

# **Abstract**

## **Copyrighted work and advertising**

This diploma thesis explores the field of intellectual property law and deals with the current legal regulation of copyrighted work and advertising. The thesis aspires to introduce the basic attributes of the individual legislative regulations of the concepts of copyrighted work and advertising and to show the basis on which works are protected by the Copyright Act, what rights the authors have concerning their works and how can this issue be reflected in the process of creating advertising. At its core the thesis discusses the relationship between the copyrighted work and advertising and points out the factual intersection and proximity of these two areas. This thesis also looks into the decisions of Czech courts in the area of copyright infringement when using a specific foreign copyrighted work in advertising. The thesis consists of an introduction, which presents the topic to the reader, and continues to introduce the two main areas, the copyrighted work and advertising, which are further divided into 8 chapters. The first chapter describes the systematic incorporation of the copyright law in the field of intellectual property law, the constitutional basis which the copyright law relies upon and intangible assets, as the subject of protection of this legal branch. The second chapter deals with the legal regulation of the copyright law in international, European law and especially law in the Czech Republic

The third chapter focuses on the main theme of this thesis and concretely defines the concept of copyrighted work focusing on its legal conceptual features. The fourth chapter discusses the copyright's origin and duration of copyrights and its content. The fifth and sixth chapter introduce the topic of advertising and its legal and non-legal regulation with the focus on the settlement of rights from the perspective of copyright. Subsequently, these chapters refer to situations where the author's rights to their works are confronted between the art world and the advertising world. In Chapter seven, there are presented the permissible ways of handling economic rights by a person different from the author. This chapter includes the issues of the so-called public licenses and copyright licensing agreements. In the last eighth chapter, the aforementioned theoretical knowledge is illustrated by the current disputes which were decided in the framework of court proceedings from the Czech law. The conclusion of the thesis points out that in spite of the different conception of both terms, copyrighted work and advertising, it is possible to intersect these two worlds intersect, which can bring benefits both for the author

of the work and to the creator of the advertisement. However, at the same time, such intersection constitutes a threat to insufficiently settled copyright. The end of the thesis includes the author's consideration of the definition of the so-called advertising work as a *sui generis* term with regard to the often-factual connection of these two areas, copyright works and advertising.

The thesis was elaborated according to valid legislation on April 30, 2019.

**Keywords:**

Copyrighted work, advertising, copyright, marketing