

Copyright protection of computer programs

This thesis deals with copyright protection of specific works of authorship – computer programs. The thesis deals with the definition of works of authorship and the conditions in which the computer program is a work of authorship, at least as a legal fiction. For the term computer program, the thesis is trying to find a suitable definition that is sufficiently general, but also accurately captures its notion. Various known forms of expression of the computer program (source code, machine code, but also a code in an intermediate language) are described and the thesis explains, why it is appropriate to protect the computer program in any form. The thesis clarifies, why the term “software” and the term “computer program” are not identical and arbitrarily exchanging them can cause problems. Furthermore, the thesis deals with the author of the computer program and co-authorship.

The next part deals with the rights of the author of the work. The exclusive rights of the author (the moral rights of the author and copyright) are discussed. The thesis describes the rights of exploitation of a computer programs, with a focus on differences against other works of authorship. One of the rights of the author is also the right to provide an authorization to exercise the right to exploit the work to a third party – licence.

The main part is a study on legal exceptions, where other people can exploit the work without consent from the author or from the rightholder. This is regulated quite differently for computer programs. In addition to the normal use of the computer program, the possibility to make backup copies of computer program and exploration of ideas and principles of the computer program, attention is paid primarily to the legal possibility of decompilation in order to correct errors of the computer program and of decompilation in order to obtain the information necessary to achieve interoperability.

The thesis briefly describes the realization of protection of copyright in the event that the person does not follow the law voluntarily. Conclusion of this thesis provided a summary and proposes some changes to the existing legislative arrangements concerning primarily the issue of decompilation.