

SUMMARIES

CHALLENGES AND SOLUTIONS OF INNOVATION MANAGEMENT IN HIGHER EDUCATION – PART II.

Dr Noémi Liber

Throughout case studies the previous section described in detail the legal provisions in practice and the challenges they present and the way they were managed to get to a solution. The entrepreneurial attitudes of scientists receive substantial recognition in the text. Furthermore the survey carried out among researchers and its results are presented. Finally, the tasks of the universities in order to accomplish their third function, the utilization of their intellectual properties and research services are summarized.

THE QUESTION OF UNITY IN PATENT LAW

Gábor Lezsák

The EPC and PCT coming into force in the 70's treated the question of unity in a fair and acceptable manner but there was a dramatic change in practice in the early 90's. This paper presents the provisions of EPC, PCT and the Hungarian Patent Act regarding the unity of invention and also their application by the intellectual property offices. An overview of the history of said provisions is also presented to show the "big picture" of how the practice evolved. Further, in this paper an attempt is made to propose certain amendments in the legal sources aiming at a fairer and more applicant-friendly practice.

DESIGN PROTECTION WITHOUT REGISTRATION

Anna Radnai

The European Union, in accordance with the market needs, created unregistered community design in 2002. This new form of protection provides significantly weaker and shorter protection than registered design, but just enough for those industries which flood the market in every season with a collection of designs. For them the duration of the protection has less importance, but it's highly advantageous that it's free of charges and arises without registration procedure. The article compares the unregistered design to RCD highlighting its advantages and disadvantages.

„ACCESS DENIED” – BLOCKING OF WEBSITES AS A POSSIBLE TOOL OF LAW ENFORCEMENT – PART II.

István Harkai

The second part analyses the technical background, other electronic mechanisms (Technological Protection Measures, filtration system, notice and takedown) and the ways of circumventions. It also touches parallel legal cases from the field of trademarks, then it discusses how fundamental rights of the parties clash during the enforcement. In the final part of the study, the author tries to reveal the social and economic effects of blocking websites, and draw a possible way of further development.

JUDICIAL PRACTICE OF WORKS CREATED IN EMPLOYMENT RELATION NOWADAYS

Dénes Legeza

The “work made in an employment relation” is quite a new legal institution in the Hungarian legal system. In recent years articles dealt with the history and development of this legal institution and analysed the provisions of the Copyright Act of 1969 and 1999. The aim of the study is to analyse the legal practice of the Copyright Act of 1999 by published decisions of the courts and the expert opinions of the Body of Experts on Copyright. The first and the second part of the study analyse the scope of employment, the effect of the employer’s instruction and the question of fair remuneration. The third part of the study presents those decisions which dealt with computer programs. The last two parts analyse the moral rights of the employer and those legal relations where works were made in the course of work contracts, personal service contracts or sham employment contracts.

USE OF THE TRADEMARK BY THE PRODUCER OF SPARE PARTS – WHEEL TRIMS OF FORD

Dr Sándor Vida

A producer of wheel trims used the mark FORD without the consent of the owner of the mark. In the infringement suit he defended himself with the “repair clause” of the Community Design Regulation. The first instance court in Torino, considering different appreciations by the Italian courts referred the case to the EU Court of Justice. The response of the latter (C-500/14) was that design law does not authorize trademark infringement. Reported is on comments of Kur, Fezer, Hackbarth, Beldiman and Blanke-Roeser. The author of the article stresses the practical significance of the decision. Moreover he is satisfied that finally there

was a judge in Italy who decided to make a reference to the EU Court of Justice with the aim to have an authentic interpretation. Anyway, the conflict between primary and secondary market is a complex one, legal problems exist not only in Europe. In the US the Congress seems to be more active in this respect than the Commission in Bruxelles.

ORDINARY COURT OF JUSTICE – SPECIAL COURT OF JUSTICE: THEORETICAL QUESTIONS OF ORGANIZING THE ADMINISTRATION OF JUSTICE IN THE FIELD OF PATENTS AT THE TURN OF THE CENTURY

Dr László Papp

The function of the patent services can be described as the organizations which deal with authorizations and legal matters concerning a given patent's judgement. The two cases are closely intertwined, one could not be understood without the other. So the general experience was that the cases in these authorities were either purely legal, purely technical, or mixed. During patent legal proceedings, only the first or the third emerged, which also had to be expressed within the organization. So, with the presence of both the legal and the technical member, their observable ratio is decided by the nature of the jurisdiction.