

Abstract in English

Fashion Law

This rigorous thesis carries the name of the recently established field of law. The fashion law has to uphold its status through fulfilment of the field-specific criteria; therefore, the fashion law is introduced on the background of a three part conceptual classification – fashion business law, fashion public law and fashion intellectual property law. The first chapters are dedicated to the establishment of the fashion law with respect to its wide academic acceptance. The second chapter outlines fashion business law with a special view to intellectual property licensing, due to its influence on the reputation of the fashion companies, which is crucial in such a competitive field. The topic of fashion public law is included as well in the second chapter as a necessary part of the legal field which might provide an alternative look at the issue of protection of the fashion companies' intellectual property. The entire third chapter addresses the fashion companies' intellectual property: patents, copyright, fashion designs and trade marks as suitable forms of protection of fashion designs and fashion brands. Individual forms of protection are presented in the international context with specific statutory requirements of the respective way of protection. A relevant part of the last chapter is focused on the case law of countries historically linked to fashion such as France, Italy and the litigious United States of America. Every form of protection is coupled with the most important cases decided by national courts or institutions of the European Union. The objective of this thesis is to provide a solid foundation for critical assessment of the actual legislative and decision-making practise; whether it is sufficient for the protection of the fashion companies' intellectual property, or not.