

RESUME

Community trade mark and its relationship to national trade mark, especially with regard to accession of the Czech Republic to the European Union

Protection of intellectual property plays an important role in creating the legal framework for business and thus affects the functioning of the internal market within the territory of the Member States of the European Union .. To create this market, therefore, it is considered important by the European Community to unite and harmonize institutions and legislation in the field of intellectual property protection.

The theme of my thesis is "Community trade mark and its relationship to national trade mark, especially with regard to accession of the Czech Republic to the EU. The work is divided into 5 separate parts, which are closely linked:

- History of establishment of Community trade mark
- Proceeding of the Community trade mark application
- The validity of Community trade mark
- Remedies
- Trade mark legal regulations in the Czech Republic

First part of this thesis defines the concept of Community trade mark and explains the reasons for the emergence of Community trade mark. In this section, there is a list of entities, that may become owners of the mark and their rights.

The second part is devoted to the management of the Community trade mark application. It describes in detail what requirements must the application meet, how to carry out its exploration at the OHIM, the absolute and relative grounds for refusal of any application, objections to the published mark.

The third part concerns the validity of Community trade mark, its amendments, cancellation, or the declaration invalid.

The fourth part deals with the remedies and solutions to legal disputes relating to Community trade marks.

The fifth section describes the current legislation of the mark in the Czech Republic and the relation of national trade mark to the Community trade mark.

The objective of this study was to highlight the benefits of Community trade mark, but also to draw attention to issues related to its registration at the national industrial property office, resulting from the large interests for the Community trade mark application and the decline in trade mark applications received through national and international channels. From recent trends in the application count, it is apparent that entrepreneurs, including those abroad, are increasingly inclined to choose to obtain protection in the Czech Republic through the Community trade mark.