

SUMMARIES

THE ROLE OF CLAIMS IN PATENT LAW – PART III COMPARING THE HUNGARIAN, EUROPEAN, INTERNATIONAL AND PARIS UNION PRIORITY SYSTEMS

Zsófia Kacsuk

The present paper is a comparative study of the different types of priority systems adopted by the European Patent Convention and the Hungarian Patent Act. The first part of the paper discusses the Hungarian priority system and in particular the internal priority. The second part focuses on the priority rules of the EPC and its conformity with the priority system laid down in the Paris Convention, which regulates the priority right of Euro-PCT applications.

LEGAL PROTECTION OF SOFTWARES: THE PATENTABILITY OF COMPUTER PROGRAMMES FROM THE POINT OF VIEW OF COMPARATIVE LAW – PART II

Lilla Júlia Lovas

In the second part of the study the author examines the practice of the European Patent Office, the U.S. and Japanese Patent Offices, thoroughly analyses the draft directive of the European Committee of 2002, and the possible reasons of its rejection by the European Parliament. Finally, the author draws the conclusion that the patent protection of softwares is an already existing practice, and creating its legal source and background only depends on balancing various political and lobby interests in the future.

GREASED LIGHTNIN’ – INDIRECT LINKS BETWEEN DESIGN PROTECTION AND THE NAME OF THE PRODUCT TO WHICH THE DESIGN IS APPLIED

Dr András Jókúti

How sensitive is design law to the designation and intended function of the product embodying the design under protection, i.e. does the purpose of the product concerned have an impact on the scope or validity of protection? Although design protection is traditionally not linked to any classes of goods, it should be noted that the name and function of the product to which the design is applied play indeed a certain role in the system, even if only in an indirect manner and to a much more limited extent than the classes of goods or services to which a trade mark is registered.

THE IMPACT OF THE EUROPEAN COURT'S PRACTICE ON HUNGARIAN TRADEMARK LAW

Dr Sándor Vida

A previous report was published in No. 2007/5 of this periodical. In the present paper decisions rendered by courts and the Hungarian Patent Office are reported. Namely on distinctivity (Intensive Clean: not), likelihood of confusion (Sport, Bosco Sport: yes), reputation (Zippo: not), trademark family (Pannónia: yes), proof of use (City Inn: not), exhaustion (Palmolive Classico: not), unfair parallelimport (Palmolive Classico: yes). The decisions reported refer to ECJ's judgements renewed in reference cases, e.g. in Thomson Life, TDK, Pago, Cilfit, Davidoff, Lewi Strauss.

THE VALUE OF DEPENDENT CLAIMS IN CASE OF PHARMACEUTICAL PATENTS

Dr Tivadar Palágyi

The Federal Court of Australia has recently issued a decision in the Lundbeck v. Alphapharm case that has important implications for patents concerned with pharmaceutical substances. Ultimately, this litigation demonstrates the value of including meaningful dependent claims during prosecution or by amendment before litigation. The failure to use a general symbol instead of a concrete chemical symbol resulted in the failure of an infringement process initiated by the patentee. Besides, a unit dosage claim with quantities outside the useful range made this claim invalid by reason of inutility.