

SUMMARIES

VEIL DANCE AROUND THE PATENT SECRET

Dr. Miklós Bendzsel

The article deals with the complex relationship between technological innovations, secrecy, human knowledge, patent protection, public property and public interests, with special emphasis on their effect on the development of science, society and economy. As a result and at the same time for the sake of this development there must be a special contract between the owner of the knowledge and society sanctioned by the means of legal regulations. The philosophical-judicial analysis of the issues is clarified by examples of prominent personalities and pioneer performances.

ON OUR TEN-YEAR-OLD PATENT ACT – PART I.

Mihály Ficsor

It is on 1 January 1996 that the present Hungarian patent law (Act No. XXXIII of 1995 on the Protection of Inventions by Patents) entered into force. The study commemorates this anniversary by recalling the considerations underlying, and the preparations for the enactment of that Act, which paved the way for Hungary's accession to the European Patent Organisation and the European Union. It also reveals some interesting details of the debates that had preceded the comprehensive re-codification of the Hungarian intellectual property legislation.

THE COPYRIGHT-NATURED ELEMENTS OF DIGITAL RIGHTS MANAGEMENT

Anikó Gyenge – Gergely Békés

The study focuses on the elements of DRM which can be valued from the point of view of copyright. It searches whether the protection of effective technological measures and the rights management data were organically implemented in the Hungarian copyright law or not. It proves that the possibility of the application of an effective technological measure or a rights management data can be interpreted as a new type of the author's rights.

AFTER 1996 - TOPICAL ISSUES IN THE SUI GENERIS PROTECTION OF DATABASES
AT INTERNATIONAL LEVEL – PART II. EVALUATION OF THE EUROPEAN DATABASE
DIRECTIVE

Péter Munkácsi

The database *sui generis* right was created by the Directive 96/9/EC which had to be implemented in the Member States by 1 January 1998. According to Article 16.3. of the Directive until 2001 the Commission shall submit a report on the application of the Directive to the European Parliament, the Council and the Economic and Social Committee. The long-overdue evaluation report has been released on December 2005. The study is based on the findings of this report, complementing with the practice of the Hungarian Board of Experts for Copyright and some economic considerations concerning the Hungarian software and database industries.

TRANSITIONAL PROVISIONS CONCERNING SUPPLEMENTARY PROTECTION
CERTIFICATES

Mihály Ficsor

This article deals with the interpretation of Article 19a of Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products. This is a transitional provision that has been added to the Regulation by the Act of Accession on the occasion of the EU's last enlargement. The article argues in favour of an interpretation according to which these transitional rules would only apply to those products for which the first marketing authorisation was obtained within the territory of the enlarged European Economic Area after 1 January 2000.

ECJ ON LIKELIHOOD OF CONFUSION: LIFE C/A THOMSON LIFE

Sándor Vida

The owner of the trademark LIFE filed an action with the Court of Düsseldorf (Landgericht) against the use of the sign THOMSON LIFE. The owner of the latter sign is a leading undertaking worldwide in the electronic entertainment sector. The Court dismissed the claim. The claimant appealed to the High Court of Düsseldorf (Oberlandesgericht), which referred for a preliminary ruling of the ECJ. The Advocate General in his Opinion referred to Art. 5 (1)*b*) of the Trademark Directive and to the practice of the ECJ and held that a national court must base its assessment on the overall impression given by each mark, bearing in mind in particular their distinctive and dominant components, the nature of the

public concerned, the category of goods or services in question and the circumstances in which they are marketed. The ECJ ruled that were a sign is composed by juxtaposing the company name of another party and a registered mark which has normal distinctiveness and which, without alone determining the overall impression conveyed by the composite sign, still has an independent distinctive role therein.

THE PATH OF THE INVENTOR – THE OPEN AIR EXHIBITION OF MATHIAS ZDARSKY’S INVENTIONS IN THE AUSTRIAN ALPS

Ildikó Longa

The famous Austrian sportsman in the 19th century invented a new ski running method and a new type of safety ski binding. He recognized among the firsts the importance of the regular open air activity in the healthy way of life.

