

The objective of the present thesis is to clarify the term of software piracy and to determine responsibility of individual entities as to actual realization of software piracy. First, the thesis focuses on a computer programme, causes, realization and pitfalls of its inclusion under copyright protection. Subsequently, it observes methods of legal usage of a computer programme. This is the point of departure for the following attempt to define software piracy, accompanied with methods of actual realization of piracy, mainly by creation and distribution of piracy software. Moreover, the thesis aims to delve into recent events exerting impact on software piracy, and it intends to consider the future development of intellectual property rights.

The thesis is divided into twelve chapters.

The introduction engages in the phenomenon of piracy of intellectual assets and the history of software piracy. The second chapter comprises definitions of basic terms largely of a non-legal nature, the interpretation of which terms is important to appreciate the thesis contents. A substantial part of the chapter defines a computer programme.

The following part of the thesis analyses a computer programme as a copyright work. It describes reasons for inclusion of a computer programme under the regime of copyright protection, as well as certain special characteristics ensuing from such inclusion and contents of copyright.

The third chapter enumerates sources that regulate protection of computer programmes.

The fourth chapter characterizes a computer programme as a copyright work. It emphasizes the lack of copyright protection in relation to principles and algorithms expressed in the source code of a computer programme.

The fifth chapter investigates the contents of copyright and methods of contractual and non-contractual usage of a computer programme, together with basic types of software licences.

The final part of the diploma thesis scrutinizes software piracy, the definition and manner of legal protection. It describes the development, distribution and usage of piracy software. In addition, it investigates responsibilities of individual persons in the most frequent methods of software piracy.

The sixth chapter attempts to construct the definition of software piracy.

The seventh chapter explores the civil protection of computer programmes, i.e. protection through the Copyright Act and Civil Code. The definition of software piracy is expanded on in the introduction, as well as general and specific merits of civil delicts subject to Copyright Act and Civil Code; furthermore, the chapter enlists responsible persons with a view to the accountability of information services providers. A list and description of individual requirements is provided.

The eighth chapter observes the public protection of computer programmes. It includes an enumeration of infractions, administrative delicts and crimes related to the infringement on copyright of a computer programme.

The ninth chapter analyses the formation of piracy software as a consequence of rivalry among piracy groups, and describes the emergence of responsibility of individual persons for acts related to the production of piracy software. The chapter describes merits of crimes which are, in general, not necessarily connected with the violence of copyright, but - through accomplishment of such merits - piracy groups gain the edge on their competitors in their mutual contest. This includes for example hacking and similar.

The tenth chapter depicts the distribution of piracy software, mainly via the Internet. It details the most often used distribution channels, such as peer-to-peer networks, paid filehosting servers, describing the way these channels function. The aim is to determine the responsibility of users and operators of these channels. Judicial decisions are provided here that concern disputes with providers of the most popular distribution channels, such as RapidShare.

The eleventh chapter discusses the unauthorized use of software by end users.

The conclusion, the twelfth chapter, contemplates a potential legal regulation of responsibilities for breach of copyright. It outlines risks ensuing from the restriction of rights of Internet users in case such regulation is adopted, as well as forebodings that any form of a new stricter regulation as to the creation and distribution of works protected by copyright in the Internet environment will be condemned to failure as early as upon its coming into force.