Abstract

The thesis discusses legal aspects of software interoperability, which is one of the basic requirements for the functioning of ICT. The main aim of the thesis is to provide a critical analysis of selected legal issues regarding software interoperability from the perspective of Czech as well as European law. The thesis consists of introduction, four chapters and conclusion.

The first chapter describes the technical as well as economic aspects of software interoperability and specifies the basic terms.

The second chapter outlines copyright protection of software in general, including its rationale, emphasizing that software copyright is based on economic principles which distinguishes it from traditional copyright.

The third chapter analyses copyright protection of software interfaces, which are the parts of the program that provide interoperability. With regards to the rationale of software copyright, the thesis analyses decisions of the Court of Justice of the European Union, mainly in cases C-393/09 (Bezpečnostní softwarová asociace – Svaz softwarové ochrany v Ministerstvo kultury) and C-406/10 (SAS Institute Inc. v World Programming Ltd.). With regards to copyright protection of interfaces, the thesis emphasises the importance of distinguishing between interface specifications and implementations. Furthermore, this chapter discusses copyright exceptions which allow access to the information necessary to achieve interoperability, mainly *black box testing* and decompilation. Consequently, the thesis analyses the abovementioned exceptions with regards to trade secret law.

The fourth chapter discusses software interoperability from the perspective of patent law. Based on the decisions of the European Patent Office, the thesis points out the uncertainty and ambiguity of software patents particularly the vagueness and wideness of software patent claims. With regards to the wideness of software patent claims, the chapter analyses whether also software interfaces and interface information are covered by software patents. Finally, the thesis describes the provisions of European and Czech patent law which can enhance software interoperability.