

## **ENGLISH SUMMARY**

This diploma work provides general introduction to the trademark law and parallel imports in Czech Republic. However, in the light of our membership in the European Union, I could not ignore the European legislation and particularly decisions of the European Court of Justice.

I tried to avoid describing each legal act, because I think that if anybody is able to identify the meaning of "parallel imports", he has to have at least basic knowledge of intellectual property law, or more precisely trademark law.

This work is therefore based not on the theory, but mainly on my own practical experiences, although I know, that they might sometimes be contrary to the legal provisions.

When I started drafting this work, I wanted to separate theoretical and practical part, but now I know that it is not effective.

Regarding each part:

### **Trademark law:**

This part is more theoretical, provides brief introduction to the trademark law and its sources, I have also mentioned few interesting decisions.

It also includes the practical part, where I have described my experiences with cooperation with the customs, preparation of the raid, difficulties in communication with the state prosecutor and also difficulties regarding imitations.

### **Parallel imports:**

This part, opposite the previous one, almost lacks the theoretical (legal) basis. Why? Because except the decisions of European Court of Justice, there is almost none.

I can say, that all I know about parallel imports its from my praxis. I have not found a single Czech book about this problem, only few articles, some of them written by my boss.

That is why my work is sometimes sceptic when talking about possible legal steps against parallel importers. I have (actually we all do) to face the fact, that

everything the trademark owner does to protect his rights will be examined from the free economic competition of goods and services prospective. The article no. 81 of the Convention of European Communities is quite strict about this and also very popular between judges.

My conclusion is that there will always be parallel imports. There is no way how to clean the market, we can only try to educate the judges (so they can feel the limits of free economic competition). Also the trademark owner or exclusive distributor can try to educate sellers and also customers.