

Legal aspects of providing on-demand audiovisual media services

Abstract

The aim of this thesis is to define and describe the legal aspects of the provision of one of the most popular information society services – on-demand audiovisual media service, also known as VOD (video on demand). The thesis introduces the most important legal institutes related to the provision of this type of services, interprets these institutes in the light of European legislation, identifies deficiencies in their regulation and looks for possibilities for *de lege ferenda* regulation. The main focus is put on the area of public law regulation, as the key Act No. 132/2010 Coll., on on-demand audiovisual media service, is a public law norm. However, a separate chapter is dedicated to some private law institutes as well, especially in the field of copyright. The main methodological approaches are the descriptive and analytical methods.

The thesis is divided into five chapters, which are further subdivided into individual subchapters. The first chapter describes the development and reasons for the legal regulation and provides an analysis of the key terms of the thesis – on-demand audiovisual media service and its provider. The second chapter focuses on the obligations that the provider must comply with in relation to the content of the service and the way it is provided, both to users and to the authorities. The third chapter focuses on the audiovisual commercial communication (advertisement, sponsorship and product placement), which are, next to editorial content, a common part of on-demand audiovisual media services. The fourth chapter describes the role of regulatory bodies in the field of audiovisual media services. It introduces not only the role and activities of the Council for Radio and Television Broadcasting, but also two self-regulatory bodies – the Internet Advertising Conference (IAC) and the Council for Advertising. The fifth chapter deals with the provision of on-demand audiovisual media services from a copyright perspective, as in the majority of cases the programme meets the conceptual characteristics of an audiovisual work protected by copyright law. This is followed by a description of the licence and the licence agreement, as well as a brief reflection on a common clause in licence agreements – the so-called geo-blocking. In conclusion, this thesis identifies certain deficiencies in the legislation that may have a negative impact on providers and presents a few *de lege ferenda* solutions.

Key words: on-demand audiovisual media service, on-demand audiovisual media service provider, audiovisual commercial communication