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SUMMARY OF DOCTORAL DISSERTATION
„EMPLOYEE CREATIVITY AS AN OBLIGATION UNDER EMPLOYMENT RELATIONSHIP"

The dissertation deals with issues related to employee creativity understood as an obligation under employment contracts. In employment relationships where works are created, two branches of law, i.e. labour law and copyright law, come into contact. In this area, a certain collision of the rights of the employee-creator and the employer also becomes apparent. One can notice an antagonism between the autonomy of the creator and his or her bond with the their creative work, and subordinated labour. On the other hand, the employer bears considerable social and economic risks associated with the employment. These risks appear to be particularly high in the case of creative employees, as both the effect of the work performed and the possible financial benefits for the employer are often difficult to predict. The role of legal regulations should therefore be to strike a balance between the rights of the creator and the employer's title to the results of the work, seeking a compromise between the principle that the rights to the results of the labour belong to the employer and that the copyright belongs to the creator of the work. It is against this background that the research issue was analysed, which boils down to the question of whether employee creativity can be understood as a contractual obligation and whether the existing legal regulations relating to employee creativity make it possible to adequately harmonise the often contradictory rights of employees and employers relating to creativity. In particular, this dissertation aims to analyze whether these regulations provide employees with due protection of their title to the work and provide a guarantee of obtaining and protecting the mutual consideration in the form of remuneration while at the same time ensuring that the employer, who bears various risks associated with employment, can benefit from the results of the work. The research aims to establish the basis and scope of legal protection for employees-creators and employers who hire creators, collect and organise normative material concerning employee creativity and illustrate the interaction of labour law and copyright law norms, intersecting, inter alia, in areas such as the grounds and scope of copyright acquisition, the right to use works or the right to remuneration.

The assumed research objectives are realised primarily using the formal and dogmatic (logico-linguistic) method. The work has been divided into six chapters. The first chapter

presents issues concerning the subjective aspects of employee creativity, including the designations of the terms "creator", "employee" and "employer", and characterises specific categories of employees and employers. Problems arising from the differences between copyright law and labour law are also presented. The second chapter considers the notion of creativity, creative work, and the works made by employees taking into account their generic division. The third chapter deals with the axiological and normative bases for the acquisition of copyright to employee works by the employer and the scope of the employer's exercise of such rights. The fourth chapter covers issues relating to employee moral rights. The fifth chapter analyses issues related to the remuneration of employees-creators, including fiscal aspects affecting the formation of remuneration principles. Finally, the sixth chapter presents issues concerning the enforcement of claims arising from employee creativity.