

Execution of Judgments in Lawsuits Filed for Violations of Intellectual Property Rights

Section 184/A.

(1) If execution of a definite act is for the implementation of a judgment passed in a legal action filed for infringement of a patent, an utility model, the patented topography of micro-electronic semiconductors, illegal use of trade mark, encroachment of a protected design, for violation of provisions on the prohibition of unfair and restrictive market practises, or for infringement of copyright, the court shall order the obligor to voluntarily comply within three days in its executable document. If the definite act constitutes the surrender of a movable property, the court shall order the obligor to perform such immediately.

(2) Upon receipt, the bailiff shall deliver the executable document to the judgment creditor by service of process along with a notification to promptly advance the costs of execution. In respect of the execution of a provisional measure, the bailiff shall be advanced funds to cover his fees in full and the estimated expenses or the average cost allowance before commencement of the proceedings.

(3) Upon receipt of the advance funds, the bailiff shall proceed to serve the executable document to and call upon the obligor to satisfy the demand. Should the obligor fail to comply immediately, the bailiff shall return to the scene at the deadline of performance to check if the aforementioned demand has been satisfied.

(4) If demand has not been satisfied the bailiff shall file a report on such fact and shall submit such report to the court issuing the writ of execution, based on which the court shall proceed without delay to order the mode of execution to be implemented in accordance with Sections 174-177.

(5) In the course of execution of the judgments passed in lawsuits described in Subsection (1) the court may fine the obligor up to 500,000 HUF, on the basis of Paragraph c) of Section 174. In the event of nonpayment, an interest penalty of twice the current prime rate shall be added to the fine as of the day of the original payment deadline.

(6) If the execution procedure governed under this Title is for the delivery, surrender or seizure of specific movable property, the bailiff shall seize such property concurrently upon delivering the executable document and shall take measures to have such property delivered to the person specified in the document. If the obligor refuses to surrender the movable property or obstructs such seizure, the bailiff shall request direct police assistance in carrying out the execution.

(7) If the court orders the execution sale of seized assets and materials in accordance with the provisions of judicial execution, the bailiff shall proceed to carry out the sale of such property by auction, whereby the movable property in question may not be returned to the obligor as described in Subsections (1)-(2) of Section 135.

(8) If the judgment of the legal action described in Subsection (1) exclusively awards the payment of moneys, the execution of such shall be carried out in accordance with the provisions on the execution on money claims.