

## SUMMARIES

### CONTRIBUTIONS TO THE LEGAL JUDGEMENT OF TRADE MARK ASSIGNMENT – PART II

*Dr Barna Arnold Keserű*

In this part of the study three major trademark law systems are presented: the Madrid System, which is based on the international trademarks, the trademark law of the United States of America and China. Because of the size of their trademark stock and their economic importance it is absolutely justified to scrutinize the possibilities of trademark assignment in these trademark law regimes. Finally the formulation and critical points of the trademark assignment contracts are presented.

### HUNGARIAN ORPHANS – SOMEWHERE IN EUROPE

*Anikó Grand-Gyenge*

The directive on some uses of orphan works is the latest European legislative act in the field of copyright. The new directive regulates an area, where Hungary introduced its own legislation some years earlier preceding the EU-level harmonization. Because of this state of art the Hungarian legislator has to follow a special implementation procedure: his task is not to introduce an unknown legal tool to the Hungarian copyright act but to fit the existing Hungarian system to the European requirements. This study identifies the legislative possibilities in this situation, taking into consideration the different interests which concur in this area.

### JURISPRUDENCE SINCE 2006 IN THE SCOPE OF COPYRIGHT

*Péter Gyertyánfy*

The second of a series of articles presents the conclusive judgments on Art. 2., 3. and 107–111/C of the Hungarian Copyright Act. The source is the electronic publication of all court decisions. The author suggests legislation on warranty of title and urges to solidify and unify the legal practice on the delimitation of copyright contracts for use and contracts of work done and materials supplied respectively.

## IS THERE AN OBLIGATION FOR THE AUTHORITY TO INDICATE THE GROUNDS FOR CHANGING PRACTICE?

*Dr Sándor Vida*

Adaptation of the principle of equal treatment in trademark cases was attempted several times. In the SAT.2 judgement the EU Court evaded to take position. But when a direct reference was made by the German Court of Patent in respect of two applications relating to similar prior cases, the decisions were favourable, and the later applications were rejected, and the EU Court took position (Schwabenpost, Joined cases: C-39/08 and C-43/08). The reply was: The trademark authority is not bound to its prior decisions rendered in identical or similar cases, but if they change the practice it is advisable to explain the grounds. In these cases the German Supreme Court rendered a leading Decision on 17 August, 2010 with reference to the EU Court's order. Comments of Grabrucker, Töbelmann, Senderowsk and Ströbele are discussed. Opinion of the reviewer: both decisions are in line with the French and German jurisprudence, different from the British precedence practice.