

SUMMARIES

THE FUTURE OF COPYRIGHT LAW (ALSO) AT STAKE – SOME THOUGHTS ON THE GOOGLE BOOKS DIGITISATION PROJECT

Péter Mezei

Due to the massive and easy access of the average users to the digital technologies capable to use copyrighted works, the copyright law currently faces its probably greatest dilemma in its history. Since the beginning of the 21st century the phenomenon of file-sharing has been the greatest challenge of the rights holders, the legislators and the court system. The Google Books project could stay in the shadows of it for a couple of years, even if it has a similar importance for the survival of the current copyright paradigm. Contrary to the mostly illegal filesharing Google aims to digitize the written heritage and make it available to the public, which is a socially useful initiative. Therefore it is reasonable to analyze whether Google is liable for scanning millions of books and making them available online, whether the fair use test of the US copyright law applies to Google, and whether the settlement agreement concluded by the parties in the Google Books case is capable to settle the dispute effectively and straightforward. The ultimate question is, which way the legislators of the world tend to move in respect of the preservation of the written heritage.

DESIGN PROTECTION FROM THE COPYRIGHT PERSPECTIVE

Dr Nóra Hepp

The present article examines the main differences and similarities between copyright and design protection. The paper primarily provides a comparison on the basis of the various aspects of the mentioned types of intellectual property protection (e.g. protection criteria, rights of right holders, enforcement of rights) aiming to present their advantages and disadvantages and shed light on which protection type is more effective in the different cases.

TRADEMARKS IN HUNGARY BETWEEN 1945–1969

Dr Sándor Vida

It is known that in the area of "hard" socialism, especially under Stalin, the role of trademarks was negligible. Almost all companies were nationalised by the Acts of 1948 and 1949. As a result their marks became also state property. Except the pharmaceutical industry, that continued to introduce new marks and to maintain the old ones, it can be reported on a modest activity in this respect only from the machine industry. Relating to the nationalised marks, there was only one procedure abroad: effect of nationalisation was not acknowledged by the New-York District Court in respect of the ZWACK mark registered in the USA. Beginning from the sixties, especially in the machine industry there was a special situation, as e.g. the GANZ mark was used by several state companies. Some conflicts arised between these state companies. As a result the Ministry of Machine Industry and that for Foreign Trade issued a common order on the use of marks by state companies. Moreover the Arbitration Commission of the Ministry of Machine Industry rendered several decisions in respect of disputes between State companies relating to the use of marks. In 1969 a relatively modern Trademark Act was promulgated.