Title:
Likelihood of confusion between trademarks

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Abstract:
This master thesis deals with the likelihood of confusion between trademarks. The aim of this thesis is to analyse various factors, which decisive authority takes into account when assessing the likelihood of confusion between trademarks and due to the extensiveness of this issue the thesis focuses only on selected key aspects. The aim of this thesis is also to analyse the case law of the ECJ and the court regarding the likelihood of confusion on basis of which the Czech courts often decide.

This thesis is divided into eight chapters, which contains several subchapters. The first chapter deals with current importance of trademarks and also with the term trademark as defined in Trademark Act and in the relevant EU legislation with regard to changes in definition of trademark due to the adoption of Directive of European parliament and Council (EU) 2015/2436 and Regulation of European parliament and Council (EU) 2015/2424.

The second chapter deals with the legislation dealing with of likelihood of confusion as to the Czech level and EU level. This chapter also pays attention to various authorities that
assess the likelihood of confusion between trademarks and to the fundamental aspects for assessing the likelihood of confusion, which were mainly established by ECJ court rulings.

The following chapters sequentially describe in detail the factors for assessing the likelihood of confusion between trademarks. Chapter three discusses the identity and similarity of signs of compared trademarks and various aspects that are crucial for assessing whether the compared signs are similar or not. The fourth chapter is devoted to the distinctive character of the earlier trademark, and in particular to the trademarks with increased distinctiveness. The fifth chapter analyses in detail the identity and similarity of products and services, individual factors of similarity of goods and services and their mutual relations and finally deals with the compensatory principle. The following chapter six covers the essential factor of assessment of the likelihood of confusion, the relevant public and its level of attention. The penultimate chapter seven is devoted to factors that may in some cases also be taken into account when assessing whether there is a likelihood of confusion in given case, and also factors that are insignificant for such assessment. In the last chapter eight is described aspect of the overall assessment of the likelihood of confusion.

**Key Words:**