

SUMMARIES

THE PATENT REFORM BILL OF 2010 IN THE U.S.A.

Dr Tivadar Palágyi

This paper is the continuation of an article which appeared in the February issue of this bi-monthly and deals with the recent patent reform bill of April 2010. The most important features of the bill are discussed in detail.

GENERICIZATION OF TRADEMARKS

Peter Szalai

The article is based on the loss of distinctive character of registered trademarks, genericization in other words. The article deals with the reasons and possible legal effects of the aforementioned phenomenon. It means to demonstrate with examples the typical attributes of marks that are mostly compromised by genericization, according to practical experience. The article also involves the concerns of genericization from the aspect of linguistics.

THE STRUGGLE CONTINUES AGAINST ILLEGAL DOWNLOADS

Gabriella Kovács

The purpose of this document is to present how to fight against copyright infringements on Internet. First the paper deals with the DMCA, the EU Telecommunication Reform Package, the Directive 2000/31 on certain legal aspect of information society services. The second part of the paper presents an overview of three strikes measures, what they seek to achieve, the mechanism by which they operate, and the difficulties experienced within the EU and about their introduction.

REGULATION OF COPYRIGHT LAW IN THE NEW PART IV OF THE RUSSIAN CIVIL CODE – AN IMPORTANT, BUT PARTLY PROBLEMATIC PIECE OF LEGISLATION

Adolf Dietz

In December 2006 President Putin signed Part IV of the Civil Code of the Russian Federation, which regulates the whole field of intellectual property. On the same day almost all

preexisting special laws (Patent Law, Trademark Law, the Computer Program and Database Protection Law, the Law on Copyright and Neighboring Rights) have lost force. The paper analyses the the new elements and the deficiencies of the new codification, dwelling on substantive copyright law, neighbouring rights, copyright contracts law, collecting societies law and the enforcement of rights.

ON THE ECONOMIC ROLE OF INDUSTRIAL DESIGN

Dr Péter Osman

The study offers a detailed overview of the economic role of the design. It outlines its integration into the toolkit of the modern industry, as a substantial field of product development. It explains how design can be used so as to boost the products' competitiveness, to enhance their sales potential and to increase the per unit profits. It discusses, among others, the creation of value added by improved ergonomical features, by designed packaging, and the yield of image formation through design in the market of services. It also summarizes the role of protection of industrial property in the exploitation of its creations.

REGISTRATION OF A SLOGAN – ECJ'S JUDGEMENT

Dr Sándor Vida

Audi is the owner of a famous slogan in German: VORSPRUNG DURCH TECHNIK (something like Advantage Through Technology), registered as a CTM in class 12 for cars. Some years later Audi filed a second CTM application for several goods and services. OHIM rejected the latter application and the CFI approved the rejection. ECJ annulled (C-398) the CFI's judgment and held that it is inappropriate to apply to slogans stricter criteria than to other signs. Moreover the slogan can also be perceived by the public as an indication of origin. – Comments of Ullmann and Bergman (contra) and von Mühlendahl and Philips (pro) are reported. – The author of the article is favourable for the ECJ's judgment, from legal as well as from marketing aspects.