

Trademarks and their legal protection in the Czech Republic

Abstract

The subject-matter of this thesis is trademarks and their legal protection in the Czech Republic. It describes the legal regulation of trademarks, their history and development, and focuses in particular on the changes introduced by the amendment to the Trademark Act effective from 1 January 2019.

The aim of this thesis is to comprehensively analyse the current legal regulation of trademarks with a focus on the trademark registration process, to evaluate the amendment to the Trademark Act effective from 1 January 2019, to explain the relationship between the trademark of the Czech Republic and the trademark of the European Union and to explain the process of enforcement of trademark rights. In order to achieve this objective, it is first necessary to consider the historical development of trademarks (not only) in the Czech Republic and with regard to the case law of the Czech courts and the European Court of Justice.

This thesis is divided into four chapters. The first one concerns trademarks in general - i.e. their legal regulation, the term "trademark" itself, their function, types and registrability.

The second chapter concerns the trademark application and the application procedure. At the beginning of the chapter, the process of registering a trademark is described in general terms. The grounds for refusal of protection and an explanation of the right of priority are the essential part. The chapter also discusses the observations and objections to the trade mark application and the proceedings in respect of them.

The third chapter analyses the relationship between the national trademark and the European Union trademark. In particular, the chapter discusses the European Union trademark legislation and its historical development and focuses on the relationship between the two types of trademarks and their differences.

The last chapter examines the enforcement of trademark rights, which are protected by both private and public law remedies.

The conclusion contains the summary of the thesis. It is concluded that trademarks form a fundamental part of intellectual property law and have gradually gained in importance and relevance in recent years, especially for entrepreneurial businesses of all sizes. It is a dynamic field of law which is constantly evolving. From a legal perspective, the issue of trademarks is

complex and abstract, where in particular the assessment of distinctiveness or similarity is largely subjective. It is clear that this is a topical issue will certainly be the subject of many (not only) court decisions in the future which will further clarify the issues at stake.

The main contribution of this thesis is that it comprehensively evaluates the issue of trademarks in the Czech Republic and their registration, providing an overview of current problems and their possible solutions.