

SUMMARIES

“FASHION LAW ON THE RUNWAY” – POSSIBILITIES OF LEGAL PROTECTION FOR FASHION INDUSTRY IN THE LIGHT OF INTELLECTUAL PROPERTY RIGHTS

Petra Ujvári

Fashion law is an area of law that has become an independent, rapidly growing and specific discipline in the past couple of years. Not only does it deal with intellectual property law but it also has some civil law, corporate law, labour law and international law aspects, thus serving as the primary legal regulation of the fashion industry. By the 21st century, fashion has achieved the status of one of the most important industries in the world. As a result, the growth of the fashion industry has spawned an increased public awareness for fashionable ‘designer products’, and in light of the popularity of certain designers or specific designs, style piracy has increased exponentially. But where is the line between inspiration, knockoffs and counterfeits? Does fashion industry need intellectual property protection at all? And if it does, which form of protection is the most suitable for fashion designs? The aim of the study is to find answers to these questions and make a comparison between legal protection possibilities provided by the European Union and the United States.

PROFESSIONAL AND NON-PROFESSIONAL OPINIONS ABOUT THE ILLEGAL MUSIC DOWNLOADING THROUGH THE MARKET POSSIBILITIES OF DEEZER, A LEGAL WEB-BASED MUSIC STREAMING SERVICE

Márton Nyirő – Margit Berki-Süle

In the early 2000’s the music industry had to face new challenges, because the broadband internet has spread worldwide. Previously the quantity and quality of the illegal media copies were low; these were not a serious danger for the profit of the sector. Also the contents were easier to defend from copying on formats like CD or DVD. Today we live in the world of online contents, where everyone can get music, films, or programs from the internet anonymously on really low costs without loss of quality. The protection of copyright is almost impossible in the online environment. The role of the physical and digital media in the future is unclear. In the essay – and in the researches in contact with it – the author tried to clear this future, and examined the criteria of the necessary repositioning of the product group.

CARTOON HEROES IN THE MAZE OF INTELLECTUAL PROPERTY: THE CHALLENGES OF THE 21ST CENTURY IN THE FIELD OF "CHARACTER MERCHANDISING"

Adrienn Timár

The study aims to give an overall analysis about the legal protection of film characters through examining the legislation of four countries (Hungary, USA, Republic of Korea, Japan), with particular reference to copyright and trademark law. The structure follows the character from its creation all the way to the enforcement of rights, through the steps of filmmaking. The chapters are as follows: analysis of related definitions, possible ways of creating a character, legal problems of finding the owner of rights, the extent and term of protection, the most common contracts regarding the use of characters, the infringement and the possible ways of enforcement of rights.

LAYOUT OF A RETAIL STORE AS TRADEMARK

Dr Sándor Vida

Apple filed an international application for the layout of his "flagship" stores, as a three dimensional mark. The German Patent and Trademark Office refused protection. The applicant filed claim with the German Patent Court which sought for preliminary ruling from the Court of Justice of the EU. The latter decided (C-421/13) that such a draft, depicting the layout of a retail store can be protected as a service mark, but this mark does not protect the retail services. As a result the German Patent Court has to continue the examination. Several authors comment the judgement: *Knaak, Ebert-Weidenfelder, Goldman, Grabrucker, Uphoff, Mirza, Glas/Vanavermaete*. The latter say that the judgement is in line with the court practice in the US on trade dress protection. The author of the report agrees with this statement, moreover he observes that in China the protection was granted for this mark with a limitation of the list of services, that restrict somewhat the possibilities of retail shops already copied from Apple.