

## SUMMARIES

### CRIMINAL LAW ENFORCEMENT IN THE FIELD OF INTELLECTUAL PROPERTY RIGHTS AT THE EUROPEAN AND THE NATIONAL LEVELS

*Dr. Judit Fazekas – Dr. Anikó Gyenge*

Level of the harmonisation is determined by the basic principles of proportionality, subsidiarity and necessity. In the field of criminal law the narrow Community competences and the ultima ratio principle must be taken into consideration as well. The study represents a comprehensive analysis of the proposal for a Directive of the European Parliament and of the Council on criminal measures aimed at ensuring the enforcement of intellectual property rights from the point of view of these principles and it searches the potential effects thereof on the Hungarian intellectual property criminal law.

### CURRENT ISSUES OF COPYRIGHT IN THE EUROPEAN UNION AND AT THE INTERNATIONAL LEVEL

*Jukka Liedes*

The author is the head of the Ministry of Education and Culture, and the president of Copyright Association in Finland, and is also the president of Finnish ALAI Group. His lecture was delivered on the occasion of a conference in Budapest in October 2006. The legal regulations and institutions of copyright in the European Union are overviewed with special emphasis on ratification of WCI and WPPT and online music services. Current legislative preparatory work in the EU as well as other international issues, the activity of WIPO are also discussed.

### CREATIVITY AS A CAUSAL FACTOR OF INNOVATION

*József Szilágyi*

As the most essential source of innovation is creativity, definitions of creativity are examined, the creative process is analysed, the relation between individual creativity and internal or external factors are outlined, while creativity is also discussed with regard to group interactions.

## NATURE'S INVENTIONS – THE THISTLE AND THE VELCRO

*Dr. Judit Vidák*

Thistle, the hichhiker of vegetable kingdom inspirated Swiss engineer George de Mestral to develop velcro after examining how thistle burrs clung to clothing.

## COMMUNITY TRADEMARKS (CTM) – ENFORCEMENT

*Dr. Sándor Vida*

Material law (the CTM Regulation) provides on infringement. The use without consent of the owner of the CTM „in relation” to goods or services constitutes infringement (see judgements BMW or ARSENAL). Moreover likelihood of confusion can be also an important element of infringement (see e.g. judgement PUMA/SABEL). But there are also limits of the protection, e.g. own name of the user (see judgement GILLETTE), or exhaustion (see judgements SEBAGO, DAVIDOFF, LEVI-STRAUSS).

Procedure is ruled by the CTM Regulation too. CTM Courts in Hungary are the Metropolitan Court and the Metropolitan Court of Appeal. Their jurisdiction is provided by Art. 92 of the CTM Regulation. Relating to provisional measures Art. 99 provides jurisdiction as well for CTM Courts as for national ones. The decisions in the T-Point case of both instances in Hungary are analysed in this respect. Relating to counterclaims the „Chocolate Rabbit” case decided by the Supreme Court of Austria is reported.

Execution is not dealt by the CTM Regulation. As a result in this respect the Decree Nr. 33/2001 EC ought to be applied in combination with rules of national law.