

Abstract

The purpose of the thesis is to analyse the phenomenon of parallel imports, define the pros and cons of parallel trade for respective entities and also society as a whole as well as describe how the trademark law may influence parallel importation of trademarked goods. In addition, the thesis analyses individual means of legal protection against parallel imports identified as illegal.

After the introduction summarizing why it is appropriate to deal with the parallel importation phenomenon, the second part of the thesis describes the basic concepts in the context of parallel import issues: trademarks, parallel imports and exhaustion of trademark rights. The second part also describes the positive and negative impacts of parallel trade and why the doctrine of exhaustion of trademark rights appears to be the most appropriate way how to solve the difficulties in the relationship between trademark owners and parallel importers.

The third part of the thesis aims to provide a reader with the basic sources of law which affect the phenomenon of parallel importation from the trademark law's point of view. As it follows from the third part of the thesis and also the whole work, the key legal source for the European region, including the Czech Republic, is the law of the European Union together with the case law of the Court of Justice.

Therefore, the fourth part of the thesis deals with the European Union law approach to parallel imports of goods protected by a trademark. The gradual development of the European Union law perspective on parallel importation is described from the first judicial decisions to the current situation where the secondary European Union trademark law is seeking to solve the issue of parallel imports of goods protected by trademark through the doctrine of regional exhaustion of rights. Further in the fourth part, the key judgments of the Court of Justice dealing with ambiguities in interpreting and applying the doctrine of exhaustion of rights are described.

The fifth part of the thesis analyses the legal means that can be used by trademark owners in the event of illegal parallel importation of goods protected by their trademarks.