

## SUMMARY OF THE PHD THESIS

OF M.A. PIOTR GÓRECKI

### MORAL RIGHTS AND THEIR COMMERCIALIZATION

The PhD thesis is titled "Moral rights and their commercialization" (in Polish: "*Autorskie prawa osobiste i ich komercjalizacja*"). It analyses the legal shape and character of moral rights and the necessity of redefinition as well as verification of this institution in the light of commercialization, due to a disharmony between the traditional theoretical approach to the moral rights and factual needs of practice.

The thesis has been drawn up basing on dogmatic method with complementary usage of other scientific techniques, such as economic analysis of law, historical analysis of law and, in the greatest scope, comparative method. It has been divided into seven chapters. The first one characterizes scientific methods as well as terminology applied in the thesis. The second chapter focuses on the origin and evolution of the moral rights in Poland as well as overseas. The third outlines the fundamental issues in connection with the moral rights which are presented in the context of the subject matter of the thesis. They consist of: (i) a subject of the moral rights, (ii) a work as a determinant of its content, (iii) particular entitlements which add up to this legal institution. In the fourth chapter the subject matter, legal construction, and character of the moral rights (including its economic and non-economic components) have been examined. The fifth chapter describes the possibility and extent of carrying out disposals of the moral rights in a present legal environment, in particular as regards international legal norms, Polish act on the authorship right, and Polish Civil code (notably its main contractual tenet the freedom of contracts). The sixth chapter deals with the agreements (contractual clauses) on disposing of the moral rights in a current legal environment in Poland, significantly presents types of the agreements (contractual clauses) existing in practice, structural matters connected with them, as well as their content, admissible extent, and practical concerns which parties to such agreements may come across. The last chapter constitutes the trial to appraise the optimal shape of the moral rights in the future.

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Piotr Górecki