

# Summary

## Digitisation of Copyrighted Works

The thesis deals with the issue of digitisation of copyrighted works. The aim of this work is to provide a comprehensive account of the digitisation phenomenon in relation to copyrighted works from the point of view of the Czech Copyright Act and to analyse two digitisation projects to identify practical issues and, if possible, solutions to these. The text is divided into five chapters, each of them dedicated to a different aspect of the topic presented.

The first of the two introductory chapters focuses on the legal institute of copyrighted work as defined by the Copyright Act of the Czech Republic. The five subchapters analyse the concept of copyrighted work, examine legal fiction expanding the set of protected objects and specify the respective protected objects within the category of copyrighted works.

The two subchapters comprising the following chapter study the phenomenon of digitisation from the factual point of view. The first subchapter describes the concept of digitisation, focusing on technical aspects, while the second one makes distinction between the digitisation and born-digital materials.

The third chapter provides ground for merging the legal aspects of copyrighted works and the factual aspects of digitisation into the key issue of digitisation of copyrighted works. The detailed legal analysis is structured into five subchapters. The first discusses digitisation of copyrighted works as reproduction; the second explores possible infringement of the right to the integrity of the work; the third provides a brief overview of related categories of work exploitation; fourth and fifth describe possibilities of exercise of the so-called right to digitisation of work with and without consent of a right holder.

The remaining two chapters study two notable mass digitisation projects. Fourth chapter is dedicated to the European Union's public initiative named *Digital Libraries*. A short introductory subchapter describing the history of the initiative and the *Europeana* digital library is followed by the main, further structured subchapter that analyses selected legal issues. Based on general description of issues related to digitisation, making accessible, and preservation of copyrighted works, it focuses on

specific issues of exploitation of orphan and out-of-commerce works. The commentary is concluded with a short section about methods of collecting digital materials.

The topic of the fifth chapter is the US-based project *Google Books*. The first subchapter depicting purpose and history of the project serves as an introduction to the following four subchapters. These describe interesting development of legal processes in the United States of America and response from the European Union and its member states. Besides, they provide the Czech law's point of view, followed by final evaluation.

The analysis of the digitisation projects implies the question of whether the contemporary state of copyright law, originally conceived for analogue world, requires a reform to meet the needs of today's world which is largely digital. The author expresses her opinion that revision of law is necessary, as the current state of law does not match the factual status.