

Parallel imports and trademark law in the Czech Republic

This thesis goal is to provide a basic introduction to Czech trademark law and to analyse parallel imports. I wanted to emphasize the „exhaustion of rights „principle in the context of the law of the European Union also in the context of law in the Czech Republic.

It covers some of the most intriguing aspects of parallel imports for example „placed on the market“, „consent of a trade mark owner“, „repackaging and other changed of the parallel imported goods „by examining the most important Court of Justice of the European Union (before European Court of Justice) decisions that have set a solid legal environment and use them to explain how parallel imports have evolved.

The thesis focuses on Czech and European trademark law and parallel imports in the law of the Czech Republic, as a member state of European Union.

At the first part of thesis I explain what is trademark law, it's sense and intent in general. I also examine the fundamental sources of Czech national trademark law, trademark law of the European Union and international law. Which is followed by description what a “trademark” is and which trademarks are protected in Czech Republic, their functions and “trademark owners” as a basics terminology of trademark law in Czech Republic.

Next part concentrates on explaining what exactly parallel import is and what does it really mean for trademark owner and the consumer. I focus more closely on „exhaustion of rights “principle. Part of the thesis also explains how it was created and gives relevant examples of cases resolved by Court of Justice of the European Union.

The thesis covers in more depth data and causes connected with parallel import such as: parallel imports trademark cases of Court of Justice of the European Union that are explaining how trademark owner can fight parallel imports, why it is limited by the reason to protect the internal free market of the European Union and the European Economic Area and under which conditions can parallel importer legally change parallel imported goods without intervention to trademark rights.

The last part of the thesis describes how trademark owner can legally defence his trademark rights under the law of Czech Republic with the parallel importer, that infringement his trademark rights and I give some case law examples that was decided by Czech courts last years.