Resume in English

The topic of this thesis is “The internet and the copyright law - the scope of responsibilities of individual entities (webhosting providers, ISP) and ways to protect against piracy (the identification and prosecution of pirate)".

The purpose of this text is primarily to explain the functioning of the BitTorrent protocol and demonstrate that the current legislation is fully able to provide means for the authors to defend their rights. Although there are certain limitations, but these arise mainly from the nature of internet itself rather than from the existing laws.

Basically, the BitTorrent protocol provides the users the ability to create ad-hoc peer-to-peer networks, which then allow them to share certain files. It is a very effective way to distribute a large amount of data in a short time on the internet. This advantage, together with the fact that the users can act practically anonymously on the internet, lead to the increase of intellectual property infringements in the recent years, causing a lot of damage to the authors.

Therefore, it is important to provide answers to the questions of liability of particular subjects, which take part in the file sharing using the BitTorrent protocol. These are the providers of webhosting, the providers of tracking services and the sharing users. Without going into detail I can say that both providers of webhosting and tracking services can be held liable for directing the users to illegal content.

The users themselves are then liable for wrongful sharing of protected data and making illegal copies. However, in certain situations, an exception may apply making the copying legal.

As for the internet service providers, in my opinion they cannot be held liable basically they cannot control the way the users use their service.

While the law provides necessary means for the authors to defend their rights, in practice there are considerable problems for that, especially when trying to prosecute individual users. For that reason, I believe that the main target of authors’ rights enforcement should be the providers of webhosting and tracking services.

The European Union and also other countries try to find a solution to this difficult situation, mainly through the Anti-Counterfeiting Trade Agreement. There is a lot of criticism on this document and in my opinion it will need a lot of effort to adopt the agreement.