrime. It also focuses on the regional area of the EU and analyzes the Information Directive and the Software Directive. Subsequently, the text deals in detail with the conditions of copyright protection in the Czech Republic and its specifics. Thus, the work provides a theoretical basis for the following chapters, which present more complex issues in this area. The third chapter deals with the general limitations to copyright, which determine what is protected by copyright and what is not, respectively what was protected by copyright and is protected no longer. Specifically, these are the uniqueness and originality of work, the idea-expression dichotomy, copyright protection period and the exhaustion doctrine. The next fourth chapter deals with the system of exceptions and limitations to copyright of a computer programs, which constitutes specific limitations to copyright. These limitations must always be interpreted in accordance with the three-step test, which is described in a separate subchapter. The final fifth chapter describes so-called quasi-licenses, which means limitations due to the protection of investments of a certain group of persons such as employers, customers and schools.