Summary: The Copyright Protection of Computer Programs

The aim of my thesis is to analyse the copyright protection of computer programs. Primary I focused on the copyright protection according to the Czech Copyright Act with regard to international Conventions and the European Legislation.

The thesis is composed of nine chapters, each of them dealing with different aspects of the topic. Chapter One is introductory and defines basic terminology used in the thesis: Computer program is the instruction for a computer. A computer requires program to function. The term computer software includes computer programs, databases, computer files, preparatory design materials, all manner of works stored digitally to be accessed by computer and associated printed documentation such as manuals for users.

Chapter Two shows the history of computers and computer programs and the development of the protection of computer programs.

Chapter Three concerns the international Conventions and the European Legislation and their effect on the Czech Copyright Act. International Conventions in the area of copyright are mainly the Berne Convention, WIPO Copyright Treaty (WCT) and the TRIPS Agreement. The most important EU copyright Directive is the Computer Programs Directive.

Chapter Four and Five deal with the nature of computer program as a copyright work in the Copyright Act. Under the article 66: computer programs are protected in any form, preparatory design materials included, as literary works. Ideas and principles which underlie any element of a computer program, including those which underlie its interfaces, are not protected under the Copyright Act.

Chapter Six is concerned with autorship of computer programs. The author of a computer program is the natural person or group of natural persons who has created the program. Subchapter looks at some differencies when a computer program is created by an employee in the execution of his duties.

Chapter Seven describes exceptions to the restricted acts in favour of the lawful acquier. These acts do not require authorization by the rightholder (e.g. decompilation, making of a back-up copy).

The question of computer program licence is contained in Chapter Eight. This Chapter also explicates computer programs such as shareware, freeware, public domain, open-source software and free software.

Chapter Nine focuses on the problem of software piracy and protection of computer pograms provided by civil law and public law. Its last subchapter is about the patentability of computer programs. It compares the copyright protection and the protection ensured by patents. Computer programs are not patentable in Europe (while in the U.S.A. it‘s possible). Computer-implemented inventions can be patented if they involve an inventive technical contribution to the prior art. Computer-implemented inventions are any invention the performance of which involves the use of a computer, computer network or other programmable apparatus and having one or more features which are realised wholly or partly by means of one or several computer programs.

Conclusions are drawn in the last part of my thesis. Needless to say that modern information society depend on computer technology. Computer programs became a part of our everyday lives and it is necessary to ensure their appropriate protection. Besides current universal protection ensured by copyright, discussions about different types of protection still arises (e.g. patentability of computer programs in Europe). Apparently, the most favourable would be the sui generis protection of computer programs.