

Collective administration of copyright and neighbouring and relating rights

Abstract

This thesis relates to the collective administration, the reasons for its existence and development to this day. The purpose of my thesis is to describe rights and responsibilities of collecting societies in respect to other relevant legal persons and to evaluate their function with regards to the criticism among public about its abundance. Furthermore, the thesis analyses the influence of the International law and European law on the aspects of collecting societies in the legislation of the Czech Republic. The author also considers the rulings of both national courts, as well as The Court of Justice of the European Union.

The thesis is divided into seven chapters. The first two chapters deal with the development of the collective administration in the world and in the Czech Republic. The third chapter is about the effective law regarding collective administration. The author discusses individual collective societies in the Czech Republic. Together with the description, thesis highlights legal issues respective society had to face. Next chapter features the individual regimes of collective administrated rights. The chapter concludes on rights and responsibilities of societies towards the right holders, rights users and the state. In the next two chapters the influence of the International treaties and organization together with the influence of the European law are discussed. The critical analysis of the new Directive on collective administration is also provided. The sixth chapter concentrates on the issue of legal monopoly of the collecting societies in the Czech Republic. The core of the chapter is dedicated to the court decision on whether the legal monopoly is consistent with the European law. The final chapter seeks to inform the readers with the current issues collecting societies are facing. Especially, the new phenomenon Creative Commons is briefly described with the analysis of its potential coexistence with Czech legislation on collective administration.