Abstract

I have chosen this topic because of my deep interest in the intellectual property rights and trademark issues especially. I consider trademarks one of the essential parts of the contemporary private law system, although it is very complicated to decide whether it pertains to the commercial law branch or to the civil law. Trademarks have connection to both the branches, but its legal provisions are highly specific and independent. The contemporary popularity of trademarks grows rapidly thanks to its major usability in practical life.

Trademarks are irreplaceable, especially when there is a need to distinct between identical or similar goods and services that are offered by different producers or providers and are useful also, when there is a need to represent goods and services on the market. The trademarks can also be licensed, contractually transferred to other legal entity or can be the object of a deposit. The usability of the trademarks can be found also in their use as an immaterial investment in a company. I have chosen the trademarks topic because of its high practicality and because of creativity and originality of this legal branch.

This thesis attempts to describe and analyze the trademark issues comprehensively focusing on the present legal regulation of this discipline.

The thesis is divided into thirteen main chapters. Chapter one and two concentrates on basic characterization of the trademarks and the basic principles significant for this field of study. At the end of this part there is given a brief presentation of legal regulations of this field – acts, agreements, directives etc.

Chapter three concentrates on the concept of trademarks, on distinctiveness of trademarks and related issues, on the history of trademarks, types and functions of trademarks. There is also a brief part dedicated to the creation trademarks designations.

Chapter four is dedicated to the registration of the trademarks and essentials of the application form for trademarks. Chapter five is concerning with the rights and duties of the owner of the registered trademarks.

Chapters six, seven and eight are the essential ones, as they describe the practical use of trademarks, there is an interpretation of license agreement, deposit of trademarks and trademark transfers.
Chapter nine to chapter ten concentrates on the existence of the trademark and the procedure of the cancellation and nullity of trademark. The final three chapters are dedicated to the protection of trademarks, legal legislations that include the regulation of trademark protection and at finally there is a space appropriated to the contemporary trademark jurisprudence.