

**Description for the general public of the research project “Copyright exhaustion in the age of the information society”**

The aim of this research project is to analyse the copyright exhaustion doctrine in selected legal systems in the face of the widespread and ever increasing digitalisation. It is an attempt to find a solution that will ensure an optimal protection at the international level of both the authors' as well as their recipients' interests, when dealing with digitised works introduced both onto the primary and the secondary market.

The technological progress happening before our eyes leads to a gradual supersession of traditional forms of use of copyrighted works. More and more often the recipients themselves decide to purchase a work in the digital version – a recording as a mp3, a literary work in the form of an e-book, to download the desired software from the Internet, to use copyrighted works in the so called “cloud”. The copyright exhaustion ensures that each purchaser of a traditional book or a CD has a possibility to legitimately dispose of the purchased products as they please, without the outside intervention of their authors. However, the predominant point of view in the copyright law is that the solution the copyright exhaustion doctrine proposes is currently excluded for digital works introduced onto the primary market. Such an exceptional treatment of the digital files is due to numerous factors which remain absent in the creative works distributed in the traditional analogue form. These factors include among others the technical specificity of digitalisation which stops a work from “aging”, its multiplication ease and the lack of control over the users' actions, generating concerns of increased Internet piracy which magnifies the unprofitability of the authors' creative activity.

The diversity of legal solutions proposed separately for analogue and digital works introduces, however, discrimination and deprives the users of their essential consumer rights, while restricting their choices. What is more, this often leads to copyright holders' favouritism of the digital distribution of their works. The immediate result of such a tendency is a further imbalance between the rights of authors and recipients of their works. At the end of the day, this means a restricted access to cultural assets, also due to the impeded functioning of libraries, whose primary aim of dissemination and promotion of cultural heritage is highly endangered in the digital era.

This subject matter gives rise to much emotion and controversy, both in the developed and developing countries. Introducing of a work onto the market over the Internet is subject to practically no territorial restrictions, as its purchase through this medium can easily be effected on a cross-border basis. Therefore the international harmonisation of the copyright exhaustion doctrine would be such a welcome solution. The more the law does not keep up with the latest technological developments, the more lack of such a scheme becomes a truly burning issue.

In the research project the application of copyright exhaustion doctrine to digital works will be addressed. This will be conducted through a comparative analysis of the EU and the US jurisdictions as representatives of the doctrine within the continental and the Common Law systems. Subsequently, the legal solutions as well as technical conditions leading to an optimisation of the said doctrine will be systematised. The ultimate aim of the project is to offer a model of law which will best fit into the dynamics of the information society, by incorporating those legal systems' most adequate ideas and combining them with the latest technological innovations in order to allow for a lawful trade of copyrighted works on the international secondary market.