

SUMMARIES

COMMUNICATION OF THE EUROPEAN COMMISSION ON THE ENHANCEMENT OF THE PATENT SYSTEM IN EUROPE

Mihály Ficsor

The European Commission published the communication to the European Parliament and the Council entitled Enhancing the patent system in Europe in March 2007. In this study two of the issues discussed in the communication are dealt with. One of them is the strategic debate on centralization v. decentralization (i.e. cooperation within a network) which is a conflict accompanying the development of the European patent system from the earliest start. The other issue is the length of the patent granting process at the European Patent Office and the objectionable quality of patents in some cases which have been the subject of several discussions already.

CERTAIN ISSUES OF THE ACTIVITY OF JUDICIAL EXPERTS IN THE FIELDS OF COPYRIGHT AND NEIGHBOURING RIGHTS AS WELL AS INDUSTRIAL PROPERTY PROTECTION

Dr. Gyöngyi Horváth

There is a legislation process in Hungary as a part of which the legislator is going to make a proposal on the circle of judicial experts available in legal disputes in the field of copyright and neighbouring rights. The change is of current interest because the law regulating expert activity in the course of the enforcement has risen problems which can be solved also by legislation. The article summarizes the models of judicial expert activity in the field of copyright and neighbouring rights.

PROTECTION OF DIGITAL CONTENTS UNDER COPYRIGHT LAW IN AN ONLINE ENVIRONMENT – PART I.

Gergely Spránitz

The aim of the study is to introduce copyright infringements from the aspect of science, sociology, practice and economy in a deductive way. The characterization of software piracy is discussed after the high-tech crime review. Then perpetrators, committal acts, Hungarian references and also side effects are typified.

CONTENTS AND SCOPE OF TRADEMARK PROTECTION – ECJ’S JUDGMENT IN THE OPEL CASE

Dr. Sándor Vida

By an application brought before the Court of Nürnberg-Fürth the Opel Company sought an order to prohibit the use of the OPEL logo (so-called OPEL-Blitz) on toys. The national Court requested preliminary ruling from the ECJ. The Advocate General in his Opinion concluded that the use of a registered sign on toys does not constitute use as a trademark within the meaning of Article 5(1)(a) of the EC Trademark Directive. Though the ECJ in his judgment Nr. C-48/05 ruled on the contrary and said that where a trademark is registered both for motor vehicles and for toys, its unauthorised use on models of vehicles constitute a use that the proprietor of the mark is entitled to prevent.