

SUMMARIES

RELICS OF THE FUTURE? MILLENNIAL HERITAGE OF INTELLECTUAL PROPERTY PROTECTION

Dr. Miklós Bendzsel

In the lecture delivered on the occasion of the centenary session of the Hungarian Association for the Protection of Industrial Property and Copyright in November 2006 the present and future role of intellectual property protection systems is analysed. First of all the significance of the assessment of intellectual assets is emphasized from the point of view of enterprises and also Hungarian economy. A proposal is presented to establish the National Body for Anti-counterfeiting, taking an active part in creating strategy and having a coordinating function in the fight against intellectual piracy.

SHOULD EVERYONE LOOK ATTENTIVELY TOWARDS LONDON?

Mihály Ficsor

The report of the Gowers review of intellectual property commissioned by the Government of the United Kingdom was published on 6 December 2006. It includes a number of policy recommendations. This article introduces the report and its main recommendations to the Hungarian readers drawing their attention, in particular, to those conclusions of the Gowers review that can also be of interest to them in view of the plans for improving the IP system in Hungary. The title is a paraphrase of a famous Hungarian poem calling for sweeping changes, written by János Batsányi in response to the French Revolution of 1789.

THE TRIPS AGREEMENT IN THE DECISIONS OF THE EUROPEAN COURT PART I: DIRECT EFFECT OF THE TRIPS AGREEMENT IN COMMUNITY LAW

Péter Munkácsi

The law of the World Trade Organization (WTO) since 1995 has been gradually intertwined with the European Community/European Union law. The influence of the WTO law on the EU law should not be surprising. Today the WTO and the EU are two the most significant institutional and normative sites of governance in the world. The intended two part article will present an overview of the WTO (in particular the TRIPS Agreement) impact on EU law. It analyses several judgements - inter alia ERSA - concerning TRIPS Agreement by the European Court of Justice with regard to the direct effect and competence issues within the common commercial policy.

AN INTERESTING EUROPEAN DECISION CONCERNING THE PATENTABILITY OF DIAGNOSTIC METHODS

Dr. Tivadar Palágyi

The President of the European Patent Office (EPO) has observed divergence between two decisions of the Boards of Appeal concerning the patentability of medical diagnostic methods. Therefore, he has raised a question of law to the Enlarged Board of Appeal (EBA) for clarifying this problem. In its opinion, the EBA has followed a narrow interpretation of the exception from patentability of inventions of this kind and confirmed the established case law of the EPO by stating that diagnostic methods wherein not all essential technical steps are performed on the human or animal body are patentable.

ONCE MORE ON THE PROTECTION OF REPUTED MARKS – ECJ’S JUDGEMENT IN DAVIDOFF V. GOFKID

Dr. Sándor Vida

In its judgement C-292/00 the EC told that Article 5(2) of the Directive is to be interpreted as entitling the Member States to provide specific protection for registered trade marks with a reputation in cases where a later mark or sign, which is identical with or similar to the registered mark, is used for goods or services identical with or similar to those covered by the registered mark. The Bundesgerichtshof that requested the preliminary ruling, in its judgement „Davidoff II” followed this line when annulling the judgement of the Court of Appeal of Bremen, inviting the latter to establish the facts. Commentaries of Reuther, von Mühlendahl, Norman, Bonet, Carboni, Ingerl and Rohnke are reported and analysed.

NATURE’S INVENTIONS – SHARK AND BIOFOULING

Dr. Judit Vidák

One of the most successful members of the animal kingdom: the shark helps to overcome biofouling on submerged objects. Some inventions inspired by shagreen are mentioned.