

SUMMARIES

THOUGHTS ON THE PAST AND FUTURE OF THE PATENT ATTORNEY PROFESSION

Dr Ferenc Török

The speech of the president of the Hungarian Chamber of Patent Attorneys on the occasion of the World Intellectual Property Day, touching upon the future prospects of innovation and the tasks of patent attorneys in Hungary.

HARMONISATION OF EUROPEAN COPYRIGHT LEGISLATION AND THE ISSUE OF TERRITORIALITY

Dr Andrea Katalin Tóth

The European harmonization of copyright law is currently one of the most relevant topics of this field. Apart from presenting the history of harmonization, this paper aims to focus on the relationship between the 'making available' right and territoriality, copyright's inherent feature. This is a highly sensitive topic from the aspect of the creation of the digital single market within the EU.

COPYRIGHT RISKS OF THE ETHICAL HACKER

Dr Katalin Horváth

The study concerning the copyright risks of the ethical hacker is looking for answers for two main questions: first, whether the ethical hacker is entitled to study the operation of software and operation systems used by his principal in order to obtain knowledge about the principle or concept serving as the basis of them, and second if he is entitled to reproduce, alter or perhaps even descramble such software in order to discover and correct its deficiencies. The study presents the relevant European and Hungarian rules, touches upon the different solutions of different states; furthermore, it raises questions about the difficulties of interpretation, the discrepancies between European and Hungarian rules, as well as the uncertainty that lies in the judicial application in case law. The article attempts to find adequate answers for the two questions above. However, it does not necessarily lead to a reassuring conclusion.

INNOCENT INFRINGEMENT OF A TRADE MARK: MERCEDES

Dr Sándor Vida

Owner of the mark MERCEDES-BENZ sued the former supplier of after sales services of his subsidiary selling cars for advertisement. The former supplier defended himself saying that the countested advertisements were not ordered by him. The Hungarian Metropolitan Tribunal referred the question to the EU Court of Justice whether Art. 5(1)(b) of the TM Directive entitles the owner of the mark to sue the former supplier in respect of the said advertisement. The Hungarian and the Polish Government and the Commission took the view that the question should be answered in the negative. The EU Court of Justice (C-179/15) adapted the same interpretation of Art. 5(1)(a) and (b) of the TM Directive. Reported is only on the comment of Jacobs. The author of the article deals mainly with the responsibility of the advertising company, acting in its own initiative. He refers to the obiter dictum of the judgement which says that the owner of the mark can sue the advertising company claiming reimbursement of any financial advantages. Such possibility exist even under Hungarian law also, namely resp. Sec. 6.579 of the Civil Code on unjust enrichment.

HISTORY OF THE LEGISLATION ON INTELLECTUAL CREATIONS,
DEVELOPMENT OF COPYRIGHT PROTECTION, THE BEGINNINGS OF
LEGISLATION IN HUNGARY

Attila Horváth

The emergence and development of copyright are presented in the study. After the detailed explanation of the role of privileges in printing, the author of the study reviews stories about well-known people becoming the victim or the perpetrator of an abuse of copyright. The first statutes on copyright in England and France are discussed as well as the beginnings of Hungarian legislation. All the copyright acts in Hungary until 1969 are discussed, together with the censorial activity of the socialist era.