

Abstract:

This master thesis deals with the European Patent System. The aim of this thesis is to provide the reader with a complex review of the Patent Law at the european level from its early beginning, when in the 70's was signed the European Patent Convention at the Munich Diplomatic Conference, up to the present.

The thesis is systematically divided into five chapters and each chapter also contains several subchapters. The first chapter is dedicated to historical development of the European Patent. In the second chapter there is a brief description of the European Patent Convention and its two most important revisions.

The third, most extensive chapter is dedicated to the European Patent Organisation which was founded in 1977 on the legal basis of the European Patent Convention. I deal especially with its two fundamental bodies – the European Patent Office and the Administrative Council. There is also a definition of the term of patentability as it is regulated by European Patent Convention and a characteristic of the European Patent Application. A separate subsection of the third section focuses on the patent granting procedure in front of the European Patent Office. I deal also with the character of the European Patent as such, I try to critically evaluate its biggest deficiencies but also to point out its assets. In the last subchapter of the third chapter there are statistics of European Patent Office where are visible present trends of the patent protection in Europe.

The fourth chapter encompasses analysis of the European Patent with Unitary Effect – system of unitary patent protection for member states of the EU – which is at the turn of the year 2016/2017 really close to its realisation. Substantial attention is dedicated to the Unified Patent court which is founded on the Agreement on a Unified Patent Court in chapter five. I describe the elemental aspects of its operation and in the last subsection there are also reactions of the czech patent experts to the Agreement on a Unified Patent Court.