

Abstract

The goal of this diploma thesis is to compare trademarks in terms of their systemic and practical functioning not only in terms of economic competition and to identify pitfalls and formulate recommendations both practical and *de lege ferenda*. Trademarks and their institutes are also compared with other exclusive rights to labels. By way of their mutual comparison I attempt to find systemic and procedural differences in differing legislation and following that, attempt to identify aspects that could enrich either subsystem of rights to label. This thesis is divided into 6 chapters.

In the opening chapter, I deal with the definition of key terms as well as the role of trademarks in industrial property rights. Following that I deal with mark law as enshrined in international law as well as the individual systems – national, European and international.

The greatest attention is given to trademarks and their various aspects. An entire chapter is spent on their detailed exploration and analysis as well as their comparison with other rights to label. Recommendations, both practical and *de lege ferenda* are formulated based on this analysis. Attention is also given to the law enforcement of industrial property rights as well as the use of instruments of private law, especially as it concerns the right to information.

In the fifth chapter, I explore the relationship between trademarks and domain names with a particular focus on the development of this field in the United States of America and the Czech Republic.

The final chapter demonstrates two different but practical possible use scenarios for trademarks.