

SUMMARIES

EXAMINATION OF THE PHARMACOLOGICAL EFFECTS OF MEDICAL INVENTIONS

Dr Árpád Kovács

The article concerns patent applications relating to organic chemistry whose subject are compounds possessing a certain activity on living organisms, especially on human/animal body. During substantive examination a patent examiner is often faced with the question whether the biological activity should be proved, and if yes, what kind of evidence can be taken into account and in which part of the examination process they shall be submitted. The article focuses on how the decisions of the EPO Technical Boards of Appeal establish the jurisprudence in this special segment of patent applications.

USE OF MARKS IN COMPARATIVE ADVERTISING

Dr Sándor Vida

In UK television advertisements in the context of mobile phones the defendant compared its prices to those of the claimant and used the name and marks of the latter. The High Court of Justice dismissed the claim holding that the advertisements complied with the CA Directive. The Court of Appeal made reference for the interaction of advertising and trademark law with the European Court of Justice. The latter replied (C-533/06) that if the comparative advertisement satisfies all conditions of the CA Directive on advertising, the proprietor of the mark is not entitled to prevent the use of his mark. Comments on the judgement of *Hunt and Kemp, Meale, Torremans, Nurton, von Mühlendahl, Bacher* are reviewed. Finally it is observed that in Hungary comparative advertisements are not frequent, there is only the judgment of the Metropolitan court in the Persil case on which was reported.

THE CONCEPT OF THE TRADEMARK FAMILY AS A RELATIVE GROUND FOR REFUSAL

Dr Ákos Süle

The article clarifies the possible definitions of trademark families and summarizes the prerequisites of applying the underlying concept. It further measures the effect of the concept in legal practice and its potential through case analysis. The analysis of single cases is an essential source of the article, since neither the Community nor the Hungarian acts

contain any specific regulation on trademark families. The concept of trademark families can be assessed within the boundaries of conflicting prior rights and it originates from the U.S., so the article also deals with the related U.S. case law as well.

Search engine: a new chapter within the regulation of copyrights?

Dr Nóra Hepp

With respect to search engines copyright-related questions primarily arise concerning the hiperlink and the thumbnail (reduced size-version of a picture). As the Hungarian jurisdiction has not yet dealt with search engines, this article focuses rather on the German rulings showing in which cases hiperlink and thumbnail meet the conditions of use or of free use.