

Protection of industrial rights to mark and international law

Abstract

The topic of this thesis is the Protection of industrial rights to mark and international law. Industrial rights to mark have become a common part of our lives whether it is from the position of a consumer who purchases the goods or services protected by these industrial rights to mark, or from the position of an entrepreneur who introduces products to the market. The aim of this thesis is to analyse the legal regulation, especially the international one, and to give a clear explanation of this dynamically evolving issue. In order to achieve this aim, the thesis is divided into seven chapters.

The first chapter is devoted to the gradual development of industrial rights to mark explaining how these rights gained in importance over time and how the first laws establishing their protection were created. The second chapter lists the individual international agreements that regulate industrial rights to mark. Furthermore, the contribution to current practice of every international agreement is explained. The third chapter is devoted to the general characteristics of trademarks and aims to describe the issue of trademarks and their functions. Moreover, it defines the types of trademarks since especially after the effectiveness of the amendment of the Act No. 441/2003 Coll., their number has significantly increased. The fourth chapter is about the general characteristics of appellations of origin and geographical indications where those industrial rights to mark are characterized and the difference between them and trademarks is explained. The fifth and sixth chapters deal with the whole procedure from the filing of an application or a request for registration in the case of appellations of origin and geographical indications to the registration in the relevant register. It explains the individual steps that have to be followed for the successful registration of rights in the register or on the other hand the legal means by which the owners of older rights can defend themselves against this registration. The seventh, and thus last chapter, contains an explanation of international organizations, in particular the World Intellectual Property Organization and the World Trade Organization, including an analysis of their decision-making practice.

Key words:

industrial rights to mark, international law, international organizations