



20 January 2020

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

CZECH REPUBLIC: ACT NO. 441/2003 COLL., ON TRADE MARKS AND THE AMENDMENTS TO ACT NO. 6/2002 COLL., ON COURTS, JUDGES, LAY JUDGES AND STATE COURT ADMINISTRATION AND ON THE AMENDMENTS TO CERTAIN OTHER ACTS, AS AMENDED (HEREINAFTER "TRADE MARK ACT")

Notifying Member	CZECH REPUBLIC
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Details of the notified legal text

Title	Act No. 441/2003 Coll., on Trade marks and the Amendments to Act No. 6/2002 Coll., on Courts, Judges, Lay Judges and State Court Administration and on the Amendments to Certain Other Acts, as amended (hereinafter "Trade mark Act")
Subject matter	Trademarks; Undisclosed information
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2020/IP/CZE/20_0495_00_e.pdf https://ip-documents.info/2020/IP/CZE/20_0495_00_x.pdf
Notification status	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/CZE/T/2 ; IP/N/1/CZE/E/4 , IP/N/1/CZE/I/4

Brief description of the notified legal text

Act No. 286 / 2018 Coll. of November 15, 2018 on the amendments to certain laws concerning industrial property (hereinafter referred to as "Implementing Act") was published and the new rules are applicable from 1 January 2019 in the Czech Republic.

The Implementing Act predominantly introduces amendments to Act No. 441/2003 Coll. on Trade marks and Act No. 6/2002 Coll., on Courts, Judges, Lay Judges and the State Administration of Courts and on Amendments to Some Other Acts (Act on Courts and Judges) (hereinafter referred to as "Trade mark Act Amendment"), in order to transpose the Directive (EU) 2015/2436 of 16 December 2015 to approximate the laws of the Member States relating to trade marks.

The Trade mark Act Amendment simplifies the administration and registration of trade marks and brings substantial changes to the trade mark registration process. The Amendment enhances the legal certainty of trade mark owners within the EU internal market.

As the consequence of the Amendment, trade mark no longer needs to be represented graphically. The only remaining requirement is that the sign shall be capable of being represented in the register in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor and of distinguishing the goods or services of one undertaking from those of another.

The new definition of trade mark opens up the possibility of registering unconventional types of trade marks which are expressed by the available technological means. Besides five traditional trade marks (word, figurative, three-dimensional, colour and sound), five new types have been supplemented (positional, pattern, motion, multimedia and hologram). Furthermore, the Amendment newly introduces certification trade marks.

The Amendment also revises the system of absolute and relative grounds for refusal; redefines the scope and limitations of trade mark protection and clarifies the provisions on use of trade marks.

The Implementing Act also amends the Act No. 221/2006 Coll. on Enforcement of Industrial Property Rights and on the Amendment of Industrial Property Protection Acts, by introducing the possibility of seeking appropriate compensation for damages caused to the owners by unlawful acquisition, use or disclosure of their business information (trade secrets), bringing the Czech legislation into full compliance with the Directive (EU) 2016/943 of 8 June 2016 (Trade Secrets Directive). In reflection of the broader scope of the amended law, the Act was renamed, becoming Enforcement of Industrial Property Rights and Protection of Trade Secrets Act.

Finally, the Implementing Act amends the Act No. 634/2004 Sb., on Administrative Fees, broadening its scope to include also administrative trade mark proceedings.

Language(s) of notified legal text	English, Czech
Entry into force	1 January 2019
Other date	

Notification details

Submission date of notification	14 January 2020
Other information	Act No. 286/2018 Coll., on the amendments to certain laws of industrial property https://wipolex.wipo.int/en/legislation/details/18584 (in Czech) IP/N/1/EU/4-IP/N/1/EU/T/5 (Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks)
Agency or authority responsible	Industrial Property Office of the Czech Republic Ministry of Industry and Trade - Trade Policy and International Economic Organizations Department

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.