

## SUMMARIES

### IS THE COMMUNITY (EU) PATENT BEHIND THE TIMES? – GLOBALISATION URGES MULTILATERAL COOPERATION

*Jürgen Schade*

In 50 years, Europe has not succeeded in creating a uniform protection for technical inventions – the Community (EU) patent. Nevertheless, the Commission is firmly committed to this objective without critically considering whether the globalised knowledge-based society of today and tomorrow needs such a major right and the consequences it would bring. The requirements made of the European and the international patent system in the first quarter of the 21st century are fundamentally different to the requirements that arose after the Second World War, above all in Europe. The present polycentric patent system is characterised by a large number of transnational forms of cooperation. Today, the Community (EU) patent does not provide a solution to European and international problems: on the contrary, it might even consolidate economic disparities.

### THOUGHTS TO SEMANTIC CONTENT OF MERCHANDISING AND TYPES OF MERCHANDISING

*Dr Márta Görög*

The author examines the legal content of merchandising considering that in the Hungarian law and practice it is meant as an aspect-transfer. According to the author, it is a wrong interpretation, because merchandising means rather the secondary utilization of certain rights (for example right to privacy). In the study almost all types of merchandising are represented. The types are distinguished by the object, method of utilization, residence of the subject, period of time, and the value of utilization. The author analyses the semantic content especially focusing on personality merchandising as one type of merchandising.

### ORIGINALITY AND ADAPTATIONS IN MUSICAL WORKS

*Ildikó Scholz*

The examination and detailed definition of individual and original nature as the basic requirement of copyright protection has always been a challenge for the courts. The first part of the essay attempts to give a detailed theoretical analysis on this characteristic. In the second part the concrete manifestations of the individual and original nature are presented especially in regard of different types of musical adaptations.

## PROTECTION OF BRANDED IMPORT GOODS – ECJ’S DECISION

*Dr Sándor Vida*

Bulgarian customs authorities had seized original CANON toners, imported from Hong Kong. In the proceedings for infringement the Bulgarian court of first instance referred to the ECJ requesting interpretation of Art. 5 Sec. 1 (c) of the Directive. ECJ’s answer (C-49/09) was that the owner of the mark may oppose the first putting on the market of original goods in the European Economic Area, if this was made without his consent under his mark. Reported is on the comments of von Mühlendahl. The author of this review concludes that though the reference corresponded to the case of *acte clair*, considering the surprising view of the Bulgarian Supreme Court, the reference was justified.

## EUROPEAN PRACTICE OF DESIGN PROTECTION IN RESPECT OF GROUNDS FOR INVALIDITY – CASE-LAW OF THE BOARDS OF APPEAL OF OHIM

*Krisztina Kovács*

The protection of designs in the member states of the European Union is under the regulation of the directive 98/71/EK. The aim of the directive is the partial implementation of harmonisation of the protection rights in the different countries in order to ensure the effectiveness of the inner market. The directive exerted a decisive influence also on the decree 6/2002/EK of the Council on the protection of community designs. In the article legal cases are presented which demonstrate the practical implementation of the above provisions in respect of grounds for invalidity.