

SUMMARIES

TRADEMARK INTENSIVE SECTORS IN HUNGARY

Dorottya Simon – dr Imre Gonda

The increasing importance of intellectual property rights requires more and more studies that provide detailed and numeral evidence on stakeholders and relevant sectors. The present study aims to explore those Hungarian economic sectors whose stakeholders use trademarks as efficient IP tools above and beyond the average. After identifying the Hungarian trademark intensive sectors the authors calculate their contribution to the national economy (GDP, employment, export). In addition, the analysis of trademark applicants gives information about the domestic firms operating in the market and the role of trademark as an IP title in Hungary.

NEW TYPE OF TRADE MARKS – FOCUS ON COLOUR MARKS

Lilla Fanni Szakács

The paper discusses the world of trademarks seeking answer to the practically important question of what is the necessary argumentation to prove distinctiveness of a colour to be registered as a trademark. For this purpose several successfully registered trademark applications handed in to the Hungarian Intellectual Property Office are inspected from the point of view of their argumentative tool set and methodology of proving the existence of `secondary meaning`. In the paper, amongst others the author reviews the source of the demand for non-conventional trademarks, the particularities of these atypical trademarks, and finally the findings of her research at the HIPO.

SIGNS OF CRISIS AND THEIR SOLUTIONS IN DIGITAL COPYRIGHT

Dr Dávid Ujhelyi

The papers' fundamental thesis is that copyright law is in a crisis-like state. Therefore, the paper seeks out and analyzes the major symptoms that point out to this state, like the metaphors and definitions used in copyright law, file-sharing and the actual term of copyright protection. After this the Hungarian and international solutions, alternatives and legal models are delineated, that may have an answer for the disfunctions. Lastly, as the main part of the paper, a new and workable alternative legal model is sketched up.

NON-PURCHASABLE BOOKS AVAILABLE AGAIN – DIGITALLY REPLACED ”SCARCE BOOKS” FROM THE 20TH CENTURY

Dr Péter Tarr

The French Act No. 2012-287 of 1st March 2012 relating to the digital exploitation of unavailable books of the XXth century amended the Intellectual Property Code concerning the so called phenomena of “out-of-commerce works”. In order to licence the use of unavailable books, France adopted a mechanism which allows the designated collecting society to provide licences. Government Decree No. 2013-182 of 27th February 2013 relating to the application of articles L.134-1 – L.134-9. of the Intellectual Property Code and to the digital exploitation of unavailable books of the XXth century provides the detailed measures on the new mechanism. The practise of this unique mechanism started this year, however ongoing debates on the constitutionality of the relating provisions still exist. The study attempts to examine the new approach of the above detailed copyright issue and its legal background.

REFUSAL OF THE REGISTRATION OF A NUMERAL JUDGEMENT OF THE EU COURT OF JUSTICE

Dr Sándor Vida

The mark for registration sought was the numeral „1000”. OHIM refused it for lack of distinctive character. The claim against this decision was dismissed by the EU Tribunal. The EUCJ found the appeal inadmissible (C-51/10), holding that the judgement of the first instance was in conformity with Art. 6 (1)(c) of the Regulation No. 40/94; moreover the plea that OHIM disregarded its previous decisions was unfounded. Comments: though the Regulations provides registration of numerals, it is very difficult to obtain it. Legal technique applying analogies, moreover teleological interpretation, in the judgement are usual methods of the EUCJ. The reporter is disappointed by the simple reference to an order in a judgement like precedent, relating equality of treatment, without seriously considering that this is a general principle of law of the EU.