

Summary

The subject of my thesis is The Rights of Producers of Phonograms (Sound Recordings) and Films. I have chosen this topic because of my fondness for music and for media that carry such recordings. The Rights of Producers are denominated as rights related (to Copyright) because of the absence of creativity and individuality. The term neighbouring rights is exactly equivalent.

In the first chapter I provide reader with basic terms and a concept of continental copyright law as well as a comparison with common law copyright system. These two law systems are essentially important to comprehend the rights of producers in general and to have basic overview on their role in global society and economy. Both authors' rights and related rights are copyrights in the sense of common law.

The second chapter analyses international law on this subject. I describe the relationship between czech national law and international law. Although the majority of international agreements is phrased generally, mentioned agreements have impact on legislations of contracting parties. They form a part of czech law since their ratification and publication in Collection of Laws. The important agreements on the subject are Rome Convention, Geneva Convention, TRIPS Agreement and WIPO Performances and Phonograms Treaty. In addition, I outline negotiations on a proposal of ACTA Agreement which should establish new international standarts on intellectual rights enforcement.

Another law system which has great impact on our legislation is the law of European Union. In the third chapter I give an exposition on directives that harmonise the rights of producers of sound recordings and films in member states and an exposition on regulation concerning customs action against pirate goods and the measures to be taken against these goods.

The fourth chapter covers the evolution of neighbouring rights. From the very beginning in the form of privileges granted by sovereign, throughout the commencement of modern continental copyright and Copyright Acts of the 20th century towards our current Copyright Act.

The core of my thesis lies in chapter five. I begin the explanation with legal definitions. After that I study the actual rights of producers according to the czech Copyright Act with emphasis on the Right to making available which is substantial in today's information society. Collective administration of rights as well as comparison of film with

photography forms part of the fifth chapter. Furthermore, I enumerate provisions of the Copyright Act that regulate author's rights and shall similarly apply to rights of producers.

The sixth and last chapter is divided into two parts. In the first part I describe ways of protection and enforcement of rights of producers. I explain public and private law means of protection, i.e. criminal and administrative protection either as civil law protection. Moreover, I delineate the role and activities of The Czech Customs Administration and The Czech Trade Inspection Authority in the field of dealing with pirate goods. The second part describes the ACTA Agreement proposal that will presumably be accepted. In this part I also outline four different approaches to the enforcement of producer's rights on the internet that have been or will be passed as law. These (american, british, french and spanish) approaches differ one from another but together they represent the future of regulation of internet against copyright infringement.