

SUMMARIES

THE ROLE OF CLAIMS IN PATENT LAW – PART II. JUDGEMENT OF MODIFICATIONS ENLARGING THE SCOPE OF CLAIMS IN THE EUROPEAN AND HUNGARIAN PATENT SYSTEM

Zsófia Kacsuk

The present paper attempts to give a comparative account of the regulations relating to admissible and inadmissible amendments in the Hungarian and in the European patent system. The possible types of patent claim amendments – including disclaimers – are discussed in the light of the European and Hungarian legislation and the established case law.

LEGAL PROTECTION OF SOFTWARES: THE PATENTABILITY OF COMPUTER PROGRAMMES FROM THE POINT OF VIEW OF COMPARATIVE LAW – PART I

Lilla Júlia Lovas

The author compares the advantages and disadvantages of the copyright and patent law protection of software in her study. In the first part, after a conceptual analysis, the legal position of software and inventions implemented by them is examined. The problem of technical characteristics is highlighted by case studies. The effects of the problems discussed on the economic position of enterprises of different size are also analyzed.

FILE SHARERS IN MOTION – FOURTH GENERATION OF FILE SHARING ON THE HORIZON?

Péter Mezei – László Németh

One of the most important topics of the current copyright law literature is the online piracy. Rightly, since we are witnesses of a broadening case law on the European continent, and not only in the United States. In the light of the relevant experiences to date, with a special emphasis put on the major court decisions of the year 2009, the present article attempts to systematize the generations of the P2P filesharing. The technological and legal factors both deserve their role in this process. The authors differentiate between three, clearly confineable generations. They introduce the main technological differences between the three types of P2P software; they enlighten that the evolution of the generations generally parallels with the loss of P2P pirates in an important trial; and they summarize, how the generations

shall be judged from a legal perspective. The article also raises the question, whether two relatively new technologies (the trackerless torrent service of The Pirate Bay and the P2P television services) may be deemed as a new, fourth generation.

TERRITORIAL SCOPE OF WELL-KNOWN COMMUNITY TRADE MARKS – ECJ’S JUDGMENT IN THE PAGO CASE

Dr. Sándor Vida

Pago an Austrian company is proprietor of a CTM representing a green glass bottle, a glass and the word PAGO. The mark is reputed in Austria. TirolMilch, also an Austrian company is using a similar bottle for milk-based drink. The Austrian Supreme Court considered to issue an injunction on the basis of the reputation of the earlier mark. But as reputation can be shown only in respect of Austria, the Austrian Supreme Court referred to the ECJ on meaning of CTMR Art. 9(1)(c). – ECJ in conformity with the earlier CHEVY case (C-375/97) told that reputation in one Member State is sufficient to establish reputation in the whole EC (C-301/07). – On comments of *Knaak, von Mühlendahl, Paz, Baraclough, Hauer, von Bomhard, Graulund, Ficsor, Griesmar, Treffigny-Goy and Folliard-Monguiral* is reported. – Considering Art. 1 (2) of CTMR the author of the paper is favourable for the judgment of the ECJ.

OBTAINING TRADE MARK PROTECTION 100 YEARS AGO

Kata Siklós

This essay is a detailed treat of the Hungarian trademarks from 1910. It shows the force of the Trademark Act at that time. It describes the principal characteristics of the legal protection and presents special examples from that age.