

Thesis Abstract

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Work Title	Contemporary Aspects of the Software Copyright and Patenting
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The purpose of my thesis is to analyse the instruments of the legal protection of software, namely the copyright and software patents. The reason for my research is to understand and describe contemporary situation of the abovementioned areas of law and provide the reader with understandable comprehension of both and their alternatives, too.

The thesis is composed of foreword, nine chapters, each of them dealing with different aspect of the legal protection of software, conclusion and four graphical appendices. Foreword states the datum of the thesis, describes its structure and methods used. Chapter One is the introductory part which defines basic terminology used: data, information, computer program, software, software patent etc.; it also provides simple typology of software and describes the software development process.

Chapter Two examines the software protection, provided by the copyright (both continental *droit d'auteur* and common-law copyright are analysed). The chapter consists of two parts. Part One investigates the conceptual differences between *droit d'auteur* and copyright systems. Part Two immerses into relevant international treaties along with American and European Union legislation. Chapter Three is focused on the Czech legislation and consists of several parts describing the software protection under the Czech Copyright Act, brief explanation of the corporate authorship and software works created upon order or employment agreement and finally, software licensing. Chapter Four provides additional information about other relevant Czech legal norms (Commercial Code, Criminal Code) and software piracy in the Czech Republic.

Chapter Five concentrates on the software patenting; its two parts define the basic aspects of the patent, the patentable subject matter, and resolve whether the software is statutory subject in general. Following chapter (Six) in its three parts summarizes the history of

the software patenting in certain states, contemporary situation and the attitude to this legal instrument. Part One is dedicated to the USA, Part Two to EU and EC's proposal of the "Directive on the patentability of computer-implemented inventions", rejected in 2005 by EP. Eventually, Part Three focuses on Southeast-Asian states (Japan, Korea, China and India). Chapter Seven is subdivided into two parts which critically assess the advantages and disadvantages of the software patenting. Chapter Eight talks about the empirical survey conducted in 2001 to prospect the economical impacts of the software patenting, the motives of various groups of software manufacturers etc. Finally, Chapter Nine critically evaluates both contemporary legal forms of the software protection and provides the reader with several interesting alternatives.

Conclusions are drawn in the last Chapter (Conclusion). The main aim of the thesis to meet my research goals and evaluate available legal tools for the software protection (software copyright, software patentability under certain conditions, more flexible alternative concepts) has been reached. I suggest the revision of the copyright, as it is overprotective and advocate for the software patenting, provided certain quality requirements are met, or the alternatives.

Last parts of the thesis are four appendices describing the software development process, the results of the aforementioned empirical survey and providing the list of the member states of several important international organizations.