

Summary: Software Licensing

The thesis deals with different practical aspects of commercial software licensing from the perspective of the Czech legal system. The focus is put on software license agreement as the most important legal instrument granting rights of use for computer programs.

The thesis opens with a summary of Czech legislation in force in this area in the context of European community law and international law.

The legislation in effect is largely governed by the Copyright Act. Coming into effect from 1st January 2014, the software licensing agreement legislation moves into the New Civil Code. The thesis deals with the changes arising from this transition.

The fifth chapter considers the regulation of pre-contractual liability in the New Civil Code as it is especially important in protecting confidential information in pre-contract negotiation.

In summarising the issue of software licensing, the thesis builds on the elements of legal relationship. It examines the roles of licensee and licensor, the two parties of software license. The text also deals with cases where a licensor of creative work is a different from the creator of the work. The role of licensor can be assumed by a legal successor or by a party authorized to exercise property rights to work made for hire.

The next part explores software under license as the subject of software license. In order for the resulting contract to ensure fulfillment of all features of the software as expected by the licensee, the incorporeal nature of computer software must be taken into account.

Next, the text discusses rights and obligations of license agreement parties in the context of their relations to the software under license.

When looking at rights and obligations concerning creative work, the right of use stands out the most. The text analyses the main elements of this right with the focus on copying, distribution, lease, communication to the public, studying and modification.

The scope of each of the types of use can be restricted. The thesis analyses the most common restrictions: amount restrictions, place restriction and time restriction.