

SUMMARIES

INTELLECTUAL PROPERTY IN THE SERVICE OF SUSTAINABLE DEVELOPMENT III. THE WIPO DEVELOPMENT AGENDA

Dr Barna Arnold Keserű

The milestone year 2007 worth special regard, when the development-related considerations became an integral part of the WIPO's activities by adopting the Development Agenda. In this study the author shows how the Development Agenda could redefine the system of IP within the framework of sustainable development, and how it could put the IP system into the service of new goals.

COMMUNITY EXHAUSTION OF IPR RIGHTS AND ITS PHARMACEUTICAL SIGNIFICANCE – PART II.

Dr Kristóf Sebestyén Ujfalussy

In the second part of the study, the author examines the special characteristics of the community exhaustion, i.e. the specific mechanism, among others, which became actual as a judgement was passed in case C-539/13 this February. In the brief competition law-focused overview that follows the case study, the author points out the tools that the holders of the IPR rights, generally the pharmaceutical companies, use to preserve their competitive advantages and whether the application of these tools are lawful.

LEGAL PROTECTION OF KNOW-HOW ON THE BASIS OF THE NEW CIVIL CODE AND THE ANALYSIS OF THE PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN UNION ON THE PROTECTION OF UNDISCLOSED KNOW-HOW AND BUSINESS INFORMATION – PART I.

Gábor Jenei

The introductory chapter of this first part deals with the history of defining know-how in the Hungarian law literature, revealing some of the corner points of this debate and the improvement of the term “know-how”. Following this, a short chapter is about the practical, economical benefits of know-how and the necessity of legal protection. The study then observes the protection of know-how in contractual relations, considering practical viewpoints as well. After that the protection available under the Hungarian legislation is

examined. The second part of the study will give an analysis of the directive proposal of the European Union, which will be published in the subsequent issue.

NOTES ON THE FACTS OF THE CASE OF INFRINGING COPYRIGHT OR RELATED RIGHTS IN THE CRIMINAL CODE

Dr Dávid Ujhelyi

This paper presents the dogmatic aspects and practice of the Hungarian criminal act regarding criminal copyright infringement, which can be found in the § 385. of the Criminal Code. After examining the criminal act itself and its history, the paper focuses on the justifiability of the current criminal protection and sanctions, the methods of calculating pecuniary injuries, and the role of appointed experts played in the criminal procedure.

LIMITS OF THE EXHAUSTION OF DIGITAL RIGHTS IN THE EUROPEAN UNION AND THE UNITED STATES OF AMERICA – PART II.

Péter Mezei

Following the analysis of the UsedSoft and the ReDigi decisions, the present article discusses the hypothetical question, whether it is necessary to accept the doctrine of digital exhaustion. The analysis stresses that this issue is not hype, but has a strong dogmatic relevance. It further takes the view that the currently dominant, strict interpretation of the doctrine of exhaustion shall not be deemed as the most proper solution for the problematics. Based upon several economic, social and technological arguments the paper argues that it might be timely to accept a clause that encompasses digital exhaustion as well.

CONFLICT OF AN INDICATION OF GEOGRAPHIC ORIGIN WITH A MARK – CASTEL

Dr Sándor Vida

Declaration of invalidity of the CTM CASTEL (wine) was requested by a party entitled for the indication of geographical origin Castell (wine) protected in Germany, France, Greece, Italy and Spain. The application was dismissed by OHIM, and also by its Board of Appeal. The party entitled brought an action for the annulment. The General Court annulled the decision of the Board of Appeal. The owner of the CTM CASTEL asked to set aside the judgement of the General Court. The Court of Justice dismissed the appeal by an order (C-622/13). In the latter it was said that the conclusion of the court of first instance on the

relevant public's perception on the wine producing municipality Castell in Germany was correct.

The author of this article observes, that according to Wikipedia the village Castell is known since the 17th century as a wine producing place. Moreover, the CTM Regulation in the frames of the reform under preparation will grant statutory right for the party entitled in respect of annulment of an identical or similar mark.

BE LIGHT! OR THE ROLE OF INVENTORS IN THE DEVELOPMENT OF LIGHTING TECHNOLOGY

Dr Kata Siklós

The essay provides an overview of the history of technology in the development of artificial lighting. Represents the inventors and their inventions whose work significantly contributed to the development of lighting technology from the ancient times to the present day.