

Protection of Industrial Property and International Law

Václav Vymětal

Abstract

The submitted thesis “Protection of Industrial Property and International Law” and deals with the international aspects of the industrial property rights protection. The thesis begins with defining the industrial rights as a term and its relation to the broader area of intellectual property rights. The main international classifications of industrial property rights are introduced along with the basic principles of their international protection. The thesis subsequently approaches the historical introduction to the examined issues beginning in antiquity and progressing until the great industrial revolution of the nineteenth century which has led to the adoption of The Paris Convention for the Protection of Industrial Property. The general provisions of The Paris Convention and The Agreement on Trade-Related Aspects of Intellectual Property Rights are dealt with in a separate chapter, including the historical basis of both treaties, their main principles and contribution to the international protection of intellectual property generally, and industrial property specifically. The following chapter focuses on with the main relevant international organisations, particularly The World Intellectual Property Organization and The World Trade Organization. The predominant section of the thesis is concerned with exploring international legal provisions in protection of individual forms of industrial property, namely patents, utility models, industrial designs, integrated circuit layout designs, trademarks and geographical indications. With each individual form of protection, the relevant international treaties are examined along with the processes of their adoption, established international organisations and offices and the process of applying for and issuing a protection. The thesis furthermore contains a chapter on the rights enforcement through international treaties and organisations. The penultimate chapter inspects current developments in the scope of international organisations activities. It examines issues of relation between the international development and protection of industrial property rights and often tense relations between developed and developing nations. The concluding chapter provides a summary of the work done in the thesis and aims to highlight the main development trends observed.