

SUMMARIES

„IPARJOG” – TENDER SCHEMES TO SUPPORT THE PATENT PROTECTION OF HUNGARIAN INVENTIONS

Gábor Németh

Hungary has a history of supporting patent protection through tenders dating back to the 1990s. Nevertheless, the continuous extension of grants and the simplification and improvement of the tender conditions in the last more than thirty years had not resulted in a significant effect on the number of patent applications. In order to improve the current low level of patenting activity, the search for solutions should go beyond the framework of the tender system, since industrial property protection cannot be understood in isolation from research and development activities, or even more broadly from the functioning of the innovation system as a whole, including not least the adequate availability of patent attorney services.

CURRENT REGULATORY CHALLENGES OF COPYRIGHT AFFECTING FUNCTIONAL WORKS

Ádám Hilgert

This study examines the specific copyright perspective of database and software works and the related legal interpretation and enforcement obstacles in the light of the technological and market developments of the last decade. Functional works are more closely linked to the digital infrastructure than other copyright works. The study argues that it seems timely to revise the regulation of functional works in a coordinated way with other areas of law.

CREATION FROM ENTHUSIASM. COPYRIGHT ISSUES OF FANVIDDING

Mohamed Al-Ariki Arwa

The thesis focuses on fan-made creations called fanvids as well as the several copyright issues that surround them. This segment contains an introduction to fandoms and fanvids, discusses whether fanvids could be considered creations by Hungary's copyright law and how the answer affects the rights of their authors, the fans. The focal point of this section lies in the last chapter which examines the right of adaptation and its links with fanvids.

ANOTHER JUDGEMENT OF THE EUROPEAN COURT OF JUSTICE ON THE LIMITS OF TRADEMARK USE. JUDGEMENT OF THE EUROPEAN COURT OF JUSTICE IN INDUSTRIA DE DISEÑO TEXTIL SA (INDITEX) V. BUONGIORNO MYALERT SA

Zsigmond Ferge

Pursuant to Article 5(1)(a) of the First Directive 89/104/EEC on the approximation of the laws of the Member States relating to trademarks, trademark protection provides the holder with exclusive rights. Pursuant to this meaning, the owner of the registered trademark can take action against anyone who uses the same designation as the trademark in the course of economic activity without his permission in connection with goods or services that are identical to the goods or services listed in the trademark's list of goods.

The European Court of Justice answered the almost classic question of the conditions under which the use of a third party's trademark is considered legal under the directive with its ruling in the case under review. In the factual case it was sought whether the use of the trademark in the advertising campaign was in accordance with fair industrial and commercial practice. A special feature of the case is that, while the problem raised in it – considering its connections – can be placed on the border between trademark law and unfair competition law, the question submitted for a preliminary ruling only concerned the interpretation of Directive 89/104/EEC.