

Abstract in English

Use of trademarks as keywords for searching the Internet

The purpose of this thesis is a comprehensive analysis of the use of trademarks as Internet search engine keywords to trigger advertisements that are displayed on search result pages. The main part of the thesis is devoted to legislation and case law in the US. However, for the comparative purposes, I also address developments concerning keyword advertising in the EU. I chose this topic because it combines traditional elements of law with modern technologies. Moreover, despite its significant economic and legal impacts, I consider this topic as insufficiently researched in the Czech Republic.

This thesis consists of six chapters. The first chapter is devoted to a general introduction to trademarks, including the history of trademarks, current legal definitions of trademarks as well as legal frameworks of trademarks law. This chapter also focuses on an element of trademark distinctiveness and analyses functions of trademarks. Last but not least, it also describes basic classifications of trademarks and provides their examples.

The second chapter introduces the issue of keyword advertising. It focuses on a description of the operation of Internet search engines, keyword advertising programs and AdWords' current policy.

The third chapter concentrates on the development of case law concerning keyword advertising in the US. The development is described in two key elements of trademark infringement in the US, i.e. "use of a trademark in commerce" in a way that is "likely to cause a consumer confusion."

The fourth chapter is dedicated to the development of case law concerning keyword advertising in the EU. The analysis is primarily focused on preliminary rulings of the ECJ and subsequent rulings of national courts of member states of the EU.

The fifth chapter provides a brief comparison of both transatlantic approaches.

The sixth, and also last, chapter concentrates on the recent pilot ruling regarding keyword advertising in the Czech Republic and briefly introduces protection of trademark rights provided by law against unfair competition.