

## **A work produced by an employee, upon the order, and a collective work**

### **Abstract**

This thesis deals with specific types of works of authorship, which, as the title of the thesis implies, are a work produced by an employee, upon the order, and a collective work. The specificity of these works and their common feature is the restriction of the author in the disposal of the work created by him in favour of a person different from the author. In the light of the content of this thesis, these distinct persons may in particular be employers, principals and investors.

The introductory part of the thesis introduces specific regimes of creation of author's works, discusses their significance and the domestic legal regulation of these specific works. At the same time, it sets out the aim of the thesis, which is a detailed description of the various elements that define these works of authorship. Particular attention is paid to the definition of the position of the parties to the legal relationship, i.e. the author of the work on the one hand and, on the other hand, the person on whose initiative and on the basis of whose investment the specific work is created. The legal position of the parties is reflected in particular with regard to the legislator's attempt to maintain a balance between the conflicting interests of the authors of the works and the third parties financing the creation of the work. The thesis is further divided into three subsequent chapters. The first and at the same time the most comprehensive chapter is devoted to the work produced by an employee. It defines its characteristic features, discusses the author's dispositive limitation to dispose of the work, which is established by law in favour of the employer. It provides an interpretation of the institutes which the legislator has established in favour of the employee in order to balance his legal position. The work thus discusses the consolidation principle, the right to additional remuneration or the consequences for the employer of the lack of exercise of property rights in the work. Emphasis is also placed on the phenomenon of the convergence of Czech legislation with the "Works made for hire" doctrine. The second chapter focuses on the interpretation of the work made upon the order. The main focus of this part of the thesis is the description of the legal position of the author of the work and the position of the client of the work. The interpretation is supplemented by a subchapter dealing with the named work contract and works created in the context of a public tender. The third chapter of the thesis focuses on the legal analysis of the collective works, in particular on the definition of their conceptual features and the consequences of extending the scope of the statutory regulation of employee works to collective works. The conclusion of the thesis recapitulates the main findings reached in this thesis.

**Key words: work produced by an employee, work made upon the order, collective work**