

## Summary

### **The content and the origin of subsistence of copyright in legal systems in the Czech Republic and Great Britain**

The aim of my thesis is predominantly to analyse the content and the origin of subsistence of copyright in Great Britain and author's right (*droit d'auteur*) in the Czech Republic. The British copyright belongs to the common law while Czech author's rights represent the civil law tradition. The purpose of my research is to analyse differences and similarities in the "copyright"<sup>383</sup> of these two countries, which mostly result from the fact that they belong to these two different legal traditions.

The thesis consists of seven chapters.

The purpose of the first chapter is to introduce causes of differences in national "copyright" laws in general. Its aim is to explain that the different theoretical backgrounds of common and civil law is just one of many possible causes that lead to differences in national copyright laws, but as such it is the crucial one for my thesis.

Chapter Two shortly examines the relevant European, Czech and British legislation.

Chapter Three is subdivided into two parts and defines basic terminology used in the thesis. The first chapter focuses on the relation between the terms copyright and author's right. It challenges nowadays translations of these terms from English to Czech and vice versa and makes a recommendation for the correct understanding of these terms. The second chapter looks at the term author (copyright owner) in both national laws.

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<sup>383</sup> In this part it covers the term *droit d'auteur*, too.

After these theoretical and terminological introductions an analysis of the subject matter of “copyright” as well as the content of “copyright” holder’s rights can be carried out. Once an idea has been “expressed” in the Czech Republic, or when it has been reduced to tangible form in Great Britain, the copyright holder is entitled to enforce his or her exclusive, moral and economic rights.

Chapters: 4. “The origin of subsistence of copyright”, 6. “Moral rights” and 7. “Economic rights” are structured accordingly: their first subchapters are focused on the Czech law, the second subchapters deal with current British law and their last, third subchapters compare these laws and outline the crucial differences of the compared topics.

Chapter five, entitled “The content of copyright”, examines and compares the key aspects and principles of the civil law and common law approaches to moral and economic rights. This chapter also introduces the international background as well as the Czech and British national legislation of moral and economic rights.

Conclusions of the particular comparisons, of the origin and the content of “copyright” laws in both countries, are drawn throughout this thesis.

The overall outcome has to be that even though there have been many international and European attempts for harmonisation, there are still considerable differences in the provisions of the British copyright and Czech author's right laws. The major differences within the scope of the examined areas are:

1. the requirement of fixation for subsistence of protection required in the common law system, while “expression” outside the author’s mind is sufficient in the Czech law;
2. the recognition of moral rights is much more extensive in the Czech law than in the British copyright;
3. the transferability of economic rights in Great Britain as opposed to the Czech Republic where they are inalienable.