

RESUMÉ

Copyright protection under the Czech and U.S. law

The main purpose of this thesis is to compare the key aspects of the European civil law approach and the Anglo-American system of the copyright protection. This paper also aims to outline current issues that copyright protection confronts in the digital age.

The first of the five chapters is introductory and describes general concepts that both of the legal systems are based on. It addresses the philosophical backgrounds and evolution of the European and Anglo-American legal traditions and also mentions the relevant Czech and U.S. legislation. The differences between the civil law and the common law theories are explained by illustrating the individualistic European approach founded on the natural rights philosophy and the commercial U.S. approach based on utilitarian principles.

The second chapter is dedicated to explaining the subject matter of copyright under the Czech and U.S. laws. The categories of the original works of authorship are described and, above all, attention is given to the moment in which the copyright protection is effectively created. Under the Czech law, the legal conditions are met when expressing the work in any form that is objectively perceivable by a human being. On the other hand, the requirement of fixing the work in any tangible medium of expression under the U.S. law is a reminder of the formalistic approach to the copyright protection supported by the United States of America before the Copyright Act of 1976 came into effect.

Chapter three concentrates on the bundle of the exclusive rights belonging to the author of the work and to the copyright owner. The discussion

focuses on the scope of moral rights under the Czech law and their implementation into the U.S. law.

The fourth chapter describes the process of transfer of exclusive rights. While the U.S. law provides the copyright owner with the possibility of either licensing or transferring his or her rights, according to the natural rights theory, the rights of the authors under the Czech law are inalienable and therefore the author can only grant an exclusive or nonexclusive license of his or her rights, but is not authorized to transfer it.

Summary and conclusions are drawn in chapter five. The process of rapprochement of the European and the Anglo-American copyright systems is discussed. The chapter also deals with current challenges of the copyright protection related to the staggering evolution of technology. In conclusion, the Creative Commons project and the idea of liability of the Internet Service Providers are discussed.