

SUMMARIES

INTELLECTUAL PROPERTY IN THE SERVICE OF SUSTAINABLE DEVELOPMENT II. GLOBAL REGULATION OF INTELLECTUAL PROPERTY RIGHTS FOR THE SAKE OF DEVELOPMENT

Dr Barna Arnold Keserű

In this study the author introduces the connection between intellectual property and sustainable development in an institutional approach. The global system of intellectual property currently has two pillars, the WIPO and the international treaties adopted within that, and the WTO and the norms of TRIPS. In the study the fundamentally different roles and activities of these bodies concerning to sustainability, as well as how they try to turn the global intellectual property regimes into the service of technology transfer among developed and developing countries are examined.

COMMUNITY EXHAUSTION OF IPR RIGHTS AND ITS PHARMACEUTICAL SIGNIFICANCE – PART I.

Dr Kristóf Sebestyén Ujfalussy

The pharmaceutical industry had already been – and still it is – one of the most research-driven sectors when the theory of community exhaustion of rights was still under crystallization. Therefore, it is of great significance that the return on original producers' investments is ensured, simultaneously, the improvement of its own competitiveness for the EU is essential. The present study undertakes to examine the legal instrument – community exhaustion of rights – that enables the simultaneous implementation of the aforementioned from a pharmaceutical point of view. In the first section the definition and significance of the exhaustion of rights, its relation to parallel trade, as well as the legal provisions of the community law on the exhaustion of rights are investigated by means of analyzing the relevant resolutions of the Court of Justice of the European Union.

THE EXPERIMENTAL USE EXEMPTION OF PATENT INFRINGEMENT IN SOME PROMINENT COUNTRIES

Dr Tivadar Palágyi

This contribution aims at giving some information about the experimental use exemption of patent infringement in the patent rights of some more important countries like the United States of America, the United Kingdom, Japan, China and Germany. The experimental use exemption means that using patented products or processes does not result in patent infringement when that use is carried out only for experimental purposes. Legal provision of this kind can be found at first in the British Patents Act. This was followed by the German and other patent legislations. The basic idea of this special legal regulation is the promotion of research activity mainly in the field of chemical and biological sciences.

REVOCATION OF A THREE-DIMENSIONAL MARK – THE INTERVENTION OF INTA

Dr Sándor Vida

The shape of a bottle was registered as a tridimensional community mark. A competitor requested declaration of invalidity. OHIM rejected the request, but the Board of Appeal upheld the application for declaration of invalidity. The EU General Court and the EU Court of Justice (C-445/13) dismissed the action brought by the owner of the mark. INTA intervened before the Court of Justice supporting the form of order sought by the owner of the mark attacked, stating that the General Court erred in law. The Court of Justice did not share this view. The author of the report on the case observes that it is not easy to obtain trademark protection for a shape, and sometimes it is even difficult to defend the valid registration of it.

LIMITS OF THE EXHAUSTION OF DIGITAL RIGHTS IN THE EUROPEAN UNION AND THE UNITED STATES OF AMERICA – PART I.

Péter Mezei

The present article discusses the problematics of digital exhaustion through the introduction of two relevant court decisions. In its *UsedSoft* ruling the CJEU has followed a liberal approach in 2012 to allow for the application of the doctrine of exhaustion for the resale of software licence keys. In its *ReDigi* decision the respective U.S. district court has voted for the rigid application of the U.S. Copyright Act. The article further analyses four specific questions that might directly affect the application of the doctrine of exhaustion in the

online world: (1) licence versus sale; (2) distribution versus making available to the public, and connected to that the “umbrella-solution”; (3) the “new copy theory”, migration of digital files, as well as “forward-and-delete” technologies; (4) the issue of special legislature with respect to copyright law (“lex specialis”) and the “theory of functional equivalence”.

CHANGES IN THE REGULATORY ENVIRONMENT OF THE PUBLIC SERVICE MEDIA ARCHIVES AND THE NATIONAL AUDIOVISUAL ARCHIVES

Dr Zoltán Kiss

One point of intersection of the Media Law and copyright is the legal system of rules that regulate the handling and use of the content available in audiovisual archives (mainly artistic and audiovisual works). Within audiovisual archives there are specific rules having reference to the Public Service Media Assets brought into being by the new Media Law (within it to the Archive of the Public Media Service Provider), further on to the National Audiovisual Archive regulated by the NAVA Law. The article – beyond resolving certain misunderstandings and misbeliefs regarding the judgement, utilization and use of the Public Service Media Assets – presents the regulation of the creation and operation of the Public Service Media Archive, as well as the modifications of this that have been inserted since 2011. The article does not come round such important questions like for example the possibilities of repetition of works that can be found in the Public Service Media Archive or the copyright conditions of online use of programmes produced before the Media Law entered into force.

WHO BROUGHT LIGHT UNDER HIS DOMINATION: JÓZSEF PETZVÁL – PART II.

Dr Zsuzsanna Tószegi

The second part of the article focuses on the work and scientific results of József Petzvál. Perhaps the most important one of his inventions is the development of the so called „Petzvál-lens”, which he worked out on the authority of chancellor Metternich. He worked together with P.W.F. Voigtlaender, who was the best optician at that time, and who later made a large profit at manufacturing the lens, which he did not share with Petzvál. This led to a life-long conflict between them which culminated in a lawsuit on patent infringement – lost by Petzvál. His further results: Petzvál-lamp, Petzvál-condition, Petzvál-surface, Guitharfe (a musical instrument).