

Abstract

The purpose of this thesis is to outline the legal institution of trade marks in the current positive law – *i.e. de lege lata*, to introduce the rights and obligations granted and imposed by this legal regulation and to portray the actual usage of these in economic competition, with focus on their enforcement by suit of law in case of the infringement of these rights and obligations by third parties (most commonly competitors). This thesis contains direct citations and certain acquired professional opinions, the source of each of which is denoted in an appended footnote.

The first chapter of this thesis is a theoretical introduction, comprising of the definition of trade marks, the national, community and international legal regulation of trade marks and a brief history of trademarks.

The second chapter discusses the functions of trade marks, especially their uses in economic competition, their utility from the consumer's perspective and their impact on the market economy.

The third chapter of this thesis includes a description of the registration procedure, which is a precondition for the creation of the right to legal protection of trade marks, an enumeration of the particular rights and obligations of persons (namely the owner of a trade mark and third parties) and a description of certain permissible dispositions with these rights and obligations (namely license agreements and pledges).

The fourth chapter is the core of this thesis in my opinion, as it discusses the methods of enforcing the above rights, which specific entitlements the trade mark owner gains by an infringement on part of a third party against that party and how these entitlements may be enforced in court. This chapter presents the dual protection afforded by the Czech legal system, *i.e.* the protection granted by Act No. 441/2003, on trade marks, and protection under unfair competition provisions of Act No. 513/1991, Commercial Code. The final section of this chapter briefly introduces protection granted to trademarks under public law.

The last numbered chapter of this thesis is the fifth chapter, which presents the international aspects of trade mark law, including the regulation of Community Trade Marks.