

Directive on Copyright in the Digital Single Market and its implementation in Czech legal system

Abstract

The topic of this Master's thesis is Directive on Copyright in the Digital Single Market and its implementation in Czech legal system. The reason for choosing this topic was mainly its current relevance, since the Czech copyright legislation was amended in 2023. The aim of this Master's thesis is a comprehensive presentation and analysis of the Directive on Copyright in the Digital Single Market (DSM Directive), along with a description of the relevant amendments to the Czech legislation and an analysis of problematic aspects in the practical application, including a description of the circumstances surrounding the adoption of DSM Directive.

First, this Master's thesis starts by outlining the reasons that led to the adoption of the DSM Directive and describing the legislative changes made in an attempt to create a digital single market in EU prior to its coming into force. The next Chapter is focused on the core terminology used by the DSM Directive, with a more thorough focus on the evolution of definition of the online content-sharing service provider.

The extensive Chapter 4 is the core part of this thesis as it provides a detailed description and analysis of the entire DSM Directive. The individual subchapters describe and analyse individual parts of the DSM Directive, pointing out the most important deficiencies that the respective provisions might cause in practice.

In order to provide a complete overview of the adoption of the DSM Directive at the EU level, Chapter 5 summarises the statements of several EU committees on the initial draft of the DSM Directive. It also gives a brief description of the adoption of the DSM Directive itself.

Chapter 6 contains a summary of the action of the Republic of Poland brought before the Court of Justice of the European Union for the annulment of provisions of Article 17 of the DSM Directive, in which the Republic of Poland alleged an interference with users' freedom of expression and information due to the newly imposed obligations on online content-sharing service providers.

Chapter 7 also addresses Article 17 of the DSM Directive, with a detailed description and analysis of the European Commission's Communication regarding Guidance on Article 17, which was mandated to be issued by the European Commission in the DSM Directive.

Last but not least, Chapter 8 focuses on the implementation process in the Czech Republic and the impact of the DSM Directive on the modification of Act No. 121/2000 Coll., the Copyright Act, and Act No. 89/2012 Coll., the Civil Code. Within this chapter, a description and comparison of the amended Czech legislation to DSM Directive is presented, focusing primarily on the legislation that has been adopted beyond the DSM Directive.

The final Chapter evaluates the defined aim of this Masters's thesis.

Key words:

- copyright
- digital single market
- Directive on Copyright in the Digital Single Market
- DSM Directive
- online content-sharing service provider
- Copyright Act