

Abstract

The aim of this thesis is to examine trademarks and the possibilities of their application and use in the context of business competition. Trademarks are used widely in business and form part of an important and independent branch of the law.

The thesis is divided into seven chapters. The first deals with the inclusion of trademark law into the broader area of intellectual property law.

The following chapter describes the concepts of trademarks and legal sources. The law of trademarks is divided into a three level jurisdictional system - international, European and domestic law. The chapter also discusses the division of trademarks and describes their function. The conclusion of the chapter is devoted to the reasons for the refusal of registration of trademarks – namely absolute and relative.

The third chapter focuses on the ways how trademark law is established. The establishment of trademarks is fundamentally based on the principle of registration. The exception is well known trademarks, which enjoy legal protection despite not being registered. The chapter is divided into three parts dealing with the registration procedure at the domestic, European and international level. In contrast, the fourth chapter contains circumstances under which trademarks lapse and are no longer in effect.

The principle of ownership of trademarks is highlighted in the fifth chapter as well as the rights and obligations associated with ownership. In particular, licence agreements are defined. The chapter also discusses limitations and the lapsing of trademarks rights.

The pivotal sixth chapter, which is the core of thesis, reflects the practical use of trademarks in the context of business competition. The author identifies the importance of trademarks as protection against unfair competition. Also highlighted are acts which seeks to evade restraints on competition. This chapter further compares the systems of unfair competition after amendments to private law. The end of the chapter is devoted to conflict of trademark law with trade and domain names.

The last chapter discusses trademark protection provided by current, applicable public law.