

Abstract

Copyright law and Advertising

This thesis deals with copyright law, a branch of law belonging to the field of intellectual property law, as well to intangible goods, and as a second topic it deals with advertising. The aim of the thesis is to introduce the reader firstly copyright law, advertising and then to unite these two main topics and last but not least to deal with prohibited advertising. The core of the thesis is to connect copyright law and advertising, specifically the subject of copyright, which is the copyright work, and advertising, and to highlight the use of specific copyrighted works in advertising. The thesis is divided into an Introduction, a General Part consisting of 8 chapters, a Special Part dealing in two chapters with decisions of Czech courts and a Conclusion. The first chapter deals with the concept and classification of copyright law, its origin, content and object. The second chapter provides an overview of international, EU and Czech sources of legislation. The third chapter deals with the concept of advertising, its types and legal regulation of advertising. This chapter is logically followed in Chapter Four by advertising entities, which are defined by the Advertising Regulation Act, and Chapter Five, which follows it, and deals with supervisory authorities defined by the Advertising Regulation Act. Chapters six and seven are the previously mentioned core of the thesis, explaining the only possible and legal titles for the use of copyrighted works in advertising. The chapter focuses on the non-contractual institutes of the use of works in advertising and the related conditions defined by the so-called three-step test, but also the use of works in advertising on a contractual basis, namely the License. The seventh chapter first presents the cumulative conditions that must be fulfilled in order to be a work of authorship and then the chapter discusses selected works of authorship regulated by the Copyright Act, namely a quotation, a song, a photograph, an artistic and architectural work and their specific use in advertising. The final eighth chapter focuses on prohibited advertising, including advertising that is subject to certain limitations, conditions that must be fulfilled or they would likely prove problematic. In a special section, case law related to both copyright and advertising is described in two chapters. The first chapter describes two well-known media case law cases regarding to the illegal use of another's copyrighted work in advertising, and the second chapter of the special section describes the opposite case, therefore the legal use of a copyrighted work in advertising. These case law cases includes well-known Czech celebrities, a business company, a music group and a political party. The thesis concludes with a summary and a reflection on the fulfilment of the stated objective in the Introduction part.

The thesis was prepared according to the legislation in force as of 21 March 2023.

Key words :

Copyright law, Advertising, Copyrighted work