

SUMMARIES

OUR NATIONAL SYMBOLS IN TRADEMARK LAW – PART II

Mihály Ficsor

In the second part of the article the relationship of Hungarian national symbols and trademarks are examined on the basis of the relevant laws in force, namely Act XI of 1997 on the Protection of Trade Marks and Geographical Indications and Act CCII of 2011 on the Use of the Flag and Armorial Bearing of Hungary. The joint interpretation of the two Acts highlights several problems that are to be resolved in the future – either through developing further the legal practice, or by amending certain provisions.

UNIFIED PATENT COURT AND ITS DRAFT AGREEMENT

Dr Tivadar Palágyi

This article relates to the Unified Patent Court (UPC) and reviews the precedents of its establishments, including the developments during the Hungarian and Polish Presidencies and those during the beginning of the Danish Presidency till February 2012.

The draft agreement on the function of the UPC is summarized, making acquainted among others with institutional provisions such as the Court of First Instance and the Court of Appeal, with the judges of the Court, the jurisdiction and effects of the decisions, languages of the proceedings, proceedings before the UPC, and operation of the Agreement.

The draft statute of the UPC and the draft Declaration of the contracting member states are shortly summed up as well. Thereafter the preliminary set of provisions for the Rules of procedure of the UPC are summarized.

INTELLECTUAL PROPERTY PROTECTION OF PLANTS, PLANT VARIETIES AND PLANT-RELATED INVENTIONS IN EUROPE

Dr Szonja Csörgő

May plants, plant varieties or other plant-related inventions be the objects of intellectual property rights? If so, which type of intellectual property right can ensure the most appropriate and balanced protection? Already the Paris Convention provided for a legal base for the creation of intellectual property rights on plants and certain parts of plants and so does the TRIPs Agreement. This latter however already imposes obligations and limits on the Contracting States as regards the object and type of intellectual property rights on

plants, plant varieties and plant-related inventions. The study is aimed at presenting and analyzing the UPOV-type Community and Hungarian plant variety protection system, the law and practice regarding the patenting of plants and other plant-related inventions and the questions raised by the interface between the two systems in the light of the above-mentioned international legal framework.

MAY COUNTERFEITED TRANSIT GOODS BE CONFISCATED?

Dr Sándor Vida

International transport of goods has a particularly increasing importance. In case of goods crossing the territory of several states the protection of intellectual property can result in the emergence of complex problems. The study analyses the situation when „counterfeited goods” infringe upon intellectual property rights (trademarks, designs). The different situations are illustrated by case law.