

Abstract

The rigorous thesis “Trade marks with reputation in light of case-law of the EU” submits a complex overview of the issues concerning trade marks with reputation in relation to the case-law of the EU.

The initial part looks into the role of the Community trade mark in the framework of the Czech and International trade mark system, contains topic concerning the private law aspects of trade marks and submits general overview of procedural issues. The thesis also includes interpretation of the unclear terminology and presents “related topics” (comparison with well-known marks, enhanced distinctiveness, family of marks).

The main pillar of the thesis is analysis of article 8(5) CTMR (counterpart of § 7 (1)(b) and (e) of the Act No. 441/2003 Coll., on Trade Marks) and of its cumulative conditions that need to be met to successfully claim the article concerned. It mainly contains analysis of the forms of encroachment (unfair advantage of the distinctiveness or the repute of the earlier mark, detriment to distinctiveness, detriment to repute) in light of case-law of the EU, all also from procedural law point of view.

The final part of the thesis is concerned with possible future legislation regarding the issues in question and it also briefly refers to administrative classification of the goods and services and problems regarding the proof of encroachment upon reputation brought by recent case-law.