

Abstract (EN)

The aim of this thesis is to provide an analysis of the principle of exhaustion of rights especially to computer programs in the comparative context of the legal regulation in the EU and US. The issue of exhaustion of rights to computer programs became a topical problem after the decision of the Court of Justice of the European Union (CJEU) in case *UsedSoft v. Oracle*, when the CJEU ruled that the principle of exhaustion of rights is applicable not only for sale of computer programs on tangible media such as CD/DVD, but also for distribution of computer programs in digital form via Internet. This decision, however, became widely criticized by legal experts, since CJEU accented rather economic arguments in favor of this principle than the European legal regulations and international conventions. Certain problematic aspects were also demonstrated in the decision of US court in case *Capitol Records v. ReDigi*, in which the court persuasively summarized legal and technical reasons why the principle of exhaustion of rights cannot be applicable for the sale of digital files distributed via Internet in the context of current legal regulation.

In the first part of my theses, I deal with the term “computer program“ as a subject matter of law, and as a subject of protection by copyright law. The second part is focused on brief characteristics of the EU and US systems of copyright protection. Third part represents an introduction to the concept of the principle of exhaustion of rights and basic issues that are connected to this principle. Fourth part analyzes the EU and US approach to these issues in context of computer programs and other author’s works distributed in a traditional way on tangible media. Fifth part summarizes basic arguments in favor of and against the application of the principle of exhaustion of rights on author’s works distributed on Internet and also the ruling of courts in cases *UsedSoft v. Oracle* and *Capitol Records v. ReDigi*. In the final part, I attempt to point out the problematic aspects of the CJEU decision in the case *UsedSoft v. Oracle* in the context of current legal regulation. I also attempt to present main areas of current EU legal regulation, in which the changes will be, in my opinion, necessary if the principle of exhaustion of rights is legal extended also for digital copies of author’s works.