

Abstract

Grounds for Revocation and Invalidity of the European Union Trade Mark and the Czech National Trade Mark

The grounds for revocation and invalidity of the European trade mark (hereinafter as the „EUTM“) and the Czech national trade mark (hereinafter as the „Czech TM“) represent a specific field of the trade mark law. The Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark forms a legal basis in this field on the level of the law of the European Union and the Czech Act No. 441/2003 Coll., on Trade Marks, as amended, constitutes a legal basis on the Czech national law level. The practice of the relevant authorities, i.e. the European Union Intellectual Property Office and the Industrial Property Office of the Czech Republic, and especially the jurisprudence of the Court of Justice of the European Union and relevant courts of the Czech Republic play very significant role in this area. The jurisprudence of the Court of Justice of the European Union regarding Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks is also very relevant for this thesis. The reason for that consists in the fact that the above mentioned Directive has been transposed into the Czech legal system by virtue of the above stated Act No. 441/2003 Coll., on Trade Marks, as well as in the fact that this Directive provides for the grounds for revocation and invalidity of national trade marks in similar manner as in case of the EUTM.

The aim of this thesis is to analyse the individual grounds for revocation and invalidity of the EUTM and the Czech TM and to identify the unifying and distinguishing aspects of the legal regulation and decision-making practice concerning the grounds for revocation and invalidity of the EUTM and the Czech TM.

This thesis is divided into four chapters. First chapter briefly introduces the legal institutes of the EUTM, the Czech TM and the trade mark in general. The second chapter concerns the general discussion regarding the legal institutes of revocation and invalidity of the EUTM and the Czech TM. In the third part, this thesis deals with the individual grounds for revocation of the EUTM and the Czech TM. The subject of the fourth chapter is the analysis of the individual grounds for invalidity of the EUTM and the Czech TM.