

SUMMARIES

REGULATION ON BLOCK EXEMPTIONS FOR TECHNOLOGY TRANSFER

Dr Dorottya Szilágyi

In the present study the author introduces the competition law and IP law aspects of the new Technology Transfer Block Exemption Regulation which came into force on 1st May, 2014. The main differences and modifications comparing to the old TTBER and to the announced draft of new TTBER are also be presented. The study focuses on and analyzes in detail the non-challenge and the grant-back clauses.

OBJECTIVE AND HUMAN IMAGE OF COPYRIGHT REFLECTED IN THE THEORIES FORMING THE BASIS FOR INTELLECTUAL WORKS

Dr Dávid Ujhelyi

This paper would like to examine the goal of copyright in hope of dissolving the pressure that stretches copyright law from the inside. For reaching this, the paper uses a subsidiary aspect: the way law sees its subjects. Within this context, the paper presents the theories founding intellectual property, their concept of intellectual property's (or specifically copyright's) purpose, and their view of authors and society. Finally, this paper tries to adjust the purpose of copyright to the social functions of the XXI. century, and to clarify its content, so it could be the instrument of bringing creative works to society, rather than the barrier of it.

WHEN EXHAUSTION DOES NOT WORK?

Dr Sándor Vida

The plaintiff established a selective distribution system for perfumery goods with reputed marks. Advertising material, included testers for DAVIDOFF COOL WATER were delivered for the Singapore market. The defendant company was not member of the selective distribution system, but he provided some testers from Singapore and offered them for sale in Germany. The claim was dismissed by the court of first instance, holding that exhaustion took place. The Court of Appeal of Nuremberg referred the question on exhaustion to the EU Court of Justice. The latter in his judgement (C-127/09) held that exhaustion did not take place as the proprietor of the mark neither expressly nor implicitly agreed with the sale

in Germany. Reported is on comments of Machnicka, Ullmann and Ruess. The author of this article analyses this judgement with regard to the CILFIT judgement (C-283/81) of the EU Court of Justice, namely, whether requesting of reference was necessary at all, and comes to the conclusion that it was useful.