

## Abstract

This thesis provides an overview of extra-contractual legal institutions of the use of copyrighted work. The main emphasis is on the institution of free use and related topic of private copying and fair compensation. Statutory licenses, both chargeable and free of charge, are not omitted.

The thesis is divided into three chapters. Brief introduction is followed by chapter providing definition of the fundamental terms of copyright from the perspective of Czech copyright law. The second chapter contains summary of sources of copyright law. Czech law, as well as European and international law is included.

The third chapter contains crucial part of the thesis, the analysis of the extra-contractual legal institutions of the use of copyrighted work. After brief comment on free works follows analysis of the Three-Step Test, which is of great significance for all examined legal institutions. Relevant case law – WTO Panel report WT/DS160/R - is examined and the Max Planck Institute's Declaration on a balanced Interpretation of the Three-Step Test is also considered.

Subsequent subchapters are dedicated to the institutions of free use and private copying under both, Czech and European copyright law. The thesis also includes comparative analysis of the level of the private Copying levies in the EU, based on the data provided by WIPO's International Survey on Private Copying 2015. Critical remarks on distribution of the fair compensation in the Czech Republic follows.

Next subchapter contains analysis of several high profile decisions of the CJEU on private Copying levies, which all deals with the interpretation of the Article 5 (2) b) of the InfoSoc directive. Cases Padawan, ACI Adam and Copydan are included, *inter alia*.

Legislative development in the EU is also addressed, while great attention is paid to the European Commission's Digital Single Market Strategy and also to the report of the former member of the European Commission António Vitorino.

The conclusion is preceded by the final part of the fourth chapter, which includes an overview of the statutory licenses provided by the Czech Copyright Act.