

The concept of the reputation of a trademark in EU law and Polish law

Summary

The subject of thesis was to determine the scope of the concept of trademark reputation in EU law, taking into account the case law of the Court of Justice of the European Union (hereinafter: CJEU), as well as an analysis of whether the concept of trademark reputation in the Polish system of trademark law - taking into account the case law of the Supreme Court and the Supreme Administrative Court - is compatible with the pro-EU interpretation.

The thesis adopted in the work was that the scope of the concept of a reputable trademark in European Union law (and particular in the CJEU jurisprudence) is different from that adopted in the Polish legal system, as a result of the different interpretation adopted in the jurisprudence of national supreme courts. The interpretation of the concept of reputation in Polish supreme court jurisprudence is not a pro-EU interpretation.

The opening chapter is a historical analysis, which outlines the history and evolution of the concept of trademark reputation in EU law. This chapter presents not only the changes resulting from secondary law texts but also shows the most relevant judgments of the Court of Justice interpreting the concept of trademark reputation.

The second chapter shows the importance of embedding the subject of trademark reputation in EU law. The concept of reputation, which is part of the European trademark law system, is strongly dependent on the specifics of this branch of law.

The third chapter is devoted to EU jurisprudence (CJEU) and focuses on establishing the concept of trademark reputation. The cited judgments of the General Court and the CJEU are divided into eight thematic sections.

The fourth chapter presents the concept of trademark reputation in the Polish legal system. It consists of four sections: the first deals with domestic legislation, the second presents the positions of the doctrine, the third presents the case law of the Supreme Court and the Supreme Administrative Court chronologically, while the last section, on the other hand, is devoted to the position of the Patent Office.