

Thesis on Audiovisual works – Abstract

The thesis deals with the legal regulation of audiovisual works in the Czech legal order. The thesis analyzes this legislation in detail with regard to the audiovisual experience, and also discusses some of the practical issues arising during the production and use of audiovisual works.

In the introduction to the thesis, individual sources of legal regulation of audiovisual works are listed and also the key issues covered by the thesis.

The first chapter defines the term of “an audiovisual work” and it also focuses on the development of the legal definition of this term.

The second chapter is regarding the author of an audiovisual work; it describes who was considered to be an author of the audiovisual work in the past and who is considered to be an author under the current legislation.

The third chapter defines another important term of the legal regulation of audiovisual works, namely so-called “works audiovisually used” (works which are used in the audiovisual work). It is also regarding the authors of works audiovisually used. The term “works audiovisually used” as such is not defined by Czech law and therefore its interpretation results in frequent inconsistencies. This thesis tries to find solution for these interpretation differences.

The fourth chapter discusses the issue of duration of protection period of audiovisual works, while comparing the previous and current legislation.

The fifth chapter is regarding the legal regulation of the copyright license agreement with a special regard to the audiovisual works issue. It deals with exclusive personal and property rights, the essential requirements of the license agreement - especially the agreement on remuneration for the license granted - options of limiting the scope of the license granted, also with the differences between exclusive and non-exclusive licenses and differences between the assignment of the license and granting of the sublicense. This chapter also describes other statutory provisions relating to copyright license agreement.

The sixth chapter discusses the special provisions of the Copyright Act applicable to audiovisual works, namely the rebuttable legal presumption of granting license for use of audiovisual works and for use of works audiovisually used.

The seventh chapter deals with the specifics of audiovisual works or works audiovisually used created on the basis of contracts for work as they are regulated in the Copyright Act and the Commercial Code.

Finally, the eighth chapter, first theoretically discusses the possible legal consequences of unjustified interference in the copyright of audiovisual works and works audiovisually used, and secondly these possible consequences are applied to a practical example. The last section of this chapter is regarding the issue of protection of personal rights with regard to audiovisual works.

The conclusion contains a brief summary of the whole thesis.