

The relationship between trademark protection and copyright protection

Abstract

The theme of this thesis is the relationship between trademark and copyright protection. The aim of the thesis was to describe the area of trademarks and copyrights, to describe their mutual relationship and to focus on aspects where both of these protections differ significantly. The thesis focuses in more detail on trademarks, which is always addressed at the beginning of each chapter and then compares them with copyright. The first four chapters deal with the key areas of both protections, especially the introduction of the main institutes and their purpose, the systematization of trademarks and copyrights, the origin, duration and termination of both protections, subjective rights and as last but not least exclusions from trademark and copyright protection. The fifth chapter deals with the relationship of both protections and describes the mutual differences that occur especially in the origin, duration, form, and scope of legal protection. It also discusses the possibility of the concurrence of both protections, its causes, types, and consequences.

The outcome of this thesis is an overview of trademark and copyright protection and analysis of their mutual relationship with emphasis on the approximation of common features and differences and usability in practice. The conclusion of this thesis summarizes the importance of both protections and the impossibility of comparing their mutual strength, which is based on the different purposes of each protection. It discusses the possible concurrence of the two protections, which, on the one hand, can strengthen the position of the owner if both protect in his favor. On the other hand, it may also lead to a collision of protections if their subjects are different persons. The thesis discusses advantages and dangers of concurrence and deals with practical examples that represent concurrence as a means of more effective protection and as a cause of possible conflict.

The result of this thesis is to approach the importance of trademark and copyright protection for individual cases and appeal to consider both protections in order to achieve a stronger position through the emergence of concurrence or through preventing the collision of both protections.