

## SUMMARIES

### CRIMINAL PROTECTION OF INTELLECTUAL PROPERTIES – PART I.

*Dr Andrea Kardos – dr Dorottya Szilágyi*

The study examines the practical issues relating to IP crimes, reflects the learnt problems and seeks the solutions. IP law is a specific area both in the civil and in the criminal law. However in civil cases the IP related lawsuits generally belong to the exclusive competency of the Municipal Court, in the criminal field this kind of specialization cannot be seen. For this reason the criminal legal practice is less sophisticated and consistent. The first part of the study gives an introduction to IP related crimes from the view of the substantive law. All of the crimes will be introduced, however the most frequented crimes will be toned, such as “false marking of goods” (Btk.296), “violation of IP rights” (Btk. 329/D) and “infringement of copyright and certain related rights” (Btk. 329/A).

### THE MATHEMATICAL MODEL OF THE EUROPEAN PATENT OFFICE’S CASE LAW

*Zsófia Kacsuk*

In patent law most of the crucial legal questions such as patentability and infringement are linked to the patent claims. The European Patent Office regards patent claims as a set of independent features which are examined separately in a more or less formal way. The author has found that this approach allows for developing a simple mathematical model which treats patent claim features as logical statements and patent claims as compound statements wherein the individual statements are connected by logical connectives. The proposed mathematical model provides a uniform system for examining various legal questions, such as novelty, infringement, amendments and priority, which are dealt with separately under current case-law. Moreover, the mathematical model allows for examining the logical coherence between the different case-law decisions as well as detecting any hidden logical inconsistencies.

## THE COPYRIGHT ASPECT OF MEDIA LAW

*Dr Ildikó Sarkady*

The author by a comparison between media and copyright regulations carries out an analysis – without the aim of absolute completeness – from the aspects of fundamental rights, EU acquis and international treaties, and also examines the most determining laws of these two legal areas including the relevant decisions of the Body of Experts on Copyright.

## FILESHARING FROM A HUNGARIAN AND A EUROPEAN PERSPECTIVE

*Gábor Faludi – Anikó Gyenge*

The article focuses on the copyright enforcement problems in the field of file sharing. It analyses the relevant Hungarian practice with special regard to the opinions of the Body of Experts on Copyright, furthermore it gives an overview about the tools of the enforcement directive and the gaps of the directive taking into consideration the actual ECJ decisions also.

## USE OF A MARK FOR NON-PROFIT ACTIVITY – RADETZKY

*Dr Sándor Vida*

The name Radetzky is known in Hungary from the New Year concerts transmitted from Vienna for half a century, which end always with Radetzky Marsh. Radetzky was the greatest Austrian military leader in the XIX. century. His name is registered in the form of device marks for an Austrian fraternal organisation and is used to distinguish promote of military traditions. An other fraternal organisation, bearing also the name of Radetzky, requested cancellation of these marks on grounds of non-use, stating that use for non-profit services did not constitute genuine use. The Austrian Patent Office cancelled the marks. In the appeal procedure the Austrian Supreme Patent and Trademark Council referred the case to the ECJ. The latter judged (C-447/07) that also non-profit organisations can use their mark in conformity of Article 12(1) of the TM Directive. Reported is on commentaries of Gamerith, Ingerl and Rohnke, Berlit, Schoene, von Mühlendahl, Israiloff, Eisenführ and Schennen. The author of the report stresses the borderline between public and private use (para 22–23 of ECJ's judgement), saying that the ratio of this interpretation is similar to the grounds of establishing compulsory license in patent law.

THE RELATIONSHIP BETWEEN THE COPYRIGHT PROTECTION OF  
ARCHITECTURAL WORKS AND BUSINESS ADVERTISEMENTS BASED ON  
ACTUAL CASES

*Dr Judit Barta*

Architectural works can be used as business promotional items in many ways: they can serve as a surface for advertising, they may be included as wallpapers in advertisements either deliberately or in a random way, they can bear the promoted item itself (roofing tiles, doors, cladding etc.) furthermore, they can increase the saleability of the advertised item on their own or by being transformed into a trademark. Architectural works along with their plans are copyright works and as such they are under the protection of Act LXXVI of 1999 on Copyright. The real legal cases listed and presented in this paper give a taste of the wide scope of legal regulations applied in cases of architectural works used as business promotional items, they also give an insight into the expert opinions adopted by the Body of Experts on Copyright in individual cases and illustrate some of the court proceedings related to such copyright issues.