SUMMARY

ABELOVSKÝ, Tomáš
Copyright territoriality or copyrighted screening on a journey from Hodonin to Holic

The subject of this paper is the usage of copyrighted works in the extraterritorial context. The paper focus mainly on the question of determining the applicable law and the jurisdiction for claims arising from copyright infringements in the European area. It points out that any crossing of borders raises many legal issues with divergent interpretations. On the one hand, it brings comparative questions between the various national rules on copyright, but on the other, international or European issues are involved as well. Since the crossing of borders is characteristic for a deterritoriality of the internet, the paper outlines current European legislation and decision-making practice for the setting of a copyright claim with a foreign element in cyberspace. The reasoning appeals for an update to the current policy for determining the relevant facts in accordance to the technological progress.

ADAMOVÁ, Zuzana
Collective rights management according to the new Copyright Act
Collective management may be considered as an important factor for creative diversity and for the support of creativity. However this only applies in the case of well-functioning, modern, effective, and efficient organisations providing the collective administration (CMOs). The focus of this paper is on two topics. First part deals primarily with the directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in

the internal market that was adopted in 2014. The directive is analysed especially in the context of the up-to-date Slovak legislative development, namely the new Copyright Act. As per the new Copyright Act, the directive was transposed with effect from January 1, 2016. The focus of the second part is on selected topics of the collective management, viz. the following: The status of represented non-members of the CMO; contract duty of the CMO against right-holders and users mass license agreement; extended collective license; conditions for obtaining the authorization for new CMO; joint collective management; the amount of remuneration in the contracts concluded by the CMO; and sanctions against CMO. The paper compares especially the directive with the new copyright act and also with the version of the proposal submitted to the inter-resort consultation process and the version of the proposal submitted to the Government of the Slovak Republic.

BEDNÁRIK, Richard
Open Education and Open Educational Resources

Education might be considered as an integral part of every society. In this process, variety of subject-matters protected by copyright or rights related to copyright are being used. The aim of the open education is to connect the knowledge as a fundamental part of the educational process and 21st century technologies with the goal of creating free shared educational resources. Open educational resources, part of open education, allow certain methods of dissemination of materials for the purpose of wider and more efficient usage. Open education and open educational resources might become a tool that can partially solve a problem with a lack of material required in the educational process.

ČERNÝ, Michal

Reflection on the Possibilities of Protection of Services or Intangible Things Using Geographical Indications or Designations of Origin

Designations of Origin and Geographical Indications represent an already established categories of intangible things - rights that belong within a wider range of industrial rights and thus then to intangible assets, respectively. They can be considered as intangible things under the new Civil Code (of Czech Republic). They are recorded in special registers in connection with material things. This paper deals with the provision of legal protections review modes and also a reflection about the possibility registration of designation of origin or geographical indication for the service. It also deals with the hypothetical possibility of registration of geographical indication for an intangible thing. Last but not least is dealing with the question of intangible element (eg. the know-how, formulas etc.) which in many cases is present in material things for which they have been geographical indications (or appellations of origin registered). We often do not think on the intangible element but it is present Registration of geographical indications for tangible thing (support of intangible element) is precluded. On the contrary, some new intangible things (eg. a computer program), it can hardly imagine that it would ever be possible to consider the protection of the geographical indication registered for the carrier because the program itself is usually bigger and better reputation than its tangible support. It is quite evident in computer games that can have a global reputation. If such intangible thing was tied to a specific geographical location, it would be theoretically possible to provide protection for geographical indications on immaterial things. This applies only on condition that the legislation governing geographical indication will have factually universal application framework. The law on the protection of designations of origin and geographical indications (Czech Republic) has such nearly universal character because it excludes only immovable assets. Civil Code of the Czech Republic (Act no. 89/2012 Coll.) considers intangible things as movable things. Therefore, it ma-

kes sense to think of such a possibility as well. Finally - Czech law allows the designation of origin or geographical indication for service. The difference between the service and intangible things may consist in the fact that there is no directly visible result for service in the material world or in the virtual space. Intangible thing is manifested through its tangible medium in the outside world.

HAZUCHA, Branislav
Copyright Law and Cultural Diversity

In the last few decades, not only in Slovakia, but also in many other countries the complaints have grown that the diversity in the cultural goods and services available on the market is insufficient and many national markets are flooded by foreign, mainly American production. It is often stressed that in many areas of cultural production the market fails and therefore it is necessary to interfere into the operation of market mechanism through subventions and quotas for domestic production. As copyright law is closely linked to the operation of market mechanisms, it is habitually the target of critique for the current situation. Moreover, new information and communication technologies significantly reduce the costs of cultural production and distribution, but many of the new forms of cultural production and distribution crash on various restrictions imposed by copyright law. It is then doubtful, to what extent copyright law plays its role of the measure for the protection and promotion of cultural diversity or whether it has only the negative impact on the diversity of cultural production. This Paper attempts to shed new light on the relationship between copyright protection and cultural diversity. It points out that although copyright law can restrict certain forms of cultural production and distribution, it is still an important measure for protecting and promoting a significant portion of producing and distributing cultural goods and services. Therefore, copyright law is a vital instrument for the protection and promotion of cultural diversity, though it is not the only or

exclusive measure, but merely one of many. It is then upon individual countries, how they will combine diverse measures of cultural policy so that they create an optimal environment for thriving cultural production and its diversity.

ŠKREKO, Anton
Technical Devices and Compensation for the Private Copying

The legal concepts dealing with the enabling the general public to use the protected subject matters without the need to gain the consent of the author (the license) is immanent part of the copyright rules (exceptions and limitations). One of such a limitation is ruled in Art. 5(5) (b) of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society. The directive provides the limitation to the reproduction right in respect of reproductions on any medium made by a natural person for private use and for ends that are neither directly nor indirectly commercial, on condition that the right-holders receive fair compensation. The article analyses the new Slovak copyright legislation (Copyright Act No. 185/2015 Coll.) from the perspective of the application of the "fair compensation". Private copying levies system in the Slovak law is based on the concept where the price of the technical devices, which enable the copying or saving of the copies of the protected works, being the assessment base for the levy. The new Slovak Copyright Act rules the technically neutral definition of the technical device that shall be – through its price – encumbered with the levy. It means that every technical device that enables to create the copy of the protected work or save such a copy shall be encumbered with the levy. Nevertheless, the devices, that only enable to create the copy, shall be differentiated according the perspective of "true expectation" for making copies of the protected works. This implies the only situations when the real loss of the author that shall be compensated emanates. Then, as such a devices shall be recognised the devices enabling making the copy on the other

independent device or recording medium (CD, DVD or portable hard drive or flash drive etc.) and altogether enabling the use ("consume") the copy through the other independent device.