

Exercise of copyright by a person other than the author (or author's heirs)

13. English r sum 

This diploma thesis concerns various law institutes where the copyright is brought to effect by a person other than the author. The aim of this work is to analyze these institutions and point out the differences between the Czech Copyright Act (Law No. 121/2000 Coll.) and the Slovak Copyright Act (Law No. 618/2003 Coll.) As this thesis indicates there are differences in regulation of chosen institutions between both countries, although there was common copyright regulation in the past and in the present there is an effort to reflect European copyright directives. The thesis contains also a comparison of some institutions with previous law regulation in Czech Republic (Law No. 35/1965 Coll.) Outside the scope of the work there is an issue of exercise of copyright by an author's heirs and unlawful exercise of copyright.

The thesis is divided into twelve chapters. The chapters 2nd – 4th are dedicated to the general questions of copyright in the Czech Republic and Slovak Republic.

The chapter No. 5 contains theoretical view of exercise of copyright by a person other than the author and also categorization of these law institutions. Person other than the author is enabled to exercise copyright by contract authorisation. The issue of contractual exercise of copyright is contained in the chapter No. 6. Without such consent another person can exercise the copyright only in the cases stipulated by Copyright Act. The Copyright Act concerns employee work, collective work, a work created to other and a work created for a competition, school work and audiovisual work. The purpose of exercise of copyright by another person by these institutions is protection of the interests of investors.

The exercise of the copyright by another person can be found also in the non-contractual institutions such as free use of copyrighted work and legal licences. These institutions enable the public access to copyrighted works.

The next law institution treated within the scope of this work is the collective administration of rights. It is representation of a larger number of persons who are entitled to hold copyright or economic right related to copyright for their joint benefit.

The purpose of the collective administration is also making copyrighted work available to the public.

The issue of individual administration is concerned the chapter No. 10. The individual administration means the representation of copyright holder by a person by civil law agreement. In this case another person exercises copyright by agreement except for the rights subject to mandatory collective administration. This institution is not contained in the Czech Copyright Act.

Finally, the chapter No. 11 is dedicated to representation of the author in the exercise and protection of copyright by another person in case of anonymous and pseudonymous work.