

SUMMARIES

LIABILITY OF ONLINE INTERMEDIARIES FOR THE INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS IN THE EUROPEAN UNION

Dr m Liber

The author provides an overview of harmonized rules for the liability and safe harbours of online intermediaries relating to the infringement of intellectual property rights and having a significant role in the operation of information society services within the European Union. The Electronic Commerce Directive has been adopted in 2000, whereas the development of online trade, emergence of new and innovative business models (such as Adwords, online marketplaces, blogs, social networks, streaming) as well as mass online infringements nowadays constitute serious challenge in the application of the technologically neutral provisions harmonized by the Directive. The article analyses the practice of the Court of Justice of the European Union (CJEU) on the interpretation of the Directive's provisions, including the CJEU's efforts to seek a fair balance between the rights and interests of owners of intellectual property, online intermediaries and the users of such services.

EXPECTATIONS TOWARDS THE USE OF COMMUNITY TRADE MARKS – QUESTION OF THE TERRITORIAL SCOPE

Dr Sndor Vida

In an opposition procedure between OMEL applicant and ONEL opponent the latter was able to prove use only in the Netherlands, as a result the opposition was dismissed by the Benelux Office. Gravenhage's Tribunal decided to stay proceedings and referred for preliminary ruling to the Court of Justice EU in respect of the territorial conditions of genuine use of a community mark. Excerpts from the Observations of the Hungarian Government are cited. In his preliminary ruling the Court of Justice EU replied (C-149/11) that territorial borders of the Member States ought to be disregarded, but listed several circumstances which should be assessed. Comments of Slopek and Fritzsche, the Hungarian Intellectual Property Office, Bogatz, Sosnitza, Nurton, Gonda, Folmer, Gielen, Pters, Wellens, Bolter, Dickson, Van der Laan, S. Stanes, Groebl, Mehler, White, von Bomhard, Bos, Hall, Benson, Guise are reported. The author of the article stresses that a methodological peculiarity of the judgement is the reference to analogies.

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Péter Gyertyánfy

The forth of a series of articles presents the conclusive judgments on Articles 9., 98.,30.,10–12. and 14–15 of the Copyright Act. The article suggests the scrutiny of the possibility of the extension of the exceptional cases where the transfer of economic rights is allowed (functional works, merchandizing rights).The author points to the sensitive parts of the practical application of some of our provisions: e.g. of the right to make the work public. He also suggests certain minor structural changes for the case of a general revision of the Act (rules on works created by employees).