

Abstract

Title: **CJEU Case C-351/12, *OSA***

The purpose of this thesis is to analyse the proceedings before the Court of Justice of the European Union in case C-351/12, *OSA*, beginning with the reference for a preliminary ruling from the Regional Court in Pilsen until the judgment of the CJEU. In case C-351/12, *OSA*, the CJEU was asked to answer the following three questions: (i) if it is in compliance with the EU law to apply the exception stated in Section 23(3) of the Czech Copyright Act also to the spa facilities which are thus not obliged to pay royalties for performing the broadcast in its bedrooms; (ii) if there is a possibility to rely on a directive in a dispute between individuals; (iii) if the monopoly for single (monopoly) copyright collecting society is acceptable from the perspective of EU law and whether the monopoly copyright society does abuse its dominant position.

The introduction shortly presents the chosen subject and the structure of the thesis.

Chapter one is dedicated to the facts of the dispute in the main proceedings and introduces the issue and legal argumentation of both parties to the main proceedings.

Chapter two examines the first referred question by summarizing relevant provisions of Czech, European and international law, historical development of different versions of the exceptions contained in Section 23 of the Czech Copyright Act, relevant case-law of the Court of Justice of the EU and adding the view of the author of this thesis as to the possible answer to the referred question.

Chapter three comprises of a study on the second and third referred preliminary question and it consists of description of the Czech and EU law relating to the second and third question, case-law of the CJEU and is also containing the commentary of the author on the matter.

Chapter four contains the detailed summary and description of all of the written observations submitted by the member states, the European Commission and the opinion of the Advocate General. This chapter also includes the report from oral hearing held before the Court, which was fully dedicated to the third preliminary question.

The last chapter refers to the judgment of the Court of Justice of the European Union, which was given on February 27, 2014. In this chapter, the ruling of the CJEU relating to all of the referred questions is depicted.

The conclusion briefly summarises the whole thesis.