

Current issues of audiovisual works with reference to film co-productions including issues of their financing

Abstract:

This rigorous thesis focuses on audiovisual works, which are an essential part of our society. This is a multidisciplinary area affecting many spheres of our lives. This economic, social and cultural sector has to be looked at from several perspectives. Creation of the audiovisual works and production of the first fixation of the audiovisual works can be looked at for example in terms of law, history, film studies, financing. The international element often presented in the process of the creation of the audiovisual works contributes to the development of not only multicultural but mostly interstate relationships.

The rigorous thesis provides a definition of the phrase "audiovisual work" that needs to be understood from an "interdisciplinary" perspective. The next chapter of the thesis deals with the history of the analysed topic. The area of the film industry and film-making is depicted through the copyright law journals and publications dealing with audiovisual (film) works from the 30s and 40s of the 20th century.

The fourth chapter is aimed at the international documents and European Union documents (especially copyright documents) regarding the audiovisual area and at the selected CJEU decisions. The following (fifth) chapter discusses the audiovisual works in terms of the current copyright law. Audiovisual works are divided to the particular subsections. The fifth chapter deals for example with a topic of the author of audiovisual works, works which are the basic components of the audiovisual works (works used audiovisually) and producer of the first fixation of the audiovisual work (respectively the producer of the audiovisual fixation). Commentaries on the Copyright Act, books and various magazine articles on copyright are the main literature for this chapter.

In the sixth chapter there are outlined some issues related to the co-production creation of audiovisual works and production of the first audiovisual fixations (recordings) of these works. The text attempts to provide the most comprehensive overview of the "co-productions". The individual ideas presented herein are also basis for further analysis of the co-production relationships. Co-production of the first fixation of the audiovisual works can be seen not only in terms of practice as such but also in terms of the theory of some branches of law. The term co-production (significant organizational and economic institute) and also

other ways of creating of audiovisual works in cooperation of several entities are defined in the sixth chapter. Then the thesis also deals with the situation of co-productions between 1945 and 1970 in our country, the most common legal form of co-production relationships, film co-production work in the system of copyright and some related copyright institutes. There are a few comments on international aspects of co-productions in the final part of this chapter.

The seventh chapter provides insight into the possibilities of the use of audiovisual works and audiovisual fixations (recordings). There is (generally) defined authorized and unauthorized use. The biggest part of the respective chapter focuses on the institute of the licence agreements (current and previous legislation) regarding the authorized use. The seventh chapter also refers to the chosen legal digital services (based on proper approvals from right holders) which provide various content.

Thesis deals with the protection of copyright and rights related to copyright in the next chapter. Firstly, the private law protection is mentioned (primarily mentioned in the article 40 of the Czech Copyright Act) and secondly, the public law protection is depicted (the eighth chapter focuses especially on crimes and minor offenses in the audiovisual sector). The eighth chapter also deals with selected national case law concerning the audiovisual sector.

The text dealing with the topic of collective management of rights and the institutes related to this topic constitutes the ninth chapter of this thesis. It is essential and the most discussed institute included in the Czech Copyright Act. Generally speaking, collective management of rights is essential due to the possibility of collecting societies to grant the approval to various entities and people in order to allow the use of the copyright protected material (content). The thesis also discusses the collective management in the field of audiovisual sector in the Czech Republic.

The last chapter deals with the public law legislation regarding the audiovisual sector. This chapter focuses on the Czech Audiovisual Act, the State Fund for Cinematography and further for example on the possibilities of financial support of the film industry and on institute of the film (investment) incentives. The nature of the co-production relationships can (in fact) lead us to the reflection on how to tackle the lack of production (financial) resources. The co-production relationships diversify production and cultural schemes provided by the cooperating countries and also raise awareness of the qualities, skills, approach and professionalism of the staff of the film crews and of the production “units” of the particular country. The term "geo-economic tourism" explains the nature, importance

and "direction" of the co-productions (i.e. direction of the co-productions in the time of the financial uncertainty).

In the conclusion of the rigorous thesis there is summarization of the previous information and ideas. There are also mentioned author's comments and offered possible considerations for further analysis of this topic.