

Interim measures in industrial rights matters

Abstract

The topic of this rigorous thesis is interim measures in industrial rights matters. Interim measures represents a procedural institution which contributes to the effective enforcement of industrial rights. The rigorous thesis provides a comprehensive overview of the legal regulation of interim measures, its assessment, in particular with regard to its constitutional conformity, and the identification of problems in application practice, focusing on the specific area of industrial property.

The thesis is divided into six systematically organized parts. The first part brings a historical excursion back to the 18th century, where the origins of today's interim measures can be found, leading up to the significant amendments that have been made up to the present day, and the possible future of the code of civil procedure is also mentioned. The second part of the thesis already deals with the current legal regulation of interim measures, where the concept, essence and purpose of interim measures are defined in particular. In the third part of the thesis, the legal regulation in the field of enforcement of industrial rights is presented, individual industrial rights are defined and their relationship with unfair competition is also outlined, because in practise it is not unusual for the legal regulations of industrial rights and unfair competition to coexist. The fourth part of the thesis focuses on the conditions of the interim measure procedure and discusses the prerequisites for the order of an interim measure. The fifth part of the thesis deals with the procedure for interim measures in industrial rights matters, from the way the interim measure is decided and its content, through the appeals that can be lodged against such a decision, to the possible termination or cancellation of the interim measure. The sixth and final part of the thesis deals with compensation for damages or other harm resulting from an interim measure. The most important findings, in particular on the specifics of interim measure proceedings in industrial rights cases, are then summarised in the conclusion of the rigorous thesis.