

ABSTRACT

Title of the thesis: Current issues of the copyright of the EU: transformation of the copyright in the information society

The aim of this master's thesis is to analyse the current issues of the copyright of the EU and identify possible future trends, which should find their way to the upcoming third wave of harmonisation by European Commission. Therefore the master's thesis is based on the analysis of the issues identified for the revision of European copyright by European Commission itself in the recent public consultation.

The issues were analysed in three steps to attend the aim. Firstly, the scope of identified issues for revision of the law is analysed. It was assumed, that the issues presented by Commission are requesting legislative action because of the lack of applicable solutions or due to high rate of legal uncertainty. Secondly, the current state of European copyright in issues was tested for striking the fair balance of stakeholder in the light of the utilitarian theory of copyright. Based on the previous two steps, possible future trends recommendable for the revision of the European Copyright were identified. Therefore, the main aim of the master's thesis was achieved successfully.

Mostly due to still existing juridical solutions, the original premise about the scope of issues being based on objective necessity to reform was not confirmed. Analysis also proved the current copyright has not struck the fair balance of interests of the stakeholders. The premise of current law being more beneficial to right holders proved to be mostly right. As the trends recommendable for the revision, one can mention constitutionalisation of the copyright, permissive interpretation of copyright exemption, copyright exemption taking positions of subjective rights, the utility of technological protection measures and the need for boost of protection efficiency.

The analysis suggests that although not all analysed issues are the perspective ones for upcoming revision, some seem to be critical for future development of the European copyright. The European copyright system is shaping through jurisprudence in general in benefit of the end-user in a response to the previous wide interpretation of right holder's prerogatives. In the future focus should be put on redefinition of public sphere of the

copyright, support to transformative use of author's work and larger differentiation in the area of the copyright in order to achieve the balance of the stakeholders.

Keywords: EU Copyright, balance of interests, digital content, exceptions from copyright, user generated content