

Résumé: Limits of work of copyright in visual art

This diploma thesis primarily deals with the concept of copyright work in the current Czech law and its relation towards works of contemporary visual art. The main aim of this thesis is to carry out a complex analysis of conceptual features of work of copyright under the Czech Copyright Act No. 121/2000 Coll. (including key and not always properly interpreted terms such as work of art, originality, or creativity) and then to apply these features to examples of the world's major works of visual art from the twentieth and twenty-first century. Author of this thesis tries to find out whether even specific works of visual art “meet legal requirements” imposed on works of copyright and thus may enjoy the copyright protection in the Czech legal system. It is the effort to identify boundaries between works of copyright and objects which are not under the protection of copyright law what is reflected in the title of this diploma thesis.

Text of this thesis is divided into two main units. The first unit, which is the core of the thesis, is called “Limits of work of copyright”, the second unit is called “Limits of appropriation”. In the general part of the first unit the author tries to focus deeply on theoretical inquiry about the concept of work of copyright under current Czech Copyright Act in the context of visual art: an analysis of conceptual features of work of copyright is followed by an examination of temporal aspects of copyright protection of works of copyright and also by confrontation between legal and aesthetic approaches to this matter. In the special part of the first unit the author applies his findings from the general part to specific works of art, such as works of Marcel Duchamp, Robert Rauschenberg, Andy Warhol, Robert Smithson or Allan Kaprow. In the last third of the thesis we indirectly follow up on the previous research by part dealing with the artistic method of appropriation. Its main aim is to introduce appropriation as a significant but concurrently very controversial creative procedure and to demonstrate this claim on selected judicial cases from the United States of America (e.g. *Roger v. Koons* and *Samuel Bourdin v. Madonna*). At the end of the appropriation part the author of this thesis presents his thoughts *de lege ferenda* and tries to describe one of possible ways leading to conclusion on how law might react to recent evolution of postmodern visual art.

Key words: copyright law, work of copyright, work of art, uniqueness, creativity, visual art, appropriation, aesthetics.