

ABSTRACT

Compulsory use of trademark and its demonstration under Czech law and the EU law

The aim of this thesis is to introduce the institute of compulsory use from the perspective of Czech and EU law and subsequent proof of this obligation. The thesis consists of a brief introduction and six chapters, the sixth chapter is the conclusion. The first chapter is a general introduction to the issue of trademarks and aims to briefly inform about the concept of the trademark, its functions and the Czech and EU legislation on the issue of trademark law. It also describes the application procedure in the Czech Republic and the rights and obligations of the owner. The next chapter is about the right of the owner to use the trademark, both in terms of the positive and the negative definition of this right. Following part of thesis is devoted to the main topic of the thesis, the obligation to use the trademark. It speaks about the importance of that obligation, whose goal is maintaining registration of those marks which are actually used. Also, this chapter is focused on the term "genuine use of the trade mark", which is a condition for fulfilling the obligation of use. Another term that needs to be clarified is "proper reasons for non-use". Only their existence excuses the non-use of the mark and, if they are proven by the owner, he does not have to face the consequences of not using the trademark. They are described in the next chapter of this thesis, which gives an overview of the proceedings in which the proof of use can be required. It also speaks about the consequences of failure to prove use in a particular proceeding. Finally, the thesis speaks about the proof of use. First, it describes the proof of use in EU law, the basic principles of providing the proof and the evaluation criteria, which are the place, time, extent and nature of use. Further, the thesis deals with the proof of use in Czech law and the influence of EU case law on decisions of national courts and the national Industrial Property Office (Úřad průmyslového vlastnictví). The thesis is again focused on the individual criteria for evaluation of the use and their presence in administrative and judicial decisions.

Key words:

Trademark, Compulsory use, Proof of use