

SUMMARIES

ON OUR TEN-YEAR-OLD PATENT ACT – PART II.

Mihály Ficsor

In the first part of the study the recodification of Hungarian intellectual property legislation, i.e. the preparations of the present patent law (Act No. XXXIII of 1995 on the Protection of Inventions by Patents) were discussed. In this second part the parliamentary debate preceding the enactment is illustrated by contributions of the Members of the Parliament taking part in the debate. The speakers emphasized the historical roots and the significance of the bill from the point of view of Hungary's accession to the European Patent Organisation and the European Union as well as its suitability to comply with the requirements of market economy.

PATENTABILITY OF HUMAN EMBRYONIC STEM CELLS: SECOND ACT

Szabolcs Farkas – Touréné Erika Ágoston

The major disputed questions surrounding stem cell research are focused not on stem cells as such but on the sources from which stem cells are derived. This fact was analyzed by the Opposition Division in the case of opposition procedure of EP695351 granted patent of Edinburgh University. The decision was based on a fundamental axiom stated by the Opposition Division namely that ES cells have to be retrieved from an embryo at the blastocyst stage and the only way of obtaining human ES cells is by destroying human embryos. In this publication we would like to show the basics of the decision.

IPC – NOT ONLY A CHANGE OF GENERATION: REFORM

Renata Krainik – Zoltán Zábori

The eighth generation of the reformed IPC came into force on 1st of January 2006. This change is not only a new edition of the previous one, as usual, but it is a reform which has affected the essence of the classification system. This reform reckons with the accelerated improvements of the different technologies, and also exploits the possibilities of the modern electronic environment. It aims to satisfy simultaneously the higher requirements of the searchability, and the different demands of the patent offices and international organizations. The authors intend to summarize the changes of the classification system, filling it out with some useful references

CERTAIN COPYRIGHT ISSUES ARISING IN TELEVISION AS A RESULT OF THE
INFORMATION SOCIETY – PART 1

Anett Pogacsas

The radical technical development of the past few years had considerable effects on the concepts of copyright and of the author's rights – to be able to determine the appropriate answers for the new questions on television broadcasting and other TV industries raised by digital technology and by the internet the contemporary system of copyright has been struggling with for years, it is helpful to investigate the impacts the rise of television related industries made on the copyright system.

DESIGN PROTECTION IN HUNGARY AND IN THE EUROPEAN COMMUNITY – PART 1

Zsolt Zombori

Design law harmonisation of EU-member states and introduction of community level legislation have appreciably changed the legal protection of design in Europe. The author introduces the Hungarian history and the international environment of design protection followed by a discussion on the conceptual system of the legislation.

SUPPLEMENTARY COMMENTS ON THE LEGAL PRACTICE CONCERNING
SUPPLEMENTARY PROTECTION CERTIFICATES

Mihály Ficsor

With reference to the article dealing with the transitional provisions concerning supplementary protection certificates published in the last issue, two problems arising in the current legal practice are further analysed here. One of them is the legal status of the time period between the lapse of the patent and the grant of the supplementary protection certificate. The second problem is the lack of uniformity of supplementary protection in all the Member States of the European Union pursuant to transitional provisions.

AN INTERESTING DECISION CONCERNING THE PATENTABILITY OF COMPUTER-
IMPLEMENTED INVENTIONS

Dr. Tivadar Palágyi

This article deals with the interesting decision T 258/03 of the Technical Board of Appeal dated April 21, 2004.

The appeal was filed against the decision of the Examining Division to refuse an European

patent application relating to an automatic auction method executed in a server computer, a computerised auction apparatus and a computer program.

The decision states that the claimed method and apparatus are not excluded from patentability under Article 52(2) EPC. Method steps consisting of modifications to a business scheme and aimed at circumventing a technical problem rather than solving it by technical means cannot contribute to the technical character of the subject matter claimed. For this reason the appeal was dismissed.

PROTECTION OF TRADEMARKS FOR RETAIL SERVICES - PRAKTIKER CASE

Dr. Sándor Vida

The Nice Agreement concerning the International Classification of Goods and Services does not rule directly on retail services. Only an explanatory note to Class 35 (since the 7th edition) contains a positive sentence. After some decisions rendered in such CTM cases, the President of OHIM let publish a Communication in 2001 on admissibility of CTM marks for retail services. But as the German authorities continued to refuse to register marks for retail trade, PRAKTIKER whose application was also refused, filed appeal to the German Patent Court. The latter referred to the ECJ for preliminary ruling. ECJ's answer was that Art. 2 of the Directive covers retail services in connection with trade in goods too.

REQUIEM FOR NATIONAL SKID STEERING LOADERS

Péter Bede

In the 1980ies in the special field of the development of skid steering loaders Hungary succeeded to catch up with the forefront of the world. As a result of the technical development loaders of two different designs were constructed. In the article these types of loaders, their main technical solutions, and the connected patents are described.