

Název rigorózní práce, abstrakt a klíčová slova v anglickém jazyce

Software licensing in cloud computing and related legal issues

The topic of this rigorous thesis is “*Software licensing in cloud computing and related legal issues.*” The aim of this work is to define the individual advantages and disadvantages of software licensing in the basic cloud computing models from the point of view of Czech legislation with the overlap into the European and international legislation. The author further aims to evaluate whether this regulation of software licensing in cloud computing is sufficient. For this purpose, the author in the first chapter of this work deals with the definition of cloud computing, describes individual deployment models - private, public, community and hybrid and its three basic distribution models - IaaS, PaaS and SaaS.

In the second chapter, the author deals with software, its legal regulation and licensing according to the Czech legal system with an overlap into European and international regulation. Czech legislation is based, among other things, on the Berne Convention, the WIPO Copyright Treaty and European Directives, especially Directive 2009/24/EC. Its basic legal regulations applicable to software licensing in cloud computing include the Civil Code and Copyright Act, which captures the specifics of computer programs as opposed to literary works.

The author then synthesizes and applies the knowledge from the two previous chapters of the thesis concerning cloud computing, software and its licensing to software licensing in cloud computing distribution models, specifically in the IaaS, PaaS and SaaS models. In the final part of the rigorous thesis, the author defines the individual typical licensing provisions of contracts and the advantages and pitfalls of software licensing in individual cloud computing models from the perspective of Czech law. Using the software in the IaaS and PaaS models is more complicated, especially for users, than in the SaaS model. This is mainly because the user must maintain a contractual relationship with the cloud computing provider and, in the case of third party software, also with the provider of such software. At the same time, the user must make sure that such software does not violate the terms of use of IaaS or PaaS. From a user perspective, software licensing in the SaaS model is the easiest for users. And while there are different legal positions on the need to explicitly include licensing agreements in SaaS agreements, we usually find them there. To conclude this rigorous thesis, the author presents the evaluation of the legal regulation of software licensing in cloud computing and proposes a regulation *de lege ferenda*.

Key words: cloud computing, computer program, software, licenses, IaaS, PaaS, SaaS