

# **Performers' rights and their protection in the sphere of the internet and social networking services**

## **Abstract**

This thesis explores aspects of performers' legal status in the digital era. Massive expansion of the internet and social networking services in recent decades poses many challenges for the copyright law and neighbouring rights. The thesis investigates the most frequent means in which protected performances can be used and performers can exercise their rights in the cyberspace. Also there is an analysis of current European and Czech legislation that apply to this matter. Special attention is focused on the ways these legal texts reflect on peculiarities of the digital world. The thesis also researches aspects of performers' personality protection, such as their reputation and honour in the sphere of the internet and social networking sites.

The thesis is divided into five chapters. The first chapter describes brief history and technical aspects of the internet. Essential concepts of information technology law are also included. Legal regulation of neighbouring rights applicable to performers is explored in the second chapter. A part of this chapter also recounts historical development of performers' legal status in Czech and Czechoslovak legal systems. The third chapter describes and examines both primary and specific methods of use of the protected performances in the cyberspace. For proper understanding of these methods, rigorous attention is focused on the case law of the Court of Justice of the European Union as it plays crucial role in legal interpretation of information technologies. The fourth chapter studies subject of legal and illegal use of protected performances. Licences that the performer grants the information service provider are examined at the beginning of the chapter. A considerable portion of this chapter is dedicated to creative commons licences. Special attention is concentrated on the interactions between institutions of collective administration of copyright and neighbouring rights and these peculiar licences. The end of the chapter focuses on the problem of internet piracy. The fifth chapter explores the topic of information service provider's liability. Information services are often misused in ways that infringe performers' rights and information service providers are usually the only subjects capable to redress such misdeeds. The first half of the chapter examines the relation between performers' rights regulation and safe harbour protection of information service providers. It also explores the important topic of the online content-sharing service provider. European legislators introduced this institution in directive 2019/790 as a reaction to growing influence of big social networking sites and other platforms that base their business model on sharing user generated content. The second half of the chapter deals with the topic of performer's personality

protection in the cyberspace, with the main focus on the information service provider's liability for the internet user's commentaries.