

## Abstract

This thesis analyzes the contemporary case law of European courts regarding Community trade mark.

The thesis is composed of five chapters. First chapter characterizes Community trade mark as a legal instrument of the law of the European Union. Second chapter analyzes relevant sources of law. Third chapter deals with institutions that are crucial mainly for the registration and protection of Community trade marks. Then the fourth chapter describes the registration process before the Office for Harmonization in the Internal Market. First part of this chapter focuses on the formalities of an application of the Community trade mark filed at the Office. Second part is concerned with the right of priority. Third part looks at absolute grounds for refusal of an application. Fourth part refers to relative grounds for refusal. Finally, the fifth part describes the grounds for revocation of the rights of the Community trade mark. At last the fifth chapter examines the contemporary legal background of the system of protecting the rights of proprietors of Community trade marks.

The results of this thesis shows that the current legislation and the case law of European courts contribute to the functioning of the common market and mainly to free movement of goods by reasonable determination of limits for protection of Community trade marks. Courts in their adjudication emphasize the role of specification of average consumer and relevant public in each case.

This thesis also reveals that the case law regarding 3D trade marks and positional trade marks is rather restrictive. Marginal category of trade marks represent non-conventional trade marks based on smell, sound, taste or texture. These trade marks rarely match the demands of distinctiveness and their registrations are mostly rejected.