Protection of Copyright and International Law

Abstract

The topic of the thesis is focused on currnet situation within the area of international copyright protection in connection with new technologies. Firstly, it points to differences in national and regional adaptations of legislation based on the principle of teritoriality typical for copyright protection. It defines the position of copyright within the framework of international law and within the system of intellectual property rights. It then presents the legislational framework of this area through the Berne Convention, the TRIPs Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO World Intellectual Property Organization. It then focuses on the regional area of the European Union, where it discusses the Copyright Directive in the Information Society and the currently prepared Copyright Directive in the Single Digital Market and discusses in more detail its controversial articles 11 and 13. In Its second part, the thesis aproaches concepts of copyright, the criterion of originality and uniqueness, dualism of copyright as divided to the economic and moral rights and the concept of employee works. This provides a theoretical basis for the following chapters to illustrate a possible copyright problem related to artificial intelligence works. The thesis thus deals with the question of who will be the owner of the copyright, in case that the work creates artificial intelligence without any human induction, including the setting of input parameters. The thesis points the fragmentation of legislation of this area, and its inability to address the problem outlined, on the examples of national legislations and judicial decisions concerning the person of the author. In conclusion, the thesis offers the construction of a possible solution of this problem by means of a combination of the above-mentioned theoretical concepts and presents a possible way of legislative aproach within the system of international treaties and organizations.