

## SUMMARIES

### THE BLOCK EXEMPTION OF THE UTILIZATION AGREEMENTS CONCERNING PATENTS AND KNOW-HOW

*Levente Tattay*

The most important question of the protection and utilization of intellectual works in the European Union is the solution of the conflict between the exclusive territorial rights of intellectual property and the requirements of competition law and the internal market – particularly the freedom of goods and services. The block exemptions contribute to the settling of this problem, regulated by virtue of Article 101(3) of the Treaty on the Functioning of the European Union [in accordance with Article 81(3) of the Treaty of Rome]. This study demonstrates that the Block Exemption Regulation concerning the technology transfer agreements [Commission Regulation No 772/2004/EC of 7 April 2004 on the application of Article 81(3) of the Treaty to the categories of technology transfer agreements] ensures immunity for the conclusion of utilization agreements concerning patents and know-how.

### PATENTABILITY OF GENES

*Klarissza Domokos*

On June 13, 2013, the United States Supreme Court made a decision (U.S. Supreme Court Decision No. 12-398, Association for Molecular Pathology, et al., Petitioners v. Myriad Genetics, Inc., et al.) relating to an ongoing dispute which has been running for years, regarding the patentability of human genes. The unanimous decision states that naturally occurring genes and isolated genes are excluded from patentability under § 101 of 35 U.S.C., while the synthetic DNAs (cDNAs) may be patent eligible.

### SIMPLIFICATION OF THE INFRINGEMENT PROCEDURE – COMMUNITY TRADE MARK

*Dr Sándor Vida*

In an infringement procedure a Spanish Court referred to the EU Court of Justice for a preliminary ruling: the question was whether the registration of a later conflicting Community trade mark can constitute an obstacle for an infringement procedure, namely whether the infringement procedure ought to be prevented by an invalidation action.

The reply of the EU Court of Justice (C-561/11) was that Art. 9 (1) of the EU Trademark Regulation must be interpreted as meaning that there is no need for that latter mark to have been invalidated beforehand. Reported are comments of von Mühlendahl and Lederer. The author of the article holds that at least in conflicts between Community trade marks before the Community Trade Mark Court in Hungary the reported judgement will result a change of jurisprudence: in similar situations the infringement procedure will be no more suspended until the later mark is invalidated. Moreover he believes that sooner or later the same idea will be accepted by the courts also in conflicts between national marks.

#### MILESTONES IN THE HISTORY OF PATENT LAW BY THE END OF THE 19TH CENTURY

*Dr László Papp*

The historical survey of the author throws light on the origins of patent systems from the beginning to the end of the 19th century. Before the modern patent legislation there were two solutions for the protection of intellectual activities: confidentiality and industrial or patent privileges. In the ancient China, the protection was solo the confidentiality. During the Middle Ages we find many industrial privileges, but in most cases they didn't contain real inventions. The first real patent appeared in Italy, in the first half of the 15th century. After 1450 the grant of real patents became quite systematic in Venice. This exercise created a platform for the decretum of Venice in 1474. This practice was spreading also in England and France in the 17th century. The study demonstrates the process, in which the exclusive right from the royal discretion became into a subjective right, in particular in the European and American developments.