

Abstract

Submitted master thesis discusses patent law legislation in the Czech Republic. The purpose of this thesis is to examine current legislation in particular with the focus on gaining the patent protection as well as following proceedings and to point out possible uncertainties and particularities of such proceedings given by special nature of patent proceedings in relation to administrative proceedings in general. Considering the mutual bond between the substantive and procedure patent law, this thesis also deals with selected substantive issues.

Except for the introduction and the conclusion the work is divided into six chapters. These chapters are notionally split in two main parts. First part consists of first three chapters and is considered to be the introduction to the issue of patent law; second part, consisting of last remaining chapters, represents the core of the thesis on its own.

First chapter deals with defining the main terms in the field of patent law and intellectual property law as such. Firstly, it deals with the term intellectual property following by industrial property which are commonly defined by enumeration of subjects belonging to one or the other. Moreover, this chapter concentrates on explaining what patent law, patent and invention legally mean.

Second chapter is dedicated to the history of patent law. It briefly describes patent law from its very beginning around the world, especially with respect to the topic of this work it focuses on the development in the Czech Republic. The emphasis is naturally put to the development of the legislation in 19th and 20th century. Because of better insight and use of terms in the upcoming chapters, there are also basic principles incorporated into this thesis. Third chapter is split into two parts, first part defines the characteristics typical for substantive patent law, the second part pursues principal distinctive for patent procedure.

Fourth chapter focuses on the issue of subjects to patent law and their rights and obligations from the substantive as well as procedural point of view. It consecutively discusses the inventor of the so called employee-invention and it also deals with the applicant of the invention. Fifth and sixth chapter concentrate on the proceedings at the Industrial Property office. First of the aforementioned pursues the process of gaining the patent protection, last chapter looks into the subsequent proceedings.