

SUMMARIES

ALL QUIET ON THE WESTERN FRONT? REPORT ON THE “TRENCH WAR” FOUGHT FOR THE COMMUNITY PATENT

Dr Mihály Ficsor

The European Commission submitted its proposal for the Community patent in August 2000, concerning which a common political approach (CPA) was adopted by the Council in 2003, after lengthy talks. Nevertheless, even the CPA was not a firm enough ground for legislation, and negotiations reached a deadlock in the 2nd half of 2004. Consultations on the future of the European patent system were re-started again in 2006. They led to a Communication from the Commission on enhancing the European patent system, which was published in 2007. It is against this background that the article presents the latest developments in relation to the Community patent project, describing also the position of Hungary concerning the outstanding issues of the on-going debate.

THE BIRTH OF A CHIMERA. ATTEMPTS AT THE ESTABLISHMENT OF A UNIFIED EUROPEAN PATENT LITIGATION SYSTEM

Dr András Jókúti

The efforts aiming at the creation of a unified, integrated European jurisdiction entitled to rule upon legal disputes relating to both European and future Community patents have born the fruit of a draft international agreement which tries to reconcile the Community legal order with the present patent system in Europe and would take significant patent-related judicial powers out of the hands of national courts. This article endeavours to present that draft and the most important related documents, also highlighting the key elements of the Hungarian position.

INFORMATION SEARCH IN THE PLASTICS INDUSTRY – PART II

István Hatházi

In the first part of the article – in February 2008 – the two main types of information search in plastics industry were presented: one is internet accessible for all the users, and the other one is commercial online networks which is available only for subscribers. In this second part it is demonstrated how to set up and carry through a search strategy using the example of the network STN.

THE POSSIBILITIES OF COMPENSATION FOR DIGITAL COPYING FOR PRIVATE PURPOSES

Dr Klaudia Franciska Fodor

The article evaluates the answers of member states' legal systems on the changed phenomenon of digital private copy. Central idea of the study is that the digital revolution shall also be accompanied by a revolution on the field of regulation and compensation. By urging other possibilities than specific licenses better chances could be granted for right holders on adequate compensation for legal and even for illegal exploitation.

THE USE OF A MARK ON PUBLICITY MATERIALS – ECJ'S JUDGMENT IN THE CASE WELLNESS

Dr Sándor Vida

The Austrian Patent Office cancelled the mark WELLNESS in Class 25, as it was used for beverages given free of charge to purchasers of clothing goods. The Austrian Supreme Chamber for Patents and Trademarks referred the question to the ECJ whether this use is „genuine” or not. The Attorney General filed a detailed, negative opinion. ECJ's answer (C-495/07) was also negative, accepting the main points of the opinion of the Attorney General. In both the essential function of the mark was stressed and reference to precedents was made, namely to the case Ansul (C-40/01) and the case Verein Radetzky Orden (C-442/07). Critics of von Mühlendahl and a contrary approval of Tréfigny-Goy and Folliard-Monguiral are referred. The Hungarian reporter stresses the difference between the traditional approach (OHIM, ECJ, Tréfigny-Goy and Folliard-Monguiral) based on property, and the more complex one (Czech Republic, von Mühlendahl) based on an economic competition approach, leaving to the reader the choice between them.

HISTORY OF TECHNOLOGY: MIHÁLY FREUND

András Erkel

Mihály Freund a chemical engineer, a university professor, was the first scientist who theoretically worked out the technology of the transportation of LNG. He was the first in Hungary who analyzed the lubrication oils of engines on brake-testing equipment during operation. The article summarizes his career and fields of research.