

# **Company name and registration of a limited liability company in the Commercial Register**

## **Abstract**

This thesis deals with the topic of “company name”. It clarifies its legal basis, formation and the conflict between a company name and a trademark according to Czech law. It consists of three parts which are further structured into three to four chapters.

In the first part theoretical foundations of the legal concept “company name” i.e. its legal definition, formation, disposition, and protection are laid down. The second part deals with the procedures for registration of a limited liability company in the light of the current European law developments. Notable amendments have been introduced in the process of registering a limited liability company through a notary. The third part is devoted to the conflict between a company name and a trademark. It provides an impetus for considerations *de Lege Ferenda*. The apprehension of the legal basis of the subject matter enables to get to the basis of the topic. Emphasis is placed on clarifying controversial issues. The thesis deals with the specific issues of the nature of the rights to the “company name”, transfer of property rights to the “company name”, the degree of compliance with the requirements of European law, simultaneous exercise of trademark rights and rights to the “company name” and their equivalence. These issues contribute to deepening the analysis and deducing the considerations *de Lege Ferenda* as the goal of this thesis.

The step taken towards digitalizing the registration process in the Commercial Register is treated. The issue is tackled not only from the perspective of possibilities it offers, but also challenges and brought solutions. Practice will show to what extent digitalization of the process will prove itself. The analysis provides an insight on the “company name” provisions of the Czech Civil Code, namely in matters of corporate duty, transfer of property rights, acquisition of ownership by registration in the Commercial Register and its first use. As a main shortcoming I see their incompleteness. Particular attention is paid to the significant advantage of selling the company name.

## **Key words**

Company name, Commercial Register, Limited Liability Company