

SUMMARIES

THE ROLE OF CLAIMS IN PATENT LAW – PART IV. SCOPE AND INFRINGEMENT OF THE PATENT PROTECTION, AND THE PRINCIPLE OF EQUIVALENCE

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The present paper investigates the role of patent claims when considering the extent of protection and patent infringement. First the substantially different nature of patent protection as compared to other kinds of IP protection is described. The second part of the paper discusses the main legal aspects of the extent of protection and patent infringement in the European and Hungarian patent systems with special emphasis on the doctrine of equivalents as applied in Hungary and abroad. Certain problems associated therewith are illustrated by a practical example.

THE SERVICE OF GOOGLE ADWORDS BEFORE THE EUROPEAN COURT OF JUSTICE

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The article analyses the joint decision of the European Court of Justice, in which the Court decided about the question whether the selling of marks by internet keyword search engines which marks are identical or similar to trademarks of others, qualifies as trademark infringement. The question arose on the one hand in the context when the search engine showed results of the trademark owner's competitor and on the other hand when the results listed websites containing counterfeit products. The decision of the European Court of Justice dealt not only with the trademark aspects but also with the liability of electronic commerce service providers.