

ABSTRACT IN ENGLISH

Trade mark law and the issues of parallel imports under Czech law

The purpose of the thesis is to analyze the trade mark law and the issues of parallel imports under Czech law. The thesis describes the present situation in the Czech Republic, points out the influence of the European Union and considers the impact of the current regulation of parallel imports concerning trademarked goods. The paper also focuses on the court decisions of the Court of Justice of the European Union which have great effect on the law effective in the Czech Republic. The reason for my research is the ongoing international discussion on that topic and the necessity to find balance among contrary interests of trademark owners, parallel importers and consumers.

The aim of the thesis is presented at the beginning. The next chapter of the thesis is introductory and defines basic terminology in general. The third chapter looks at the Czech legislation connected to the topic and highlights its connection to the European law.

The next section analyzes the law of the European Union and is subdivided into three parts. The first part outlines the historical context and sets out the basic facts. The next part is concerned with a leading principle used in the European Union – the principle of community exhaustion. The last part examines the decisions of the Court of Justice of the European Union which have great impact on the parallel imports of the trademarked goods and are essential to understanding the principle of community exhaustion and how it is applied.

The fifth chapter shifts focus on the international regulation of the issues and the lack of unified position worldwide. The following chapter illustrates the impact of parallel imports of the trademarked goods on some other branches of law, namely the competition, consumer law and public interest.

Conclusions are drawn in the last chapter. The principles used in the European Union and therefore in the Czech Republic have solid foundation although there might be a need to change them in future due to the development of international trade and consumers demands.