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Summary of the doctoral dissertation: "Copyright protection model against the background of the process of Europeanization of private law"

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The doctoral dissertation "Copyright protection model against the background of the process of Europeanization of private law" is an assessment of Polish and European legal institutions pertaining to the scope and rules of copyright liability. The thesis comprises a description and assessment of the concept of the copyright protection system in the context of European regulations and European Court of Justice jurisprudence. It assumes a verification of the theoretical models of protection of intangible rights: protection system for personal rights, subjective rights, ownership model, the concept of legal monopoly and tort protection. The dissertation also attempts to answer questions about the economic justification and qualification of the Polish copyright protection system (as an absolute model or a model stimulating artistic creation) and provide an assessment of implementation of the conceptual assumptions (in the context of the dualist and monist system) and systemic assumptions of the copyright (with regard to the constitution and the norms of the EU original and derivative law).

The dissertation is divided into three key parts. The first part is a description of theoretical and conceptual assumptions of copyright. The opening chapter pertains to economic grounds of intangible rights and postulates of the economic school of legal analysis (L&E) as regards the shape of the copyright (Chapter II). Then the considerations pertain to the conceptual assumptions of the copyright protection model (Chapter III): starting from the continental system (dualist and monist solutions, together with examples of copyright regulations) through Anglo-Saxon system principles (copyright system) based originally on lack of implementation of the personal copyright protection construction. The next chapter discusses the principles of copyright: in the first place the considerations pertain to the norms of the European Union law, including the empowerment grounds to establish legal regulations in the area of copyright, and then an assessment of derivative law solutions (EU directives). The discussion ends with presentation of the outcome of an analysis of the European Court of Justice jurisprudence as regards copyright protection on the European plane. The first part of the dissertation is closed with an analysis of the constitutional regulation and an attempt to answer the question in the dispute regarding the qualification of protection of economic copyrights as "property" or "other economic rights" within the meaning of Article 64 of the Constitution, together with a breakdown and assessment of the Constitutional Tribunal jurisprudence and the legal doctrine.

The second part of the dissertation constitutes dogmatic legal analysis of the copyright institution in the context of copyright protection. The first issue analyzed is the question of commencement and termination of copyright protection (grant of entitlements, Chapter V). Then, in line with the chronology of the act, the analysis discusses personal rights (or: moral rights; Chapter VI), according to the following layout: eligible entity, subject matter of protection (content of entitlements), and rules and scope of liability in the event of breach. Here, special attention is paid to an analysis of the content of personal rights (Chapter VI.4) and derivative personal rights (Chapters VI.5 and VI.6), which impact the rules and scope of copyright liability.

The analysis of the infringement of personal rights is also divided into three subchapters: direct infringement, indirect infringement and threatened infringement of personal rights (Chapter VI.7). The considerations end with a description of a catalogue of claims and the subject party of the infringement. The analysis of economic copyrights is carried out according to a similar layout (Chapter VII): eligible entity, content of economic rights, and premises and scope of liability in the event of infringement. Special attention is paid to assessment of the content of economic copyrights in the context of the ownership institutions (and an attempt to answer the question about the implementation of the ownership model to the copyright) and comparison of the rules and premises for copyright liability with the rules of tort liability. The considerations also pertain to the institution of protection of (effective) technical measures in the context of the content of economic rights and rules of the perpetrator's liability (Article 79 Sec. 5 of the Act).

The third part of the dissertation comprises an assessment of the findings from the first and second part and the conclusions pertaining to individual properties of the copyright protection model. First of all, on the basis of the dogmatic analysis, the qualification of the copyright protection model is verified in the context of economic, conceptual (dualist system) and systemic (European and constitutional system) assumptions. Then, with regard to the theoretical views of the legal doctrine, an assessment is carried out in the context of the so-called universal protection of copyright. The next two subchapters, in turn, discuss a dogmatic analysis of protection of personal and economic rights in the context of the questions and doubts regarding their qualification in the civil law system (protection of personal right and the legal monopoly model or institution of ownership right). The paper ends with a summary and final assessment of the copyright protection model as a "*model of protection of the right on intangible rights*" together with *de lege ferenda* conclusions.

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