

Abstract

In my thesis „Trade Mark and Unfair Competition“ I deal with the issue of an unfair competition in relation to the registered trade mark and its manifestation in practices of the national judicial system. In my opinion the theme of an unfair competition is quite topical. Due to technical development and production increase as well as economical advancement, the forms of an unfair competition are becoming more specific and sophisticated. It is therefore necessary to recourse this phenomenon and guarantee to the registered trade mark proprietor the possibility to exercise his rights.

While studying the relevant sources I came to realize, that due to the amount of these sources it will be necessary to focus on selected aspects of the investigated problem. My intention is to focus on those forms of an unfair competition which most frequently encroach upon the registered trade mark rights, and analyze the possibilities how to effectively fight such practices.

My thesis consists of five chapters (marked by Roman ciphers) which are further divided into sections and subsection (marked by Arabic ciphers) laying out specific aspects within the frame of a given chapter. Conclusion, a foreign-language resumé, the list of literature used, legal regulations as well as judicial verdicts are placed at the end of the text of my thesis.

In the first chapter I define the key terms, institutions and sources mentioned further. This chapter is divided into eight sections and five subsections. The introductory part focuses on specification of the term “registered trade mark” including brief historical development of the trademark protection in the Czech Republic (section 1), legal regulations adjusting the juristic relations towards the registered trade mark (section 2), absolute and relative reasons for ineligibility of entry demonstrated on numerous decisions of the Institute for Industrial Propriety of the Czech Republic (section 3), and registered trade mark types (section 4). The individual phases of registered trade mark registration proceedings administered by the Institute for Industrial Propriety of the Czech Republic are described in section 5. Rights and obligations of registered trade mark proprietors are defined in section 6 and section 7.

In the second chapter I deal with possibilities to have the trade mark registered abroad – so called Madrid system (section 1), the registered trade mark Association (section 2), submission of the application for trade mark registration via so called national way (section 3).

Chapters number three, four and five represent the core of my thesis. In chapter three I briefly define the role of registered trade mark in competition law.

In chapter four I illustrate the institute of an unfair competition. Apart from specification of three defining marks of unfair competition (general clause) I further concentrated especially on those case facts of unfair competition which mainly affect the rights of registered trade mark (section 2 and section 3).

In chapter five I deal with legal protective means against an unfair competition. I focus mainly on distinction between the trademark law and the right against an unfair competition (section 1) and also on statutory protective means which often provide more powerful guarantee in fighting against unfair competition (section 3 and section 4).

My thesis should summarize the issue of registered trade marks and an unfair competition as well as suggest possible consideration *de lege ferenda* in this area.

With regards to the method of elaboration I chose a selection of representative information together with references to relevant sources and judicial verdicts which I used to compile my thesis.