

## SUMMARIES

### ONCE MORE ON THE PRINCIPLE OF EX OFFICIO EXAMINATION AND ITS APPLICABILITY IN REVOCATION PROCEDURES

*Mihály Ficsor*

As a follow up to a previous article, this study revisits the issue of *ex officio* examination in revocation procedures. It reports on, and analyses, the latest legislative changes and the most recent developments in the courts' relevant practice. In view of a hotly debated judgment, it also addresses the question whether, and to what extent, the TRIPS Agreement can be invoked in this respect.

### INFORMATION SEARCH IN THE PLASTICS INDUSTRY – PART I.

*István Hatházi*

The aim of the article is to help specialists collecting and analysing information for R and D and market decisions. The possibilities, the most effective ways of collecting information, the most important database producers and service-centers, the databases thereof relating to plastic materials and access ways of the database-providers and their databases are exposed. The research strategies will be shown in the second part.

### TRIUMPH OF THE "LAW OF LOW NUMBERS" IN THE INTEREST OF THE IMPROVEMENT OF EFFICIENT COLLECTIVE RIGHTS MANAGEMENT IN THE AUSTRIAN ACT ON COLLECTIVE RIGHTS MANAGEMENT ORGANISATIONS

*Nóra Hepp*

The amendment of the Austrian Act on collective rights management organisations refers to three key principles, i.e. efficiency, transparency and accountability. Legal monopoly and new fusion regulation were introduced in the new Act to enhance the efficiency of the collective rights management by means of reducing the number of these organisations. Introduction of a kind of competition among them shall also serve as an indicator for efficient collective rights management. Furthermore, transparency and accountability turn up in the regulation on supervision in terms of its organisation and competence.

## TESTS FOR DETERMINING OBVIOUSNESS IN THE UNITED STATES, IN THE UNITED KINGDOM AND THE EUROPEAN PATENT OFFICE

*Dr. Tivadar Palágyi*

The obviousness, that is the lack of inventive step, is obstacle to patentability in most countries. To its examination the so-called motivation test is used by the Federal Court of Appeals (CAFC) in the United States. The Supreme Court of the United States approaches the examination of obviousness in a different manner: it considers as non-patentable if known solutions are combined in such a manner that only the technical effects of the known elements are summarized. In the British patent practice a four-step test is used for examining obviousness. The European Patent Office uses the problem – solution approach for determining obviousness.

## DISTINCTIVENESS OF THE MARK – ADJUSTMENT OF THE BABY DRY JUDGEMENT

*Dr. Sándor Vida*

In the *BABY DRY* judgement the ECJ hold inter alia, that word combinations can have distinctive character, if there is any perceptible difference between that combination and the terms used in the common parlance. In the *Chiemsee* judgement the ECJ stressed on the other side, that is in the public interest, that descriptive signs may be freely used by all. One and a half year after these judgements, when in the *POSTKANTOOR* case (C-393/99) preliminary ruling was requested, considering the firm critics of the Advocate General relating to the *BABY DRY* judgement, the ECJ maintained the wording of the latter, without the last sentence of para. 40 (any perceptible difference in respect of the common parlance). As it can be seen from the recent judgements of the Court of First Instance, the *BABY DRY* jurisprudence continues to be applied, with this adjustment of the *POSTKANTOOR* judgement. In other words: the combination of words ought to be unusual, for having a distinctive character.

## THE BEGINNING OF THE ELECTRIFICATION OF RAILWAYS IN HUNGARY

*Gábor Bress – Dr Zoltán Zábori*

The article refers to the main stations of the electification of Hungarian railways having begun 120 years ago especially in the patents manifested by the development. The article differentiates two main directions: the local and long-distance railway transport. The first part of the article made reference to the main points of the electrification of local railways, the second part relates to the innovative domestic solutions of the electrification of the long-distance railways.