

SUMMARIES

PATENT THICKETS – ADVENTURE TOURS IN THE LABYRINTH OF THE PATENT BUSHES

Eleonóra Mészáros, Dr István Molnár

The phenomenon „patent thickets” has gained special attention nowadays. The increasing patenting activity and the rising technological complexity resulted significant changes in the economic environment in the past decades; the patent thickets represent a kind of embodiment and a symptom of this. Although they are present in all patent systems and they have high impact in many fields, the international literature is not so extensive and there is no commonly accepted definition. The article would like to summarise some of the definitive descriptions, highlight some associated impacts and results and outline some normative measures which can limit the impact of the patent thickets.

EARLIER TRADEMARKS AS GROUNDS FOR REFUSAL OR INVALIDITY – PART 1

Dr István Gödölle

In the trademark law earlier trademarks constitute an important group of the grounds for refusal or invalidity. Legal nature and two purposes (avoiding conflicts and establishing priority) of these grounds are discussed. The study deals with different types of earlier trademarks and the factors terminating the excluding effect. The author pays special attention to identical trademarks referring to identical goods or services, and to identical or similar trademarks referring to identical or similar goods or services.

REGULATION OF MUSIC WORKS BY COPYRIGHT FROM THE POINT OF VIEW OF A COMPOSER

Nikolett Beatrix Schwertner

The paper examines the effective national laws and regulations on music copyright so it focuses on the rules related to composers and their compositions. The study follows the „lifetime” of musical works from the origin of legal protection within the rules of voluntary register through the collective management of rights to the end of protection term. Since

the licensing procedure plays a major role in the usage of musical works, we analyse the music licence agreements, and the consequences of the infringement of composer's rights as well.

DEFENDING A TRADEMARK APPLICATION BY HUMAN RIGHTS?

Dr Sándor Vida

In its judgement of 11 January, 2007 (No. 73094/01) the European Court of Human Rights decided in the case *Anheuser Busch, Inc. v. Portugal* on the mark BUDWEISER. The Grand Chamber of the Court held that there was no violation of Article 1 of Protocol No. 1 (protection of possession) of the Convention for the Protection of Human Rights by the relevant decision of the Supreme Court of Portugal. After reporting on the assessment of the judgement the article summarizes the comments of Beiter, Helfer and Sebastian. The author says that a trademark application is a legal expectation as known in Hungarian civil law too. As a result applications for reputed marks can be protected also by human rights, applications for unknown signs ought to be considered in this respect on a case to case basis. It is discussed by Beiter and by Helfer whether only trademarks of privates or those of companies can be protected by human rights, he takes position for the latter solution. Finally, he stresses that the European Court for Human Rights is willing to revise only decisions of authorities or courts if these are arbitrary or unreasonable.