

Abstract

The relationship between trademark protection and copyright protection under Czech law

Topic of this thesis is „The relationship between trademark protection and copyright protection under Czech law” and this topic describes the goal of the whole work. This thesis is concerned with comparing two of intellectual property rights. To achieve the goal is necessary to clarify some essential terminology.

This study consists of three partial aims while this work is divided into four chapters. First chapter deals with intellectual property law in general. This chapter defines basic terms that are closely related to the discussed problems, and that allow to systematically classify and specify the copyrights and trademark rights.

Second chapter presents an overview of copyrights and is subdivided into seven parts. Each of them describes problems which are characteristic of copyrights and creates the nature of copyrights. Next chapter is essentially composed in a similar way that the previous chapter. Third chapter explains typical details of trademarks. The last chapter form the core of the thesis. Fourth chapter is focused on description how relates copyright protection to trademark protection. Relationship between these two protections is based both on the convergence and also on collision (conflict).

Despite the fact that the thesis is written from the perspective of Czech law, in many places is pointed out to the international legislation and the applicable legislation of European Union.

On the basis of the results of this thesis, it can be concluded that both protections are very interesting and together are very effective and strong. If the trademark consists of unique results of creative intellectual activity, it is fulfilling the purpose of a trademark to distinguish from each individual product. There are many differences between trademark protection and copyright protection and both of them have their advantages and disadvantages. If both protections are in conflict it would seem that the copyrights are in a better position. On the other side it is easier to prove the existence of trademark rights than copyrights. For this reason it is not possible to clearly conclude, which protections is in fact advantageous.