

SUMMARIES

ISSUES OF JURISDICTION AND APPLICABLE LAW OF PATENTS AND TRADEMARKS IN THE REGULATORY SYSTEM OF THE EUROPEAN UNION – PART II

Flóra Julianna Ádám

The purpose of the article is to review the international private law system of the European Union in the light of intellectual property legislation. We focus on the questions of interpretation arising from the practice of the European Court of Justice, and the ability of the current legislation to provide reassuring legal certainty when deciding on international disputes. We concentrate mainly on industrial property rights, most importantly patents and trademarks. In the second part the questions arising from the regulation of applicable law are discussed. The law applicable to the assessment of intellectual property rights itself, the law applicable to infringements and the law applicable to contracts must be distinguished. We examine the applicable law for infringements under Article 8 of the Rome II regulation, and the relationship of this regulation with the rules of the European Union trade mark regulation. Furthermore, we study the IPR contracts under the Rome I regulation. Finally, we analyze whether the establishment of the Unified Patent Court will change the current legal system of applicable law matters in relation to the "traditional" European patents.

TRANSFORMATION OF THE SYSTEM OF COLLECTIVE RIGHTS MANAGEMENT WITH REGARD TO THE APPEARANCE OF INDEPENDENT RIGHTS MANAGEMENT

Zsuzsanna Kárpáti

Collective management of copyright – due to the new technical achievements – faces many challenges. From time to time it has been criticized, however, due to mass consumption, collective management proved to be the only efficient way in law enforcement. On the one hand the system was questioned by many, on the other hand there was a need to keep it alive; therefore, member states and the European Union had to address the current situation. The directive on collective management of copyright and related rights has become the latest solution, with the main objective to increase efficiency and transparency. This article reviews the collective management system, in which there is a new, unknown legal construction – the independent management entity. The directive is the legal act, which creates the concept of this new entity type in the field of collective management. From now on there is an alternative way in the collection and management of rights revenue, new

independent management entities can be established, which will be independent in many ways and which will broaden the market and compete with the other – non-independent – collective management organizations. However, independent management entities will not be considered as collective management organizations; which means that the rules and regulations for them are less strict; therefore, the level of protection for rightholders and also for users may be lower. Based on the abovementioned circumstances, in relation to independent collective management uncertainties may occur, raising interesting questions.

INTELLECTUAL PROPERTY PROTECTION IN MUSIC INDUSTRY,
DEVELOPMENT OF MUSIC INDUSTRY, ITS DEVELOPMENT
OPPORTUNITIES WITH SPECIAL REGARD TO COPYRIGHT. RESEARCH
RESULTS – SUMMARY

Bernadett Zsuzsanna Kiss

The main topics of the article are the development of music industry, the changes of the interfaces and the system of the royalty and the legal system. The author carried out a research which measured the knowledge and the consciousness in connection with the legal system and copyright in music industry. The knowledge and the consciousness of the musicians and composers in connection with the legal system and copyright, their information demands are analyzed with an online questionnaire which was completed with a demand assessment related to a new music application, which part was based on the results of the focus group interview. In an other online questionnaire the same topics were examined in the user group. On the basis of the results an interview was made in connection with the problems and opportunities of the communication and information system of the parties in the legal system of music industry.