

SUMMARIES

COPYRIGHT AND NEIGHBOURING RIGHTS AS STATE ASSETS

Gábor Faludi

An unexpected amendment introduced mandatory state ownership of economic authors' and neighbouring rights upon works, performance, sound recordings and radio television broadcasts the topic of which are members of the Parliament who fulfil simultaneously public functions listed in the Fundamental Law (Constitution). These rights are now state assets. In fact the new provision covers economic rights over works and related rights' subject matters made of budgetary sources that deal with government members. A free of charge statutory license may be granted to the appropriate group of members of the Parliament and the party to which the government member belongs. Other parties may obtain a license under the strict rules on the management and exploitation of state assets. The article analyses the new provisions included into the law on state assets from various copyright aspects seeking room for a lawful application with due regard to the relevant exceptions (permitted uses), and looks for the legislative purpose. The state ownership might be in collision with various exceptions and limitations. The strict rules on the management and exploitation of state assets may make difficult the use of the works and other protected subject matters covered by the new provision for those who do not have a statutory free of charge license.

COPYRIGHTS AND PERSONAL RIGHTS ATTACHED TO PHOTOGRAPHIC PIECES OF ART

Dr Zoltán Károly Kiss PhD – Dr Dóra Bernadett Kiss

The study presents the copyright environment of photographic artworks, paying special attention to the legal aspects of portrait photography, artifact photography, building photography, photos commissioned for advertising purposes, and photos used on the Internet. The analysis highlighted that the relationship between the photo and the law is characterized by underregulation and the duality of situations requiring legal settlement. Although the Hungarian legal system lacks special legislation regulating the conditions of photography, the gaps are filled by legal practice, adapting to the constantly changing public perception and individual needs

PRIVATE COPY „IN THE CLOUD” – JUDGMENT OF THE EUROPEAN COURT OF JUSTICE IN THE CONTEXT OF AUSTRO MECHANA GMBH V STRATO AG.

Dr Zsigmond Ferge

The study is on natural persons who are lawfully in possession of copyrighted material making a copy of that material for their own purely private purposes and, on payment of a fee, storing it on a commercial server using cloud computing techniques and, if so, what, if any, payment is then due to the copyright owner. The issue is particularly relevant because in particular, given that a levy may already have been paid by natural persons when purchasing devices, media or equipment – such as smartphones, tablets or computers – which permit the storage and thus reproduction of copyright protected content to the cloud and thus provide (fair) compensation to rightholders for the harm suffered as a result of copying. The question then arises whether an (additional) levy should be paid by internet service providers which make available storage in the cloud for that same content by way of the ‘fair compensation’ required by Article 5(2)(b) of Directive 2001/29.

STATISTICS, RATIO DECIDENDI AND BRIEF SUMMARY OF THE IP-RELATED HUNGARIAN COURT DECISIONS IN 2021

Márton Schultz

As a new rule from 2021, the Hungarian supreme court is obliged to amend its decisions with ratio decidendi. If there is no ratio, the Kúria has to provide a brief summary of the findings. These ratios are not collected by the state, but they are available in the online data system for court decisions. The paper examines the decisions of various courts, related to IP rights and acts and disseminates the relevant ratio decidendi

„THE GLOBE WILL ONLY REVEAL ITS TREASURES BY THE TOUCH OF SCIENCE’S MAGIC WAND” – VINCE WARTHA PROFESSOR OF CHEMISTRY, INVENTOR, RECTOR OF THE BUDAPEST UNIVERSITY OF TECHNOLOGY

Dr. Zsuzsanna Tószegi

Vince Wartha, professor of chemistry, inventor, rector of the Budapest University of Technology was an outstanding personality of scientific life in Hungary at the end of the 19th, and in the beginning of the 20th century. It was his merit, that the original buildings of the university were constructed on the bank of the Danube, at the newly built Ferenc József bridge. Besides lecturing, he supported the enrichment and the expansion of the university library. He also took part with success in the experimental and research work at Zsolnay Factory in Pécs.