

Abstract

The purpose of this thesis is to provide an overview of the development, concept and rules of the exhaustion doctrine on the international and EU level. The issue of the exhaustion doctrine and its application in a digital age became topical after the unexpected judgement of the CJEU in case *UsedSoft v Oracle*, in which was for the first time broken the conventional link between the exhaustion doctrine and the distribution of works in a tangible form. Although this decision has been widely criticized by legal experts, some thoughts of CJEU highlight imperfection of current legal regulation in a context of an internet age.

The first chapter defines basic terms the intellectual property and the copyright including its historical evolution. The second chapter describes the origins of the exhaustion doctrine in the judicature of the national courts as a clue for balancing ownership and intellectual property rights. The extensive third chapter deals with formation of the exhaustion doctrine in judicature of the CJEU. Concrete cases are used to describe basic elements of the exhaustion doctrine. In the fourth chapter is a brief overview of the legal regulation concerning the exhaustion of copyright on the international, EU and Czech level. The next chapter describes an adaptation of the copyright to challenges associated with a worldwide dissemination of the internet and reasoning for and against an application of the exhaustion doctrine in a digital environment. Final part of the thesis is closely related to computer programs. Therefore the sixth chapter provides a definition of the computer program as a legal term and describes a search for suitable system of legal protection. The next chapter is about the exhaustion doctrine in relation to the computer programs, where main accent is placed on legal analysis of the ground-breaking decision of the CJEU in the case *UsedSoft v Oracle*. The last chapter contains reflections on possibility of change of the current legal regulation and introduction of the digital exhaustion.