

SUMMARIES

THREE YEARS OF SUPPLEMENTARY PROTECTION CERTIFICATE IN HUNGARY

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Since the introduction of the new legal protection form Supplementary Protection Certificate (SPC) altogether 120 applications have been lodged with the Hungarian Patent Office (HPO). The number of the Hungarian SPC applications filed up to present was relatively lower than expected from international tendencies. HPO has published the official notification of the applications and granted certificates and has given opinions on controversial legal issues. 45 certificates have been granted and some applications have been rejected. The office has updated its practice according to recent changes in the legislation [ie. Act CXL of 2004 (Administrative Act), Act XXXIX of 2002 (Patent Act), Government Decree 26/2004. (II. 26.), etc.], is following with attention the open proceedings initiated at the European Court of Justice (ECJ), and it is applying the ECJ's decision during the examination procedure.

The European Parliament and the Council has adopted on 12 December 2006 the Regulation (EC) No 1901/2006 on medicinal products for paediatric use. According to this new regulation additional tasks and responsibilities are referred in the Office's authority.

AUTHORS AND THEIR WORKS IN THE SERVICE OF PERSUASION – CREATORS OF AND FACES IN ADVERTISEMENTS

Dr. Anett Pogácsás

This article reflects to those problems which have recently occurred during the use of the works of copyright in the field of advertisements. The regulation of this legal territory is rather perplexed both in the case of the works made for the purpose of the advertisement and in the case of the use of other existing works. The content of the aforementioned categories is much more exceeded by the quantity of the the law and judicial jurisprudence concerning the special cases of celebrity merchandising. The compiled norms of the publicity right worked out in the United States show a lot of examples for this latter category.

INTERESSANT DECISIONS ON THE USE OF DISCLAIMERS

Dr. Tivadar Palágyi

Two technical boards of appeal of the European Patent Office turned to the Enlarged Board of Appeal with the question whether it is allowable to subsequently modify a claim by inserting a disclaimer when neither the disclaimer itself nor the subject matter excluded by it from the scope claimed is supported by the originally filed application.

The article describes, on the one hand, the decision of the Enlarged Board of Appeal that discloses that the disclaimer is allowable and then, on the other hand, treats in detail the legal situation following the decision and the pitfalls which threaten the applicant inserting the disclaimer. According to the author's final conclusion the subsequent insertion of disclaimers should be avoided.

„EFFECTIVE USE” OF TRADEMARKS IN THE PRACTICE OF THE EUROPEAN COURT

Dr. Sándor Vida

The requirement of effective use of trademarks is discussed in the article. This legal concept was introduced into Hungarian regulation by the recent law in operation concerning trademarks in 1977. Also in the European Union it has a long tradition only in the countries of Anglo-Saxon jurisdiction: in France it was introduced in 1964, and countries with German jurisdiction adopted it just a few years before Hungary as a result of the European directive. So it seems obvious that the necessity of the precise definition of the legal concept of „effective use” has emerged recently. The issue is discussed in the light of court decisions.

NATURE'S INVENTIONS – POLAR BEAR TECHNOLOGIES AND A CITY MYTH

Dr. Judit Vidák

A polar bear has two types of fur; a top layer and an under layer. The top layer is made up of long oily hairs which act like a winter jacket does; it is a protective layer to keep the polar bear dry. The under layer is a soft layer of fur that acts like a sweater does. It keeps the bear warm. Inspired by the fur of polar bear, in 1877 Helly J. Hansen sea captain crafted his first product, the oilskin waterproof jacket to keep sailors dry. The brand new garment of his firm fashioned with HH hollow Lifa T3 (thermic tube technology) – inspired by the fur of polar bear – keep people warm.