

Abstract

Use of trade marks as internet search engine keywords

Main purpose of my thesis is a comprehensive analysis of the issue of trade mark use as internet search engine keywords in relation to displaying advertisements on the internet search engine's websites, mostly from the point of view of the European Union law. However, I briefly address also legislation and jurisdiction in the USA. I chose the topic of my thesis mostly because it is one of the most discussed issues in the field of trade marks in the last few years, not only thanks to its significant economic importance, but also because of the challenge which this issue brought to the law practice. This completely new form of trade mark use was not anticipated by applicable law and it caused many debates regarding basic principles of trade mark protection.

The thesis is composed of eight chapters. The first chapter is an introduction. Chapter two provides basic insight into the issue of keywords. The system of internet search engine functioning and keyword advertising is introduced. This chapter also addresses the economic importance of keyword advertising and possible conflicts that may arise when trade marks are used as keywords.

Chapter three analyses trade mark legislation with focus on Community trade marks. The scope of rights of trade mark owners is examined in detail, as well as the conditions under which these rights are violated.

Chapter four describes regulation of liability of information service providers among which we can place also internet search engine providers.

Chapter five contains analysis of the jurisdiction of the EU member states as well as analysis of Court of Justice of the European Union decisions.

Chapter six brings brief insight into the law practice in the field of keywords in the USA. At first the applicable USA legislation is described followed by court decision analysis. At the end of the chapter the most substantial differences between EU and USA approach to the keyword advertising are addressed.

Final chapter discusses current practice of national courts and internet search engine providers in the field of trade mark use as keywords in the European Union under the influence of CJEU rulings.