

SUMMARY

Unlawful Use of Copyrighted Work (and the Author's Fee)

This graduation thesis is devoted to the issue of unlawful use of copyrighted work and to the author's fee.

Currently the issue of unlawful use of copyrighted work as well as legal protection of that work is becoming much more interesting than approximately twenty / thirty years ago. This situation is caused by three main circumstances – the growth of piracy (copyrighted works like books, films, sound recordings, computer programmes and so on are widely used now, and in some states it is even very important business), the advent of satellite communication (increasingly entertainment and information services are more available) and the advent of the Internet (because of the worldwide linking of the millions of computers it is very easy to access to, copy and distribute copyrighted works). Thanks to that development the current society is going to resolve the question whether it is possible to maintain the established protection and the sources of remuneration for rightowners, or whether copyright will be engulfed in the ever-increasing electronic use of protected material.

Having in mind this question the goal of this thesis is to map the system of possible legal means of protection against the unlawful use of copyrighted works in the Czech republic as well as to evaluate whether these means are effective enough for the protection of copyright or not.

To achieve that goal I try to work out given issue comprehensively. First of all I present common issues of copyright law like the aim of copyright, the current legal provisions in the Czech republic, the object of copyright law and the authorship. Subsequently I apply to the issue of what are possibilities of use of copyrighted work lawfully according to The Copyright Act (Law No. 121/2000 Coll. as amended) and a contrario I conclude what is unlawful use of copyrighted work (in addition I mention the other infringements of copyright, however it is not the same situation as unlawful use of copyrighted work). As the key of this thesis I consider the part devoted to the description of all possible legal means which can be used by author to protect himself against unlawful use of his work. Czech legal system knows two groups of such means – private means and public means. The private means serve for the direct protection of the author – the author is supposed to take legal action for unlawful use of his copyrighted work as well as to ascertain which remedies he claims.

The public means serve for protection the society against the antisocial behaviour and therefore they provide only mediated protection for the author (the state is the one who takes legal action against the disturber and the author is protected only by cease of that antisocial behaviour). Then I write about the author's fee. It is the payment of use of copyrighted work from the user to the author. The last part of the thesis is devoted to the comparison of Czech, international and European copyright law. The aim is to compare and evaluate to what extent the issue of unlawful use of copyrighted work, the legal means of protection for the author against that unlawful use and the author's fee are harmonised within those legal systems.

In conclusion I would say that Czech legal system (fully harmonised with international and European copyright law) knows such legal means that provides sufficient protection for authors against unlawful use of their copyrighted work (maybe the amount of damages or amount of unjust enrichment could be higher in order to ensure more sufficient remedy for the author and to discourage enough the possible disturber). The problem, however, is how to find out unlawful use of copyrighted work. In the information society where the Internet (and the other similar nets like mobile, cable or wireless nets) governs it is very easy to upload, download and copy copyrighted works and to infringe copyright this way. The author is therefore very limited in taking legal action because he certainly doesn't know whether his copyright has been infringed, where, when and who has caused it. So I would recommend to concentrate on the problem how to find out that copyrighted work has been unlawfully used and the other informations connected herewith.