

Abstract

Copyright infringement using cyberspace

The topic of this diploma thesis is copyright infringement within cyberspace. The author aims to define the current approach to the liability of individual Internet users and Internet service providers for copyright infringement, especially in the context of criminal liability.

In the introductory chapter, the thesis deals with the concept of cyberspace, its distinction from the Internet, and the development of law therein. The author then expands on the topic of development of the scope of law on the Internet in the following chapter, where she focuses on the applicable law for non-contractual obligations arising from Internet copyright infringement. The current approach to determining the international jurisdiction of courts is then outlined. The scope of criminal law in cyberspace is covered in the next chapter when the relevant provisions of the Cybercrime Convention are discussed.

In the next part of the thesis, the author focuses on the crime of copyright infringement, the element of not insignificant interference according to the Czech Criminal Code, and cases of its fulfillment within the Internet network. Concerning the nature of the Internet, the copyright law, its subject matter, content, exceptions, and limitations are then defined. In the chapter devoted to copyright regulation, the thesis also discusses the usage of copyrighted content within the meaning of the Copyright Act on the Internet and outlines licensing in the form of public licenses.

In the central part of the thesis, the author uses her previous findings and defines the liability of both individual users and Internet service providers for copyright infringement in relation to the most used methods of distribution of copyrighted content on the Internet, i.e. in relation to sharing and downloading copyrighted works through file hosting, BitTorrent and linking. In order to analyze the liability of service providers, the author focuses on when these providers infringe copyright law themselves, as well as on cases where these entities are liable for the content shared by their users as extraneous content. In this context, the author also briefly departs from the underlying topic and assesses possible impacts of the most recent regulation in this area.

Keywords: copyright infringement, cyberspace, liability of individual users, liability of internet service providers