

# **Convergence of Copyright and Trademark Protection**

## **Key Words:**

Copyright, Trademark, Protection, Convergence

## **Abstract:**

The thesis analyzes the concept of copyright and trademark protection in Czech law and the consequences of their simultaneous operation. The aim is to determine whether the existing legislation responds the current trends and demands in our society,

where business and arts are becoming interconnected and where the boundaries between those disciplines are blurred.

Both protections are initially assigned to theoretical context of legal branches of intellectual property and intangible property. The author also deals with current conception of ownership in Civil Code. Following chapters are based on the principles of civil (continental) law concepts of copyright law and industrial property law established in this part.

Subsequently the regulation of copyright protection and trademark protection is discussed in two separate chapters. Those chapters are divided into identical sub-chapters to highlight similarities and differences of both legal institutes. The focus is on subjects of both protections, their beneficiaries, formation, content, duration, means, limitations, international context and the issues of licensing.

In the chapter devoted to convergence, various situations which might occur during the simultaneous operation of both protections are illustrated on real-life examples. The subject of the convergence, the chronology of its formation, the convergence from the standpoint of both the infringers and the beneficiaries are discussed in different sub-chapters. The approach of Czech courts and Industrial Property Office to this matter is examined on long-standing dispute over the label PRIM, which have been used for labeling famous watchmaking products since the fifties of the twentieth century.

The thesis shows that convergence of protections represents not only the possibility of wider protection of intellectual property. Because of their different groundings, both legal protections can have different beneficiaries in relation to one intangible property, and therefore their convergence represents also a source of complicated disputes. In conclusion, the author proposes an implementation of a waiver of personal copyrights and implementation of restrictive term for filing a motion to declare trademark as invalid.