

Shrnutí / Resumé

Copyright protection of computer programs

The legal protection of computer programs in Czech Republic is quite new and dynamic branch of law. Its main source is copyright act (No. 121/2000) as the patent law doesn't apply on computer programs. The original software (being the result of author's own intellectual creation) is protected as a literary work, with a couple of differences. The regime of computer programs contrasts to other works especially in regularization of exceptions and limitations to copyright.

Czech copyright act is based on dualism of author's moral and economic rights. This dualism is not pure and brings some compromises as usual in other foreign systems of law. Only the natural person can be treated as author in Czech Republic. In certain cases (as the employee work) the author's rights are however exercised by other person who can be both natural and legal person.

The license agreement is a sole type of contract regulated by the copyright act. I have tried to describe not only the letter of law, but also practical problems and uncertainties I have experienced during my practice in this work.

Copyright protection is quite wide and gives effective tools to author including his claim for recognition of his authorship, prohibition of the exposure of his rights, disclosure of details concerning the way and extent of unauthorized use, remedying the consequences of the infringement of his right, adequate satisfaction for the non-financial damage, ban on the provision of the service used by third parties to infringe the author's right or expose it to danger and finally claim for damages and for unjust enrichment which is across-the-board supposed to be higher than in fact, forming additional penalty out of the administrative law, which I consider to be the most critical problem of Czech copyright law. The administrative infractions are incorporated in copyright act too. On the other hand, crimes in the field of copyright remain regulated by criminal law.

There is no public collective rights manager covering copyright of computer programs in Czech Republic.

Out of the copyright act, we must take in consideration other sources of law as well. Civil code, commercial code as well as other laws can be applicable in certain cases. Computer programs are being used worldwide and international treaties are more important than ever before. I mention the international aspects of use of computer programs in my work as well.

As a member of European Communities, the Czech Republic is obligated to harmonize its law with the European directives (especially Directive 2001/29/EC on the harmonization of

certain aspects of copyright and related rights in the information society). We can say that most of the Czech copyright law is fully harmonized after amendment of copyright act on 2006. Some minor problems and disharmonies persist anyway.

We can summarize that Czech law protects computer programs well and its breaches come from social climate more than from “bugs” in law. It is however modern and dynamic branch of law with a short history so it still needs to be improved in some ways.