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Overview of specific modes of authorial work protection including the comparison with the general mode of protection – Diploma Thesis

Summary

In this thesis we analyze specific modes of protection of authorial works provided by the Czech Copyright Act 121/2000 Sb. as amended. These specific modes of protection are invoked either by the type of authorial work (for example computer programs) or by legal circumstances at the time the authorial work is created (for example existing employment relationship).

In the first part of the thesis we discuss the parties of intellectual property relationships. Although the author is the primary party of such relationships there are other subjects as well such as heirs, employers, licensees, movie producers etc. We briefly describe the natural rights and the property rights of the author relating to the authorial work and modes of their transferral to other subjects of the intellectual property relationships.

Then we follow up with the description of authorial work as a subject of intellectual property relationships. The legal definition of authorial work is provided and analyzed as well as specifics of various kinds of authorial works and modes of its creation (such as joint-authorship).

In the third part we discuss the content of natural and property rights related to authorial works, their formation and demise as well as available modes of their transfer.

The final part is dedicated to authorial work protection, both general and specific. As a distinguishing element for application of either general or specific modes of copyright protection we define a) the type of authorial work and b) special legal circumstances at the time the work is created.

As a secondary objective we also compare current modes of authorial work protection with older Czech copyright law statutes of 1965, 1953 and 1926. To tackle

the problem of significant incompatibility of these statutes we define a simplified universal model of intellectual property relationships that is used throughout the whole thesis.