



národní  
úložiště  
šedé  
literatury

## **Právní odpovědnost provozovatele repozitáře šedé literatury**

Koščík, Michal  
2013

Dostupný z <http://www.nusl.cz/ntk/nusl-161467>

Dílo je chráněno podle autorského zákona č. 121/2000 Sb.

Tento dokument byl stažen z Národního úložiště šedé literatury (NUŠL).

Datum stažení: 08.05.2024

Další dokumenty můžete najít prostřednictvím vyhledávacího rozhraní [nusl.cz](http://nusl.cz) .

LEGAL LIABILITY ISSUES IN  
REPOSITORIES OF GREY  
LITERATURE

# I. Main categories of liability

CIVIL

ADMINISTRATIVE

CRIMINAL

# CIVIL LIABILITY

- Copyright and IP
- Trade secret
- Personal rights
- Privacy rights
- Repository
- Employee
- Subcontractor
- User

# Copyright

- Breach by design
- Breach by mistake
- Breach by purpose

# Privacy and Personal Rights

- Privacy vs. Personality vs. Data protection
- Remedies
  - Termination
  - Sanction
  - Compensation

# Trade secret

- commercial, manufacturing and technological facts relating to the enterprise
- actual or potential material or nonmaterial value
- not commonly available in the business
- are to be kept confidential
- entrepreneur ensures that his enterprise's secrets are protected in a suitable manner

# Criminal liability

- Copyright violation
  - Art. 270 and 271 of the Criminal code
- Trade secret violation
  - Article 248 of the Criminal code
- Personal rights
  - Art. 49 of the Act on offences



# Data protection

- 'Personal data'
- set of formal and administrative duties
- 'controller'
- 'processor'
- Sanctions (?)

# Liability for user generated content

- 'Notice-and-action procedures'
- Not responsible if
  - No actual knowledge
  - upon obtaining such knowledge or awareness, provider acts expeditiously to remove or to disable access to the information

# Questions

Thank you