

SUMMARIES

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

Mihály Ficsor

In this third part of the study, the new features of the Patent Act of 1995 and their professional reception are analysed. The main characteristics of the later amendments are also summarized to illustrate the on-going process of further aligning Hungarian patent law with the EPC and Community legislation. The subject matter of patent protection, the provisions on employees' inventions, the rights conferred by patents and their limitations, the scope of patent protection as well as the rules relating to the procedures before the Hungarian Patent Office are discussed in detail.

CERTAIN COPYRIGHT ISSUES ARISING IN TELEVISIONING AS A RESULT OF THE INFORMATION SOCIETY – PART II

Anett Pogácsás

Having drawn the lesson from the overview of organic development detailed in the first part of the present paper and comparing the Hungarian and European concepts it becomes possible to find the answers for questions related to copyright and to the author's rights in television industries raised by the latest technical inventions, while keeping the balance between the interests of copyright holders and users of works of authorship.

LEGAL RULES CONCERNING THE VOLUNTARY REGISTRATION OF COPYRIGHT WORKS – INTERNATIONAL AND HUNGARIAN ANTECEDENTS

Zoltán Kiss

The amendment of harmonization of law of the Act No. LXXVI. of 1999 on Copyright authorised the Minister of Justice – in agreement with the President of the Hungarian Patent Office – to establish by decree the detailed rules relating to the voluntary register of works kept at the Hungarian Patent Office. The decree No. 18/2006. (IV. 12.) IM was published in the 2006/42 issue of the Hungarian Official Gazette. This study summarizes the international and national practice of the voluntary register of works and the recent Hungarian rules after 15th April 2006, paying special regard to the HPO practice.

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

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 penultimate part of the article discusses the criteria of novelty and individual character of design followed by a comprehensive analysis of the rights and obligations arising from protection, including the complications of infringement and licencing.

CHANGES IN THE PROSECUTION OF DIVISIONAL EUROPEAN PATENT APPLICATIONS

Tivadar Palágyi

In recent decisions, the Boards of Appeal of the European Patent Office came to the view that the invention defined in the claims of a parent application as divided out of a grandparent application determines the essential content of the parent application. Therefore, further divisional applications divided out of the parent application must be directed to objects encompassed by such an invention. Accordingly, the claims of a second-generation divisional application should be within the scope of the first-generation divisional application.

OPPOSITION AGAINST A COMMUNITY TRADEMARK APPLICATION – NICKY/NOKY

Sándor Vida

Against the community trademark application NICKY opposition was filed, based on two earlier national marks: NOKY (in special script) and NOKY with device. The application as well as the earlier marks were filed in respect of goods in the Class 16. The opposition was dismissed. The Board of Appeal annulled the latter decision and remitted the case to the Opposition Division. The applicant claimed that the Court of First Instance should annul the decision of the Board of Appeal. The plea in law was rejected by judgment No. T-396/04 referring to Art. 8 (1)b) of Regulation 40/94. It was held that documents filed by the claimant only before the Court of First Instance cannot be taken into consideration. The interveners' (before OHIM: opponent) application to overturn the decision was also dismissed. As a result the Opposition Division has to reexamine the case.

IN MEMORY OF JÓZSEF BÉRES

András Erkel

The article summarizes the life-work of Béres József whose most famous invention is „Béres Drops”. After two decades of professional and political struggle, of testing and fine-tuning, his special preparation containing trace elements and minerals finally appeared in the top category of the medicinal register (i.e., as a bona fide medicine) in January 2000. The drops became well known all over the world. Although the formula has hardly changed over the past few decades and the quality remains impeccable, research continues to go on at the Béres Pharmaceutical Factory Ltd.

