

Moral rights in copyright

Abstract

This thesis, after a brief introduction to the issue of copyright, defines the basic concepts relating to author's moral rights and its nature. It provides an insight into the issue from various different points of view, focusing on the natural nature of moral rights and the natural nature of an author's work, that is reflected in the copyright legislation. The thesis also offers a comparison of two major legal systems of copyright – the authors' right system and the copyright system, which demonstrate the key institutes and characterize both legal cultures through their typical features and differences. The thesis draws attention to the fact that the regulation of copyright and moral rights in particular is far from uniform in the national context and that there are significant differences not only between the different legal systems but also within those legal systems. The thesis also presents copyright and moral rights in valid Czech legislation in terms of the systemic and conceptual definition of the Czech copyright law and then discusses in detail the individual moral rights of authors. An important part of this thesis is the issue of originality as one of the conceptual features of the work. The thesis explains the role of the Court of Justice of the European Union in the unification of European law and, through key rulings of the Court of Justice of the European Union presents the concept of originality of the work and associated scope of copyright protection as such. The thesis points out the different approaches to this non-uniformly defined concept in the various legal systems and draws attention to the lack of harmonization of copyright (and moral rights) in the European Union, limited only to the regulation of computer programs, databases and photographs. The thesis highlights the need to extend the harmonization to other areas and seeks to find an answer to the question of how to resolve this unpleasant situation in the future.

Key words

Copyright, Author's right, Copyrighted work, Moral rights, Originality, Individuality