

## SUMMARIES

### LIQUID BIOFUELS (BIOETHANOL, BIODIESEL) – OVERVIEW OF THE TECHNICAL AND INTERNATIONAL PROPERTY PROTECTION BACKGROUND

*Mariann Szulmann-Binet*

Due to the growing importance of the environment consciousness and sustainable energy management nowadays the renewable energy resources and the development work carried out for the exploitation of them has come into the forefront. The aim of the study is to deepen the knowledge concerning the biofuels. The article gives a brief overview on the conceptual background, the manufacturing technologies applied nowadays and the main development strategies known from the prior art. The study reviews how the national and international intellectual property protection fit into this trend.

### ARCHIVES IN A NEW WORLD: EFFECTS OF DIGITIZATION ON LIBRARIES – PART II

*Dr Anikó Gyenge*

The second part of the essay compares the advantages of legal collections with the illegal ones. The results of this comparison show how the effectiveness of the lawful collections can be developed, and how we can make them more user-friendly and what are the legislative steps that have to be done or can be expected.

### THE 10-YEAR-OLD TRADE MARK ACT AND EUROPEAN HARMONISATION

*Dr Fazekas Judit – Dr Jókúti András*

The article gives an overview of the preparation and evolution of Hungary's 10-year-old Act relating to trade marks from the aspect of the legal harmonisation duties stemming from Community law. Putting national trade mark law into a European perspective, it briefly analyses the lawmaker's options and choices throughout the different amendments to the Trade Mark Act adopted in 1997.

## IMPACT OF THE EUROPEAN COURT'S PRACTICE ON HUNGARIAN TRADEMARK LAW

*Dr Sándor Vida*

The lecture was delivered in the common conference of the Hungarian Patent Office, the Hungarian Trademark Association and the Hungarian Association for the Protection of Industrial Property and Copyright under the title "Ten years of the Hungarian Merchandise Marks Act" in June 2007. The author summarizes the effects of the supremacy of European law on the legal regulation of the member states. The case studies highlighting direct and indirect adaptation of European law in the Hungarian practice are concentrated in the field of the distinctiveness and the protection of reputed trade marks.

## A NEW DECISION OF THE U.S. SUPREME COURT ON ASSESSING THE OBVIOUSNESS OF PATENT APPLICATIONS

*Dr Tivadar Palágyi*

This article treats the probes as used by the American courts for assessing the non-obviousness which is one of the preconditions of patentability. Thereafter the decisions of the District Court, the Court of Appeals for the Federal Circuit (CAFC) and the Supreme Court in the case *KSR International Co. v. Teleflex Inc.* are discussed. The latter decision states that CAFC uses too stiffly the TSM probe, according to which an invention can be only valued as obvious when the state of the art contains some suggestion to combine the known elements. Based on the decision of the Supreme Court it is probable that in case of applications based on combination of known elements in the future it will be more difficult to prove that the invention is not obvious.

## DEFINITION AND EXISTENCE OF PREJUDICE IN THE ART AND OVERCOMING TECHNICAL PREJUDICE WHEN ESTABLISHING INVENTIVE STEP

*Dr Katalin Mikló*

According to the European and Hungarian case law inventiveness can sometimes be established by demonstrating that a known prejudice, i. e. a widely held but incorrect opinion of a technical fact, needs to be overcome. This article shows upon the decisions of the EPO Boards of Appeal, the Royal Patents Court and the HPO, respectively the very strict case law on recognising the existence of such a prejudice. A solution put forward must overcome

a prejudice which has existed at the priority date and held widely or universally by experts in that particular technical field. The fact that a disadvantage is accepted or simply ignored does not mean that a prejudice has been overcome. As a general rule, there is an inventive step if the prior art leads the person skilled in the art away from the procedure proposed by the invention. This applies in particular when the skilled person would not even consider carrying out experiments to determine whether these were alternatives to the known way of overcoming a real or imagined technical obstacle.