

## **Abstrakt**

### **Trademarks and their practical use in economic competition**

The aim of my thesis is to highlight both the possibility of practical use of trademarks in economic competition and the problems associated with use of the trademarks.

The thesis is divided into five main chapters.

The first chapter defines which label may or may not become a trade mark and also describes the registration procedure. In this chapter I also point to the current conservative approach concerning sound and smell trademarks and try to suggest a possible future legislation, because in my view the trade mark law is constantly evolving and it is necessary to adapt it to the future market needs. This issue is discussed from the national, european and international point of view.

The following chapters concentrate on particular ways of use of trademarks in economic competition. The emphasis is placed mainly on two areas - license agreement and protection against unfair competition.

The license agreement is currently the most common means by which the industrial rights are transferred. For this reason I try to outline possible problems arising from a conclusion of a license agreement and from its duration; with reference to the current legislation. Very interesting, but in my point of view, rather controversial opinion was expressed in the decision of the Highest Administration Court, which acknowledged validity of orally concluded and not registered license agreement.

In economic competition the trade mark constitutes an important instrument in the fight against unfair competition. This area forms a significant part of my thesis with use of both the international and national case law with which I try to argue.

Last chapter is devoted to the enforcement of the trade marks rights, that is, cases where there is an infringement of the rights of the owner.