

Summary

The purpose of my thesis is to provide general requirements for the registrability of trademarks and to analyse particular grounds for refusal of registration of trademarks according to czech law.

The thesis is composed of four main chapters, each of them dealing with different aspects of czech trademark law. Chapter One outlines brief history of the very first legislation dealing with trademarks and their registrability until recent days.

Chapter Two is introductory and defines basic terminology used in the thesis and also presents categories of trademarks. The chapter is subdivided into five parts. Part One deals with national trademarks, part Two focuses on international trademarks, part Three deals with well-known trademarks. The last part presents the Nice classification established by the Nice Agreement.

Chapter Three provides an outline of all absolute grounds for refusal of registration of trademarks under the czech law. The chapter concentrates on particular absolute grounds; the chapter is subdivided into ten parts, each of them dealing with one particular absolute ground. The chapter also illustrates the approach to decision-making by trial courts and practice of competent authorities.

Chapter Four concentrates on all relative grounds for refusal of registration of trademarks under czech law. The chapter is subdivided into two parts. First part describes methods of assessing identical trademarks. Part Two addresses the issue of opposition and also issue of identity and likelihood of confusion, comparison of goods and services, comparison of signs, distinctiveness and global assessment according to the approach of competent authorities and czech courts.

In conclusion I evaluated practice of czech competent authorities in application of grounds for refusal of trademarks and suggested to not narrow absolute grounds for refusal of trademarks and to not extend trademark protection on new kinds of trademarks (e.g. smell, sound, taste marks).

Keywords: Czech law, intellectual property law, trademarks, trademark registrability