

13. Cizojazyčné resumé (summary)

The main objective of the thesis is to provide a comprehensive description of legal regulations development for computer programs starting at international law and leading to current status description in the Czech Republic. At the same time, an evaluation of the legal regulation through the Community law and its implications to the legal order of the Czech Republic and other possibilities of computer program protection is presented.

The introduction discusses mainly copyright law classified as a part of an intellectual property right. Terminology explaining definitions of computer program from legal enactments, technical standards and IT publications follows. There is also a detailed definition of particular computer program categories such as freeware, shareware, public domain. Due to the complexity of the issue, open source software and free software are just mentioned.

The Czech Republic as a contractor of international agreements concerning the issues of intellectual property is examined in the next part of the thesis. It includes description of international legal regulations development regarding computer programs in the perspective of international agreements – TRIPS Agreement, Berne Convention and the WCTO Agreement. With regard to the Czech membership in the European Union community requirements are also mentioned, especially regulation based on the Directive 9/250 EEC.

Computer programs in the Czech Republic are protected similarly to the most of the EU countries based on the copyright law. First mention of a computer program in the Czech legal order is recorded in 1989 and from that time on the issue of computer program has been modified significantly and continuously. The thesis provides an overview of legal regulations regarding computer program protection and its development from the act Nr. 89/1990, through new copyright act Nr. 131/2000 leading to the last statutory text of this act – the „EU amendment“ Nr. 216/2006.

The thesis predominantly focuses on the employee's production, free licenses exceptions, and addresses the idea of collective copyright management in the field of computer programs.

The conclusion is dedicated to the description of other possibilities of computer program protection (trade mark protection, unfair competition law and patent protection) and summarizes main ideas on software patentability .