

## **Abstract**

The field of copyright protection of computer programs and resale of a copy of a computer program is not free of many substantial problems which are even supported by a fast technological development and which will probably soon result in substantial revision of both national and international copyright law. This thesis is to analyze and assess selected aspects of copyright protection of computer programs with main focus on resale of a copy of a computer program in both theoretical area and jurisprudence of European and US-American courts. This thesis reflects jurisprudence of the European Court of Justice, German and Dutch courts and court decision available in the USA. The general introduction in the theme and related issues is followed by a thorough analyze of the jurisprudence, including two decisions of the European Court of Justice in the UsedSoft case and related decisions of German courts, as well as the decision in Vernor vs. Autodesk case, which is relevant for the US-American jurisprudence. With the focus on international legal protection of computer programs, which provides the computer programs with the same protection of literary works, a completely new aspect of copyright protection of the computer programs, which is the relation between the legal regulation of resale of immaterial copies of the computer programs and the resale of immaterial copies of traditional literary works, so called e-books (including also audio-books). To conclude, the main ideas implying from the analyzed decisions are summarized and a question of suitability and plausibility of both European and US-American approach to resale of a copy of a computer program is answered and some ideas how the legal provisions protecting computer programs might be revised to prevent further problems.