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Annual Technical Report 2003 on Industrial Design Information Activities submitted by Hungary (SCIT/ATR/ID/2003/HU)

Where URLs are requested below, it is preferred that either URLs which are likely to remain stable over time (three years or more) are provided, or home (main) page URLs are provided with a short explanation of how to access the corresponding information.

The expression "industrial designs" covers industrial designs and models. Offices which issue design patents should report their design patent information activities in this series of Annual Technical Reports.

I. Evolution of registration activities

PREPARATION OF INTELLECTUAL PROPERTY LEGISLATION AND APPLICATION OF LAW

1. PREPARATION OF LEGISLATION

The Design Act in force contains provisions that are almost fully compatible with Directive 98/71/EC of the European Parliament and of the Council on the legal protection of designs and are also in line with the Geneva Act of July 2, 1999 of the Hague Agreement Concerning the International Registration of Industrial Designs which is not yet in force. Nevertheless, the Hungarian design legislation required further modernisation in the interest of integration into the Community design system established by Council Regulation (EC) No 6/2002 on the one hand and in the interest of further legislative steps required by the ratification of the Geneva Act of the Hague Agreement on the other hand.

Thus the Act creates the legal conditions of accession to the European Union in this field by harmonising the Design Act with Council Regulation (EC) No 6/2002 on Community designs and with Directive 98/71/EC on the legal protection of designs. The interface rules relating to Regulation (EC) No 6/2002 were aimed at bringing about the connection between the national and Community design systems existing in parallel. In connection with the Hague Agreement the Act includes in the Design Act provisions relating to international industrial design applications filed through the intermediary of the HPO and to international industrial design applications designating the Republic of Hungary.

OFFICIAL EXAMINATION AND PROCEDURES IN INDUSTRIAL PROPERTY MATTERS

1. NATIONAL AND INTERNATIONAL APPLICATIONS

The growth in industrial property applications filed via the national and international routes experienced over the past few years slowed in 2003. The number of applications filed in the national way decreased, while that of applications via the international route slightly increased. The decline may be attributed first of all to the fact that due to our accession to the European Patent Convention the number of patent applications filed by foreign applicants with the HPO either in the national way or within the framework of the PCT system decreased according to the forecasts.

Table 1.: Figures of national and international applications (1999–2003)

In 2003, the number of applications filed in the national way was less by 1363 than in the previous year – due first of all to the fact that the number of patent applications filed by foreign applicants with the HPO either in the national way or within the framework of the PCT system decreased. The number of applications filed in the national way slightly decreased with respect to almost all titles of protection (patents, utility models, trademarks, designs), with the exception of geographical indications.

Table 2.: Breakdown of national industrial property applications by titles of protection (1999–2003)

More than 51% of applications filed in the national way are of Hungarian origin. One third of them came from individuals and two thirds from enterprises. As far as the titles of protection are concerned, the origin of applications – Hungarian or foreign – is quite varied. In the case of patent applications, the ratio of domestic applicants to foreign applicants is 1:6, while domestic applicants are dominant in the case of trademark applications (77%), utility model applications (96%) and design applications (77%).

The number of applications designating Hungary under international treaties has shown an increasing tendency in the 90s.

Hungary was designated as a possible target country in 7000 to 9000 international patent applications every month (EURO-PCT) and the number of applications filed directly with the European Patent Office (EPO) in which Hungary was designated as a Member State of the European Patent Convention amounted to 3000 to 4000 per month.

The decline of patent applications seemed to be an international phenomenon in 2003. A 4% decrease in international patent applications was forecast by WIPO for 2003. No considerable decrease was experienced in the number of the entries into the Hungarian national phase of international patent applications, although this was previously forecast as a consequence of our accession to the EPC. In 2003, the HPO processed 3251 international patent applications entering the national phase and further 686 international applications are expected to enter the national phase. The HPO performs the tasks of a receiving office within the prescribed time limit.

Table 3.: Breakdown of applications filed under international treaties (1999–2003)

In the first year after our accession to the European Patent Convention, Hungarian applicants filed 5 European patent applications through the intermediary of the HPO, while further 9 applications were filed directly with the EPO. In 124 cases Hungarian applicants chose the EURO-PCT way to file their international applications through the intermediary of the International Bureau of WIPO. In 2003, of the proprietors of European patents 61 were of Hungarian origin.

2. DESIGNS

In 2003, 390 new national design applications were received that included 1150 designs. The decrease in the number of applications is not due to a decline of the applicants' activity, but to the fact that the provision of the new Design Act permitting the inclusion of several designs in one application has become widely known. This is proved by an increase in the number of designs applied for. In 2003, the granting procedure ended in 106 industrial design applications filed in 2001 or earlier and in 256 design applications.

The number of international applications was 788, in which protection was claimed for altogether 3390 designs. In each case the HPO performed search and substantive examination within the prescribed 6 months. From the second half of the year, the "draining effect" of the Community trademark system has already been perceptible, the number of monthly received cases has been down by about 40%. In 2003, 782 international applications, including 3371 designs, gave rise to protection extending to Hungary, 6 applications, including 19 designs, were rejected.

Table 4.: Breakdown of (industrial) design applications by origin (1999–2003)

Table 5.: Figures of (industrial) design procedures (1999–2003)

Table 6.: Valid designs (1999–2003)

3. NATIONAL REGISTERS

Valid designs

On 31 December 2003, the number of valid designs was 2533. Of these, 62.5% belong to Hungarian right holders. Almost 60% of the Hungarian right holders are at the same time the authors of the designs. It deserves attention that right holders of the USA have a share of more than 20% (561), which considerably surpasses the share of German right holders.

Table 7.: Breakdown of valid designs by cycles of renewal

Table 8.: Breakdown of valid designs by lifetime

Table 9.: Top ten countries having the largest number of valid designs

4. INDUSTRIAL PROPERTY ADMINISTRATION

COURT PROCEEDINGS IN INDUSTRIAL PROPERTY MATTERS

A summary of industrial property proceedings in industrial property matters follows, grouped according to titles of protection (the figures of 2002 are indicated in parentheses)

PATENTS, UTILITY MODELS, DESIGNS

Requests received for review of the HPO's decision: 85 (97), of which 63 (72) related to patents, 11 (13) to utility models and 11 (12) to designs. Requests for review forwarded to the Metropolitan Court: 43 (70), of which 25 (46) patents, 9 (13) utility models, 9 (1) designs. Requests for review settled within the HPO's own competence: 13 (27).

Number of cases returned by the Metropolitan Court with a final decision: 47 (77), of which

- a) the request for review was rejected : 21 (54),
- b) the decision of the HPO was changed: 5 (5),
- c) the decision of the HPO was repealed and the HPO was ordered to start a new procedure: 12 (7),
- d) termination of the proceedings: 5 (4),
- e) the decision of the HPO was repealed and the request was referred to the HPO: 4 (7).

In the field of patents, utility models and designs, the number of requests for reviewing the HPO's decision (85) slightly decreased compared with the figures of 2002. The number of cases returned by the Metropolitan Court with a final decision was down by almost 40% (47); in about half of these cases (21) the request was rejected.

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II. Matters concerning the generation, reproduction, and distribution of industrial design documents and of secondary sources of industrial design information, i.e., official gazettes

III. Matters concerning classifying, reclassifying and indexing of industrial design information according to the classification systems applied

IV. Search file establishment and upkeep

V. Activities in the field of computerized search systems for industrial designs

VI. Administration of industrial design services available to the public (relating to facilities, e.g., for lodging applications, registering designs, assisting clients with search procedures, obtaining official publications and registry extracts)

VII. Matters concerning mutual exchange of industrial design documentation and information

VIII. Matters concerning education and training including technical assistance to developing countries

IX. Other relevant matters

OPERATION OF INTELLECTUAL PROPERTY PROFESSIONAL BODIES ATTACHED TO THE HUNGARIAN PATENT OFFICE

In 2003, the Hungarian Design Council held four meetings. At the first meeting the competition system of the Hungarian Design Prize and the Moholy-Nagy László design scholarship was renewed. At the further meetings the Council discussed and adopted its three-year plan, obtained information on the establishment of the Design Terminal non-profit company, discussed a summary on the new image of the Hungarian Design Prize and the report on the results of the competition in 2003. The competition for the Prize for High Level Industrial Design, renewed in its name and content, was announced for the 24th time at the end of March 2003, under the name of Hungarian Design Prize. Altogether 260 works were received, 90 in the product category, 46 in the visual communication category, 44 in the plan category and 80 in the students' work category.

The mandate of the committee awarding Moholy-Nagy László design scholarships expired at the end of February 2003. Thus, in 2003, a renewed committee decided on the admission of scholarship holders. The President of the Council invited the members of the committee upon the proposal of the top management of seven professional organisations. The exhibition of the works of the scholarship holders of 2002 was held in the Museum of Applied Arts from 1 to 27 April 2003. 38 works were received for the competition of 2003, and with the two scholarships offered by the HPO, altogether 18 persons were accorded a scholarship.

The Minister of Economy and Transport approved the three-year working plan drawn up by the Council. On the basis of the proposal of the President of the HPO and of the Minister, the Government decided in favour of the establishment of the information and service provider Design Terminal non-profit company.