

HUNGARY (HU)

I. LEGISLATIVE PROFILE

1. National Legislation

a. Industrial Property



Capital: Budapest
Population: 10,187,000

Patents:

- Law No. XXXIII of April 1995 on the Protection of Inventions by Patents (entry into force in January 1996), as last amended by Law No. CLXV of 2005.
- Law No. II of April 1969 on the Protection of Inventions by Patents (entry into force in January 1970), as amended by Law Decree No. 5 of 1983. (Note: this law has been repealed, but according to Article 115 subparagraph (5) of Law No. XXXIII of 1995, the registration, maintenance, lapse and restoration of patents valid at the date of entry into force of this Law shall be subject to the provisions of this Law except that, with respect to the conditions of revocation of the patent, the provisions applicable at the date of priority shall be decisive).
- Decree No. 20/1995 (XII.26) IM of the Minister of Justice on the Detailed Formalities of Patent Applications.
- Decree No. 270/2002 (XII.20) IKM on the Organization and Activity of the Expert Body on Industrial Property, as amended by Decree No. 204/2005.
- Decree No. 19/2005 (IV.20) IKM on the Fees for Administrative Services in Industrial Property Procedures before the Hungarian Patent Office, amended by Decree No. 88/2005.
- Decree No. 61/2006 (III.23) IKM on the Deposit and Handling of Micro-organisms for the Purposes of Patent Procedures.

Trade Marks:

- Law No. XI of March 1997 on the Protection of Trademarks and Geographical Indications (entry into force July 1997), as amended by Law No. CLXV of 2005.
- Decree No. 16/2004 (IV.27) IM of the Minister of Justice on the Detailed Formalities of Trademark Applications and Applications for the Protection of Geographical Indications. Also as above, under Patents (Decree No. 19/2005).

Industrial Designs:

- Law No. XLVIII of 2001 on the Protection of Designs (entry into force January 2002), as amended by Law No. CLXV of 2005.
- Decree No. 19/2001 (XI.29) IM of the Ministry of Justice on the Detailed Formalities of Design Applications. As above, under Patents (Decree No. 19/2005).

b. Copyright and Related Rights

Copyright:

- Law No. LXXVI of July 1999 on Copyright (entry into force September 1999), as last amended by Law No. CLXV of 2005.
- Gov. Decree No. 156/1999 (XI.3) Korm. on the Expert Body on Copyright, as amended by Gov. Decree 204/2005 (IX.28).
- Decree No. 16/1999 (XI.18) NKÖM on the Rules on the Registration of Societies for the Collective Administration of Copyright and Related Rights.
- Gov. Decree No. 158/2000 (IX.14) Korm. On the Determination of the Instruments for the Purpose of Reprography.
- Gov. Decree No. 117/2004 (IV.28) Korm. On the manner and conditions of the communication and making available to the public in the case of the free use provided for in Article 38(5) of Law No. LXXVI of 1999 on Copyright.

Related Rights:

As above, under Copyright.

c. Other Country-Specific Legislation or Activities

- Particular features of patent examination: examination of patentability at the request of the applicant, submitted with patent application or, at the latest, within six months after novelty search notification.
- Participant in the Regional Industrial Property Programme administered by the European Patent Office.
- Law No. XXXII of 1995 on Patent Attorneys
- Gov. Decree No. 86/2000 (VI.15) Korm. on the Hungarian Patent Office.
- Decree Law No. 13 of 1979 on International Private Law (Articles 19-20).
- Law No. IV of 1959 (Civil Code) (Articles 86-87).
- Decree Law No. 2 of 1978 on the Implementation of the Civil Code (Article 4).
- Law No. IV of 1978 on the Penal Code (Articles 329, 329A-329/D), amended by Act CXX of 1999 (Articles 35-39).

Utility Models:

- Law on the Protection of Utility Models No. XXXVIII of 1991, (entry into force January 1992), as amended by Law No. XXXIII of 1995 on the Protection of Inventions by Patents, Law No. XI of 1997 on the Protection of Trademarks and Geographical Indications, and Law No. XLVIII of 2001 on the Protection of Designs.
- As above, under Patents (Decree No. 19/2005).

Appellations of Origin / Geographical Indications / Indications of Source:

As above, under Trademarks.

- Gov. Decree No. 78/2004 (IV.19) Korm. on the Detailed Rules concerning the protection of geographical indications of agricultural products and foodstuffs.

Unfair Competition:

- Law on the Prohibition of Unfair Market Practices and Restriction of Competition No. LVII of 1996 (entry into force January 1997), as amended by Law Nos. LVIII, LXXIX and CXXXII of 1997, Law No. CXXXVIII of 2000 and Law No. XXXVI of 2001, and Law No. LXVIII of 2005.

Layout Designs (Topographics) of Integrated Circuits:

- Law No. XXXIX of 1991 on the Protection of Topography of Microelectronic and Semiconductor products (entry into force January 1992).
- As above, under Patents (Decree No. 19/2005).

Specific Regional Agreements

- European Patent Convention, since January 2003.
- Agreement on Intellectual Property between the Hungarian Government and the Government of the USA of September 1993.

Enforcement:

- Gov. Decree No. 218/1999 (XII.28) Korm. On Certain Offences, Article 152 of which relates to the infringement of industrial property rights.
- Law No. IV of 1978 on the Penal Code (Articles 329/A-329/D), as amended by Law No. CXX of 1999 (Articles 35-39).
- Gov. Decree No. 128/1997 (VII.24) Korm. On Border Measures Applicable against Infringements of Intellectual Property Rights in Customs Administration Procedures.
- Gov. Decree No. 371/2004 (XII.26) Korm. on Customs Actions concerning Goods Infringing Certain Intellectual Property Rights.

- d. Sources for Information on National Laws
See below, under Industrial Property Office.

2. Membership of International Bodies**a. Membership of WIPO treaties:**

- WIPO Convention, since April 1970.
- Paris Convention (Industrial Property), since January 1909.
- Berne Convention (Literary and Artistic Works), since February 1922.
- PCT (Patents), since June 1980.
- PLT (Patent Law Treaty), Signatory since June 2000.
- Madrid Agreement (International Registration of Marks), since January 1909.
- Madrid Protocol (International Registration of Marks), since October 1997.
- Madrid Agreement (False or Deceptive Indications of Source on Goods), June 1934.
- Hague Agreement (International Deposit of Industrial Designs), since April 1984.
- Nice Agreement (International Classification of Goods and Services), since March 1967.
- Lisbon Agreement (Appellations of Origin), since March 1967.

- Rome Convention (Performers, Producers of Phonograms and Broadcasting Organizations), since February 1995.
 - Locarno Agreement (International Classification for Industrial Designs), since January 1974.
 - Geneva Convention (Unauthorized Duplication of Phonograms), since May 1975.
 - Budapest Treaty (Deposit of Micro-organisms), since August 1980.
 - TLT (Trademarks), since November 1998.
 - WCT (WIPO Copyright Treaty), since March 2002.
 - WPPT (WIPO Performances and Phonograms Treaty), since May 2002.
- b. WTO: Member and Signatory to TRIPS Agreement, since January 1995.
- c. Membership of other bodies/treaties: CEFTA, UCC, UPOV.
- Member of CEFTA since December 1992.
 - Member of UCC since October 1970.
 - Member of UPOV since April 1983.

II. ADMINISTRATION

1. Industrial Property

Supervisory Ministry:

Ministry of Economy and Transport
 Honvéd u. 13-15
 H-1055 Budapest
Title of Head: Minister of Economy and Transport

Tel.: (36.1) 302.23.55
 Fax: (36.1) 302.23.94
 Internet website: www.gkm.gov.hu

Industrial Property Office:

Hungarian Patent Office
 Garibaldi u.2
 H-1054 Budapest
Title of Head: President

Tel.: (36.1) 312.44.00
 (Switchboard)
 331.29.42
 (President's Secretariat)
 Fax: (36.1) 331.25.96
 (President's Secretariat)

Mailing Address:

P. O. Box 552
 H-1370 Budapest 5

E-mail: hpo@hungary.com
 Internet website: <http://www.hpo.hu>

2. Copyright and Related Rights

Supervisory Ministry:

For Copyright Office:

As above, under Supervisory Ministry for Industrial Property.

For Collective Management Societies:

Ministry of National Cultural Heritage
 Wesselényi u. 20-22
 H-1077 Budapest

Tel.: (36.1) 484.71.00
 Internet website: <http://www.nkom.hu>

Title of Head: Minister of National Cultural Heritage

Copyright Office:

As above, under Industrial Property Office.
Title of Head: Head, Division of Copyright

Fax: (36.1) 474.59.65

Collective Management Societies:

For collective administration of rights of authors of literary and musical works:

Society Artisjus Hungarian Bureau for the Protection of Authors' Rights
Mészáros u. 15-17
H-1016 Budapest
Title of Head: Director General

Tel.: (36.1) 212.15.43

Fax: (36.1) 212.15.44
(Secretariat)

E-mail: info@artisjus.com

Internet website: www.artisjus.hu

Mailing Address:

P.O. Box 593
H-1539 Budapest

For collective administration of rights of authors of fine-, crafts-, and photographic art works:

HUNGART Collecting Society of Hungarian Visual Artists
Falk Miksa u. 30
H-1055 Budapest
Title of Head: President

Fax: (36.1) 302.43.86

E-mail: hungart@hungart.hu

Internet website:

<http://www.hungart.org/>

Mailing Address:

P.O. Box 59
H-1363 Budapest

For collective administration of rights of performers:

Bureau for the Protection of Performers' Rights
Városligeti fasor 38
H-1068 Budapest
Title of Head: President

Tel.: (36.1) 479.51.60

Fax: (36.1) 479.51.63

E-mail: info@eji.hu

For collective administration of rights of producers of sound recordings:

MAHASZ Hungarian Group of IFPI
Csévi u. 18
H-1025 Budapest

Tel.: (36.1) 391.42.00

E-mail: info@mahasz.hu

*For collective administration of rights of
producers of films and audio-visual works:*

Hungarian Society for the Protection of
Audio-visual Authors' and Producers'
Rights (FILMJUS)

Bródy Sándor u. 14

H-1088 Budapest

Title of Head: President

Tel : (36.1) 266.65.88

(36.1) 235.04.16

Fax: (36.1) 266.45.43

E-mail: filmjus@filmjus.hu

Mailing Address:

P.O. Box 316

H-1012 Budapest

*For collective administration of reprographic
rights:*

Hungarian Alliance of Reprographic Rights

Pályá utca 4-6

H-1016 Budapest

Tel.: (36.1) 214.73.63

E-mail : emeresz@axelero.hu

Internet website :

www.reprografia.hu

III. AUTHORITIES ENFORCING INTELLECTUAL PROPERTY

Industrial Property Tribunal

Metropolitan Court

Markó u. 27

H-1055 Budapest

Title of Head: President

Tel.: (36.1) 354.60.00

Fax: (36.1) 354.60.41

E-mail: tikarsag@birosag.hu

Regional Court of Budapest

Fekete Sas u.3

H-1027 Budapest

Title of Head: President

Tel : (36.1) 336.57.00

Supreme Court

Markó u. 16

H-1055 Budapest

Title of Head: President

Tel.: (36.1) 268.45.00

Fax: (36.1) 268.47.40

Hungarian Patent Office.

As above, under Industrial Property Office.

Contact Official: Dr. Mihály Ficsor

Vice-president

Tel.: (36.1) 474.57.63

Fax: (36.1) 447.59.36

E-mail: mihaly.ficsor@hpo.hu

Copyright Tribunal

County courts have jurisdiction and competence in copyright cases in their own territories.
Regional courts have it in copyright cases in the first instance in their territories.

Supreme Court
As above, under Industrial Property Tribunal.

ARTISJUS Bureau for the Protection of
Authors' Rights
As above, under Collective Management Societies
for Copyright and Related Rights

Other

Contact points for national legislation:

Ministry of Justice
Kossuth Lajos tér 4
H-1055 Budapest

Tel.: (36.1) 441.30.03
Internet website: <http://www.im.hu>

Contact Official: Ms. Petra Jeney
Head of Department

Tel.: (36.1) 441.37.85
Fax: (36.1) 441.37.82
E-mail: jeneyp@im.gov.hu

Border enforcement:

Nation-wide Headquarters of the Customs and
Finance Guard
Mester u. 7
H-1095 Budapest

Tel.: (36.1) 456.95.00
Fax: (36.1) 456.95.25

Contact point for TRIPS:

Ministry of Economy and Transport
As above, under Supervisory
Ministry for Industrial Property.

IV. EDUCATIONAL INSTITUTIONS TEACHING INTELLECTUAL PROPERTY

Hungarian Patent Office
Industrial Property Information
and Education Centre
Zoltán u. 6.
H-1054 Budapest

Tel.: (36.1) 474.55.45
Fax: (36.1) 474.55.49

V. INDUSTRIAL PROPERTY STATISTICS

Applications filed and/or registered for 2005:

		Patents (direct filings)	Trade Marks	Industrial Designs
Applications by:	residents	697	3,515	250
	non-residents	59	659	12
Grants to:	residents	129	2,026	
	non-residents	402	1,018	

PCT-2005

Applications by residents and non-residents: 446 (National Phase Entries)
 Grants to residents and non-residents: 595 (1 resident, 595 non-residents)

The Madrid System-2005

International Registrations:

Total applications: 5,928 (non-residents only)
 Total registrations: 5,778 (non-residents only)

The Hague System-2005

International Registrations:

Total applications: 353
 Total registrations: 353 (residents and non-residents)