

## **Resumé**

### **Community Trade Mark and Impediments to Registration**

Trademarks take important and still more preferred part of entrepreneur legal protection portfolio. The effects of European integration are partially visible in corresponding approximation of national trademark law of member states. The remaining barriers of cross-border undertakings in whole European Union were substantially mitigated by this new legal instrument, which grants its proprietor an exclusive right to prevent unauthorized use of the mark in trade without his consent.

This diploma thesis deals with possible impediments to registration of Community trade mark. For an entrepreneur, it is crucial to know whether he may reasonably expect, that his trademark application will remain unchallenged. Therefore, the question must be raised on whether the mark is registrable as such. Since this is not the only nor the most frequent issue, the focus is made on the conflict with earlier rights as well. The systematization of this work is, to a certain extent, based on observation of respective parts of Council Regulation (EC) No. 207/2009 of 26 February 2009, dealing with absolute and relative grounds for refusal of a Community trade mark. The text also contains reference on important findings and decisions of Office for Harmonization in the Internal Market and European Court of Justice.

First part of this thesis is a general introduction to trademark law, providing the reader with relevant information on legal development and main functions of this instrument. Accordingly, the comments on differences between national, international and community systems of protection are included.

Second part is dedicated to analysis of registrability of a Community trade mark, following the essential functions the trademark must preserve. Since only the signs capable of distinguishing the goods or services of one undertaking from those of another may be registered as a trade mark, an explanation of non-conventional trademarks forms inherent part of my reading.

Third part deals with relative grounds for refusal. Although this issue entails more than just conflicts between similar or identical signs, the substantial part of my analysis is dedicated to the concept of likelihood of confusion. The description of relevant factors in context with examples of typical situations could not be omitted.

The purpose of this work is not to provide exhaustive overview of all potential risks and collisions in registration process of Community trade mark, but rather to provide the reader with comprehensive summary allowing him to reduce the possibility of such undesirable situations in practice.