

## **14. Název diplomové práce v angličtině - Diploma Thesis Title**

Peer to Peer Networks and Copyright Law

## **15. Resumé v anglickém jazyce - English Summary**

Peer to Peer Networks and Copyright Law

Peer to peer networks are used to share various types of content within the environment of the Internet. The content shared via peer to peer networks comprises in a vast majority of copyrighted materials such as music, movies and computer programs. The aim of this thesis is to assess the behaviour of peer to peer network users and other subjects who are involved from the perspective of copyright law.

In the Czech Republic, no special legal regulation exists on the use of copyrighted works on the Internet. Therefore, this assessment of the legal conformity of behaviour of all involved subjects shall be based on the general legal regulation of copyrights, particularly Act no. 121/2000 Coll., the Copyright Act, as amended.

A fundamental feature of peer to peer networks is that its users simultaneously operate both as providers as well as receivers of content. In practise, users who are willing to obtain (download) content from other users are simultaneously making some content stored on their own computer accessible to rest of the users. Under the Copyright Act, the downloading of copyrighted material is classified as the reproduction of copyrighted material, whereas making copyrighted materials accessible is classified as communication of the work to the public. The performance of both these actions is considered illegal, unless consent of the copyright owner is given or a restriction on the copyright applies which is specified by the Copyright Act. In this respect, notable restrictions of copyrights represent the free use of copyrighted material for the personal need of a natural person. Based on this restriction, reproduction of a copyrighted work which is downloaded from a peer to peer network is not considered use of the work covered by the Copyright Act, providing that the reproduction is done for the personal application of a natural person, no economic benefit is pursued by the reproduction, and the copyrighted work is not a computer program or electronic database. The said conditions are often met by peer to peer network users, and therefore the downloading itself may often not be considered illegal. Nevertheless, supposing that the material exchanged via a peer to peer network is copyrighted,

the overall actions of peer to peer users remain illegal due to the fact that the functionality of peer to peer networks disables downloading unless concurrently, some material is made accessible to the others.

Liability of the involved subjects corresponds with illegal use of copyrighted materials via peer to peer networks corresponds liability of involved subjects. In the first place are liable users of the peer to peer networks whose liability is governed by the Copyright Act and subsidiary by the Act no. 40/1964 Coll., Civil Code, as amended. However, other subjects may also be found liable, such as peer to peer systems operators or service providers. Liability of these subjects is nevertheless limited to a certain extent.

Enforcement of claims based on copyright infringement is in practise relatively complicated by several aspects, for example the problematic identification of peer to peer networks' end users or difficulties which arise in the gathering of evidence. The effectiveness of such enforcement is also problematical, considering the popularity of peer to peer networks and the amount of copyrighted material which is shared on them every day. In this respect, it might be concluded that current legal regulation does not correspond with reality, as it pertains to the use of copyrighted material on the Internet.

## **16. Seznam klíčových slov - List of Key Words**

### **Seznam klíčových slov**

Internet

autorské právo

peer to peer síť

### **List of Key Words**

the Internet

copyright law

peer to peer network