

NFT copyright protection issues

Abstract

This thesis examines the new emergent phenomenon of non-fungible tokens known as "NFT". NFT reflects the direction in which today's society is moving, that is toward digitalization. Although this phenomenon crosses multiple branches of law, this thesis examines its role in the context of copyright law, with some intersection into other branches which are directly related to it. In particular, the aim of the thesis was to examine the relationship between the NFT, its underlying material and various aspects of intellectual property rights, in particular the copyright law sector. Whether the application of these legal rules is relevant and the consequences the phenomenon will bring in the future. Last but not least, this thesis seeks to explain the potential that is behind the universality of possible use of NFTs.

The challenging aspect has been the under-explored field in which the NFT is found, which offers possibilities of free reflection and speculation. Because of the lack of legal regulation, one of the main methods used in this thesis has been the analogy of legal norms that can be reasonably applied. The process of comparison with other digital assets and their placement in the context of the law also helped in understanding the role and function of NFTs. In the final part, it includes my own reflections on *de lege ferenda*, which could help to address so of the issues that have arisen in the context of the NFTs.

It should be noted that, despite a very detailed analysis of a number of different opinions, the academic community is in favour of the possibility, indeed the necessity, of applying copyright norms to certain NFTs and, more precisely, to the underlying materials to which the NFTs refer. At the same time, however, all days are not over and the real impact will only be examined by an evolving jurisprudence. Therefore, by logic of proposition, it can be simply stated that every copyright work can be an NFT, but not every NFT can be a copyright work.

At this point, it is essential to continue to carefully observe the jurisprudence of the courts and the evolution of standard-setting that may change the rules of the game.

Key words: nonfungible token, copyright, smartcontract