

CWS.ATR.TM.2009.HU

Annual Technical Report 2009 on Trademark Information Activities submitted by Hungary (CWS/ATR/TM/2009/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.

I. Evolution of registration activities

Changes experienced in terms of application filings and registrations with respect to the previous year

TERRITORIAL SCOPE OF COMMUNITY TRADE MARKS

One of the most current and discussed issues in the IP field relates to the territorial scope of the genuine use requirement in respect of Community trade marks. The grounds for different positions among professionals is that while according to the text of the Community Trade Mark Regulation, genuine use shall be performed and proved "in the Community" in order to avoid the legal consequences arising from non-use of the trade mark, under the interpretation of the Office for Harmonisation in the Internal Market (OHIM) it is sufficient if the trade mark is used in one Member State or in a significant part thereof. The European Court of Justice has not issued an interpretation so far with mandatory effect to national offices and courts.

The HPO was one of the first national IP offices which – almost at the same time as with the Benelux Office for Intellectual Property – made a fundamental decision that may draw the attention to the necessity of the review of the European practice. As it is known, the Community trade mark system was not established with the purpose to replace national trade mark systems. In practice, however – due to OHIM's current interpretation – the balance of rights and obligations related to the Community trade marks has been lost: it is enough if the right holder uses the trade mark only in one Member State (i.e. practically on national level) to maintain this exclusive right embracing the whole territory of the EU. This may result that for the players on the market – irrespectively of their actual presence in the market and their business considerations for the future – the option of obtaining protection for trade marks on national level will be less and less attractive, i.e. the potential applicants will choose between national and Community trade marks not based upon their real business needs, but upon secondary and – in the present legal practice – distorted factors.

Preparation of intellectual property legislation and application of law
Preparation of intellectual property legislation

The Hungarian Patent Office (HPO) performed to a high level its duties related to the preparation of legislation with a comprehensive approach and in an efficient manner. The majority of the tasks focused on the preparation of amendments to the legislation concerning industrial property and copyright. An important part of the work was related to Hungary's membership of the European Union, the European Patent Organisation and the World Intellectual Property Organization.

It was in April 2009 that the so-called "industrial property package" prepared in 2008 was approved. On 20 April 2009, the Parliament adopted Act XXVII of 2009 on the amendment to certain industrial property laws, which entered into force on 1 August 2009.

It was also on 20 April that the Parliament adopted another bill on industrial property, Act XXVI of 2009 on the promulgation of the amendment of the Protocol Related to the Madrid Agreement Concerning the International Registration of Marks.

The new Community legislation on the protection of geographical indications and the amendments to Act XI of 1997 on the protection of trademarks and geographical indications by Act XXVII of 2009 necessitated the re-establishment of Government Decree 124/2007. (V. 31.) Korm. on the detailed rules of the protection of geographical indications of agricultural products and foodstuffs and the inspection of these product. The HPO participated in the legal preparation work.

Due to the expanding range of industrial property documents that may be filed with the HPO in an electronic way, it was necessary to amend Government Decree 147/2007. (VI. 26.) Korm. on the detailed rules concerning electronic filing of certain documents in industrial property procedures. The amendment was drafted by the HPO. The decree contains, inter alia, provisions for creating opportunities for electronic filing of requests for the validation of European patents, as well as extending the rules for the electronic filing of industrial property communications to the requests for renewal of design protection.

The annual maintenance fees and the fees for administrative services in industrial property procedures before the Hungarian Patent Office were re-established. With regard to the economic crisis, the amount of the annual maintenance fee for patents, the trade mark filing fee and the fee for request for the renewal of trade mark protection were already modified before Act XXVII of 2009 on the amendment to certain industrial property laws, which concerns the annual maintenance fees, entered into force on 1st August 2009. In the case of trade mark filings and requests for the renewal of trade mark protection the amendment provides that only in the case of a list of goods or services belonging to more than three classes it is necessary to pay further fees by classes beside the filing fee and the basic fee for renewal.

NATIONAL BOARD AGAINST COUNTERFEITING

The HPO took an active part in the coordination of strict measures against infringements related to intellectual property and in improving IP enforcement in Hungary. The National Board Against Counterfeiting (NBAC) was established in 2008 upon the initiative of the HPO, with the participation of state organisations having competence related to intellectual property, the actors concerned in the market and the representatives of social and business federations. The NBAC participates in the fight against infringements of IP rights as the proposal making, opinion giving and advisory forum of the Minister of Justice and Law Enforcement. The Vice Chair of the Board is the President of the HPO, the secretarial duties are performed by the HPO which also coordinates the accomplishment of the National Strategy Against Counterfeiting for 2008-2010 and the related action plan.

The National Strategy Against Counterfeiting is based on three pillars: 1. Statistics: evaluation and elaboration of measuring methods for the level, characteristics and economical effects of infringements related to IP rights; 2. Raising awareness: initiatives for information and attitude-forming measures related to IP protection and law enforcement towards state organisations participating in law enforcement, as well as towards the society; 3. Law enforcement: overview of the legal environment, issues on law application, measures and tools helping the right holders, as well as the initiatives for necessary measures

The priorities of the Board include the collection and processing of statistical data concerning infringements related to counterfeiting and piracy, as well as the development of the Hungarian methodology of collecting and evaluating statistical data. As a result of the Board's work of sorting and processing criminal statistical data related to IP right infringements and the analysis of the researchers of the National Institute of Criminology, a summary database on crimes against IP rights was established for the first time. Therefore, the criminal data related to counterfeiting is accessible in one place. A summary methodology study was prepared for revealing measuring methods other than official statistics, which processes and – from the point of view of the adaptation in Hungary – analyses the surveys and relevant evaluation procedures ("best practice") applied in international practice and related to the measurement of the volume and economic effect of piracy.

In order to raise awareness, the Board assisted in the realization of several trainings and events related to IP protection, such as the conference "Cooperation of law enforcement organisations in criminal procedures related to intellectual property rights" organised for judges, prosecutors, officers of the Hungarian Customs and Finance Guard and policemen on 22 April 2009 at the Hungarian Judicial Academy. As a result of the cooperation agreement signed with the Police College on 26 August 2009, the training of intellectual property has been launched within the module of Economic Crime Investigation at the Police College. By the support of the trainers of ProArt Association and NBAC the staff-members of the Police in every county participated in practice-oriented trainings focusing on on-line copyright infringements.

The Board initiated several informative public campaigns emphasizing the importance of IP protection and presenting the consequences and dangers of piracy and counterfeiting. Previously, a survey asking a thousand persons was carried out in April 2009 on the Hungarian customers' attitude against counterfeiting. As a part of the campaign the Board sent daily newsletters to the representatives of the press, and in cooperation with electronics chains it carried out a campaign with leaflets and stickers warning to the consequences of illegal use of software and film and music downloads. A successful campaign against the counterfeiting of medical products was launched in March by creating a website (www.hamisgyogyszer.hu) against the counterfeiting of medical products, by placing leaflets in medical centres and by appearing in medical magazines and in websites. In April the Board announced an art competition "Counterfeiting as I can see – My work, my property" for secondary school students. The summer online campaign appeared in websites and quiz games that are popular among the youngsters and focused on youth. The exhibition "False promises, real dangers" organised by the Board – with the active support of the Hungarian Customs and Finance Guard – between 2 and 11 December draw the customers' attention to the spread and dangers of counterfeiting by exhibiting counterfeited products and by the presentations of the Hungarian Customs and Finance Guard.

As elements of law enforcement, proposals were made for establishing a copyright database in order to simplify and improve procedures related to copyright infringements, for increasing the severity of the legal environment in order to act more effectively against counterfeiting of medical products. In addition, round table discussions were held for the first time between Internet service suppliers and holders of copyright in order to encourage actions against piracy on the Internet.

The coordinated national actions against counterfeiting are in compliance with European and International expectations and initiatives. The European Commission established the European Observatory on Counterfeiting and Piracy in order to coordinate the actions against infringements related to intellectual property in international level; Hungary was represented in the Observatory by the President of the HPO as Vice-Chair of the NBAC.

INDUSTRIAL PROPERTY OFFICIAL EXAMINATION AND PROCEDURES

OFFICIAL ACTIVITY

Since our country's accession to the European Union on 1 May 2004, the effect of Community protection systems has extended to Hungary as well. Last year, the number of Community trade marks with effect in Hungary further increased, surpassing 89 000, while that of the registered Community designs diminished by 8%, decreasing to 71 000. As a consequence of the draining effect of the Community protection system, the number of foreign trade mark applications received under the Madrid Agreement with effect in Hungary has continuously decreased since 2004.

The level of patent, utility model and design activities of the Hungarian applicants increased compared with the previous year, the level of their trade mark activity is only a little lower than in 2008. Despite the economic decline, the number of trade mark applications from domestic applicants decreased by only 1.5% compared to the previous year, which is above all the result of the modification of the administrative service fees during the year, thus halting the negative trend in the number of applications.

Although the number of applications filed by Hungarian applicants abroad continued to be extremely low, both the European patent and the Community or international (Madrid Agreement) trade mark activities showed an upturn compared to the previous year.

The figures of the industrial property activity of foreign applicants in Hungary indicate the international interest in the Hungarian economy and market and also the integration of the Hungarian economy in Europe. As a result of Hungary's accession to the Community trade mark and design protection systems on 1 May 2004, an ever-growing number of foreign applicants have availed themselves of the opportunity of obtaining Community protection with effect in the territory of Hungary.

As a result of the accession to the European and Community protection systems, the amount of industrial property with protection extending to the territory of Hungary has been continuously increasing year by year. These protections must be respected by all domestic market players during their economic decision making.

The accession to the Community and European protection systems has also generated new official tasks for the HPO. The HPO carried out searches of the Community trade mark applications for the Office for Harmonization in the Internal Market. In the first whole year of the optional search system operating since 10 March 2008, 3% of the Community trade mark applicants requested national search, thus the HPO carried out search and prepared search reports in respect of 2597 Community trade mark applications.

The HPO has performed the tasks of a receiving office – in respect of the Community trade marks and designs – deriving from the accession to the European Union on 1 May 2004. Hungarian applicants have filed 41 Community trade mark applications via the HPO as a receiving office. Through its IP information activities, the HPO supports primarily the preparation of international applications of domestic SMEs and individual inventors.

TRADEMARKS

As a consequence of the draining effect of the Community trade mark system and the crisis of the world economy, the number of international (under the Madrid Agreement) trade mark applications in Hungary was 3025; 27% less compared with the previous year. More than 88 000 Community trade mark applications also covering Hungary were filed with the OHIM. Hungarian applicants filed 9% more applications than in the previous year, that is, 302 Community trade mark applications and 246 international (under the Madrid Agreement) ones, surpassing by 46% the number of applications filed in 2008.

The number of trade mark applications filed following the national route was 3741; 2.6% less than in the previous year. The activity of domestic applicants remained on the level of the previous year; the applications were down by 51 from the year 2008. The downward trend of applications in the first half of the year was halted by the reduction of the administration service fees – the opportunity of filing a trade mark application covering 3 classes for a basic fee. Both in the case of the domestic and the foreign applicants, the applications filed by enterprises (institutions) dominated: 78% of the domestic applications and 97% of the foreign applications came from enterprises. The four classes most frequently indicated in the trade mark applications filed following the national route were advertising, business (Class 35), education, training, sporting (Class 41), pharmaceutical, sanitary preparations (Class 5), and paper, packaging materials (Class 16).

87% of the trade mark applications filed following the national route came from domestic applicants; 501 foreign applications were received directly by the HPO. Among the foreign applicants it was the US applicants who continued to rank first: 3% of the applications (125 applications) came from the US applicants, followed by the German (52 applications) and the Swiss applicants (51 applications).

In national trade mark registration procedures 3864 national trade mark cases were completed, the number of registrations was 2646, 266 applications were rejected, 109 applications were withdrawn and 843 were considered withdrawn. 2847 trade mark applications were published. 68 cases were recommenced on the basis of requests for review. The number of pending cases further decreased, from 2502 to 2447. To the general satisfaction of applicants, the time until the publications of trade mark applications remained on the level of the previous year, that is, 3.5-3.6 months; while the full processing time of registration procedures – including the three months for publication and the one-month period from the date of posting the search report – was reduced to 8 months from 9.8 months of the previous year. With respect to national trade mark procedures, the number of oppositions increased by 14% compared with the previous year; 173 oppositions were filed. The procedure was completed in 204 cases.

The popularity of accelerated and fast-track registration procedures indicated the demand of customers for the quick closing of procedures. Customers requested accelerated procedure in 160 cases and fast-track registration procedure in 46 cases.

The HPO proceeded in 73 cases covering national trade marks to be settled by a board (inter partes cases). 43 requests for cancellation and 18 requests for revocation were received by the HPO. The processing time was short, that is, 7-8 months. The settlement of requests for cancellation in accelerated procedure was asked for in 2 cases.

At the end of the year, the number of national trade marks valid in Hungary was 52 844, that of valid international (under the Madrid Agreement) trade marks was 142 708, and the number of Community trade mark protections extending to Hungary totalled 597 884. The volume of Community trade mark protections extending to Hungary was 18% larger than in the previous year.

The number of national trade marks valid in Hungary amounted to 52 844 at the end of the year, which was down by 495 on the previous year – due to the decrease in the number of trade marks owned by foreign proprietors. The number of trade marks owned by Hungarian right-holders was up by 785 on the previous year. 57% of the valid national trade marks were owned by Hungarian proprietors, followed by the US (20%), the United Kingdom (5%) and Japan (3%).

The classes most frequently indicated in the respect of valid national trade marks were:

- 1) advertising, commercial services (class 35);
- 2) pharmaceutical, sanitary preparations (Class 5);
- 3) education, training, sporting (Class 41);
- 4) instruments for scientific purposes (Class 9);
- 5) paper, packaging materials (Class 16).

2078 valid trade marks were renewed. 62% of valid trade marks were 10-year-old or “younger”, and 92% of the trade marks were not older than 20 years. 30 valid trade marks are older than a hundred years. Right-holders possessing such “old” trade marks are, among others, Bayer AG with the sign “Aspirin”; DaimlerChrysler AG with the signs “Mercedes” and “Daimler”; Gedeon Richter Plc. with the sign “Tonogen”, Kodak GmbH with the sign “Kodak”; Johnson & Johnson with the sign “Listerine”; Guaber S.r.l. with the sign “VIM”; Unilever N.V. with the signs “Vasenol” and “Lux”, OSRAM GmbH with the sign “Osram”; Diageo Brands B.V. with the sign “Black & White”, Beiersdorf AG with the sign “Nivea”; GE Hungary with the sign “TUNGSRAM” and Gillette Company with its figurative trade mark.

3127 international (under the Madrid Agreement) trade marks were granted protection by the HPO. The HPO issued search reports together with declaration of provisional statement of grant of protection or notification of provisional refusal in 3300 cases; it issued provisional refusal in 132 cases and final refusal in 134 cases. The HPO received 109 oppositions, the number of cases completed that concerned oppositions was 80.

The HPO received 16 new international trade mark cases to be settled by a board (inter partes proceeding), of which 6 were requests for cancellation and 10 for revocation. 25 cases were completed, of which 13 were related to revocation and 12 to cancellation. The average processing time continued to be 12-14 months.

At the end of the year, international (under the Madrid Agreement) trade marks valid in Hungary totalled 142 708; this number was down by 422 from the previous year. 31% of the international trade marks were owned by German, 17% by French and 11% by Swiss proprietors. 38% of the international trade marks valid in Hungary were “younger” than 10 years, 74% of them were “younger” than 20 years.

The HPO received 2 new applications for registration of geographical indication. At the end of 2009 there was no pending case. Under the Lisbon Agreement, 4 new international applications concerning appellations of origin were received, which were pending at the end of the year.

TM-stat-2010 - MS Office Word 2007

II. Matters concerning the generation, reproduction, and distribution of secondary sources of trademark information, i.e., trademark gazettes

OFFICIAL AND OTHER PUBLICATIONS

In the 114th volume of the Gazette of Patents and Trade Marks 12 issues were published, twice a month, providing more favourable conditions for shortening the registration period of the particularly accelerated trade mark procedure. The content of the Gazette appearing in the middle of the month covers the national and international trade mark publications and is only published electronically. The edition appearing at the end of the month is published in full content in electronic format.

The full content of the Gazette was 2822 pages, the official publications covered 2738 pages, the number of European patent descriptions was 2289, the number of Hungarian descriptions was 389. On average 240 national trade mark applications were published in a month. Since 1 January 2006 the Gazette has been published electronically, and is accessible for free of charge, in full text, in PDF format on the homepage of the HPO. The full text, such as the columns themselves can be downloaded. There was a high interest in the Gazette published on the homepage: the users downloaded 575,541 files, 60% more than in the previous year, the increase was 36% in the number of visits to the site, 26% in the quantity of downloaded data and 22% in the number of downloaded pages, compared to the previous year's figures concerned.

It was the fourth year that the Industrial Property and Copyright Review was published as a separate special periodical. The full content of the periodical published in every second month was 885 pages. The Review is also available in electronic format on the homepage of the HPO.

INDUSTRIAL PROPERTY DOCUMENTATION AND INFORMATION SERVICES

The documentation and information services of the Patent Library and Industrial Property Special Library primarily focused on informing the public and on the support of the official patent activities by documentation and information technology.

Clients showed a high interest in the services of the Patent Library: 7394 enquiries were registered, information was provided in 1794 cases by phone and in 2114 cases in person. The subject of the service was search in patent documentation in 1795 cases, and in 687 cases electronic documentation was provided. The Patent Library and Industrial Property Special Library also performed functions directly related to the support of the official work.

The collection of Industrial Property Special Library comprising of 20,709 volumes increased by 4% compared to the previous year. The lending is provided electronically through HunTéka online library system. Readers generally visit the Patent Library and the Special Library for the purpose of reading onsite if the documentation on industrial property or copyright is available only in printed form.

III. Matters concerning classifying, reclassifying and indexing of trademark information

Classification and reclassification activities; Classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification (please indicate whether goods and services for the registration of marks and whether the figurative elements of marks are classified by your Office and, if so, which classification(s) is (are) used)

Both classification systems (Nice and Vienna) are in use. The classification of list of goods and services is subject to formal examination during the procedure for the registration of trade marks. Despite of the fact, that Hungary is not a contracting state to the Vienna Agreement, the classification is used for figurative signs.

Use of electronic classification systems to check the classification symbols furnished by an applicant and which are contained in the lists of goods and/or services

none

Obligation for applicants to use pre-defined terms of the classification applied

none

IV. Trademark manual search file establishment and upkeep

No manual trade mark search is being effected any more. An automated system is used and being developed.

V. Activities in the field of computerized trademark search systems

HPO operates an In-house developed Uniform Record System (ENYV) and an Public Industrial Property Aggregate Collection for Search (PIPACS) containing all the published applications of all titles of protection. HPO uses for novelty search first of all the EPOQUENET system included non-patent literature databases operated by EPO, STN databases, Esp@cenet and any other Internet access databases.

IT SUPPORT IN OFFICIAL ACTIVITIES

In order to continue the development of the electronic administration procedures, the HPO prepared the introduction of the ELO electronic document management system. The system was customized to meet the special requirements of the HPO by Albacomp IT Plc., a company having good references in the public administration sector. Key users and the IT staff were trained and the digitalisation of the official documentation was commenced.

The tasks related to the official functions concerning national industrial property protection and copyright, to the membership in the European Patent Convention and in the EU were executed by the Uniform Record System (ENYV) established for the support of the office management of industrial property. The development of the office management system focused on: 1) the support of the procedure concerning the licensing of orphan works; 2) establishing the database for the voluntary register of works; 3) the application of a management program supporting the ECLA classification system; 4) the renewal of the forms; 5) developments to meet the provisions of the new decree on fees; 6) improvement of PIPACS database, installing check points; 7) faster edition of the Gazette.

The reconstruction (re-writing) of ENYV was continued, the reconstruction plan and the project plan containing specific steps of development, as well as the so called domain model were prepared.

The HPO successfully applied to the National Development Agency for launching the project "Development of Electronic Information Services" under the Electronic Government Operational Programme (EKOP). According to the schedule the developments were accomplished, the step-by-step reform of the electronic register was started.

The HPO – under uniform principles and with active participation of the staff members dealing with official matters – started to review the electronic publication system (e-publication) related to the industrial property official activities. Proposals and schedules were made concerning the development of the integrated e-publication official database based on single data-input and providing uniform data-flow, as well as for all types of protection the establishment of certified registers managed electronically with uniform and reliable database and with online access. The e-publication system was renewed under the EKOP project and as a part of the development of ENYV.

DEVELOPMENT OF THE OFFICE'S HOMEPAGE

The HPO continued to improve and develop its homepage containing a wide range of professional information. The new options in the menu are: Public Procurement, Enforcement of IP Rights, IP Valuation Forum, under Copyright and Related Rights the Voluntary register of works and Orphan works, under Patents the Patent Prosecution Highway (PPH) based on international cooperation, and VIVACE+ as information for enterprises.

The homepage of the HPO contains a collection having more than 58,000 separate web addresses; 55% of them are available in Hungarian, 45% in English. The homepage includes 58,147 URLs, the total size of the files is 24 GB, with the database it is 36 GB.

The homepage was visited by 545,302 individually identifiable visitors 737,200 times. The numbers of visitors and visits were 43% and 36%, respectively, more than in the previous year. The quantity of downloaded pages increased by 22%, the size of downloaded data increased by 26%, which is more than 760 GB. Through the electronic application system accessible from the homepage 212 electronically filed applications, 29 requests for the validation of European patents and 19 requests for renewal of trade mark protection were received by the HPO.

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

The Patent Library and the Industrial Property Special Library of HPO is a section of the Industrial Property Information and Education Centre. The reading room and Client Services both offer services to the public and are located in a single complex next to the head office.

<http://www.mszh.hu/English/kapcsolat/konyvtar.html>

<http://www.mszh.hu/English/kapcsolat/szabtar.html>

The public reading room is open 22 hours per week. Six workstations are available to access free online IP sources, databases and in-house IP related and law databases. The workstations of the library are connected to the HPO informatics systems. The most commonly used online databases are the PIPACS (Hungarian IP database), esp@cenet worldwide, WIPO IPDL, OHIM, USPTO and Japanese databases.

The collection of the Patent Library contains the documents of 24 countries and 2 international organisations on paper and optical disks. The paper-based collection contains the documents of three (HU, AT, CH) countries since the first decades of this century. A considerable part of the collection of the Patent Library is acquired in the framework of document exchange.

The collection of the Industrial Property Special Library consists of 21,223 volumes of books, many theses, and foreign and Hungarian professional periodicals covering intellectual property issues.

The collection of the Industrial Property Special Library is continuously developed through purchasing.

The processing of the collection occurs in the HunTéka integrated library system. In the online catalogue the whole collection of the library can be found, including the information published in intellectual property periodicals, and complex and flexible retrieval is possible. Information is updated daily.

The two libraries have four separated stack-rooms.

The Industrial Property Special Library is a borrowing and lending library using an interlibrary loan system. Permission to borrow is given to HPO's examiners only.

Hungarian PATLIB centres providing a wide services (with a university library or technology transfer office background) in Miskolc, Szeged, Debrecen, Sopron, Gyr, Pécs.

Information services available to the public:

<http://www.mszh.hu/English/szolgaltatasok/szabtar/>

<http://www.mszh.hu/English/szolgaltatasok/ipszak.html>

http://www.mszh.hu/English/szolgaltatasok/masolasi_dijak.html

Hungarian Patent Office's website for electronic filing:

<https://ugyintezes.hpo.hu/hpo/app>

Providing information on business procedures such as: filing, publication, examination and grant procedures related to trademarks:

<http://www.mszh.hu/English/vedjegy/>

Information products and services offered by the Hungarian Patent Office:

http://www.mszh.hu/English/szolgaltatasok/vedjegy_szolg.html

Official journal of HPO

<http://www.mszh.hu/English/kiadv/szkv/>

http://www.mszh.hu/English/adatbazis/kozlony_ab/

IP databases:

<http://pipacsweb.hpo.hu/?v=hunpia&a=s&l=eng>

<http://elajstrom.hpo.hu/?lang=EN>

Library online catalogue:

<http://mszh.asp.hunteka.hu/index.jsp?lang=en>

Information on how to access and utilize the database:

<http://www.mszh.hu/English/adatbazis/index.html>

QUALITY SERVICES

With regard to the relevant international experiences of offices offering quality services, the HPO offers a wide range of high-level IP protection services against payment, besides its customer services provided free of charge.

The high level services in the field of patent and trade mark searches offer the tools of industrial property for making responsible business decisions. Hungarian and foreign customers may order directly on the homepage of the HPO.

The interest in simplified trade mark filtering is expressed by the fact that this service has been ordered in nearly 1,200 cases since its introduction in 2006. Through trade mark search services the customers can receive a preliminary search report before filing a trade mark application or relating to a trade mark already registered. Since its introduction at the end of 2007, 92 preliminary trade mark search reports have been issued. Through CETMOS, which is a Central European regional service project with the aim of simplifying trade mark search, with a single request the customers can obtain search reports concerning the territory of several countries covering the earlier trade marks and trade mark applications in these countries

VII. Matters concerning mutual exchange of trademark documentation and information

Trademark data are published in the official gazette, which is accessible on the home-page of the Office in PDF format.

VIII. Matters concerning education and training, including technical assistance to developing countries (please indicate URLs of web pages of the Office's website wherever appropriate)

INDUSTRIAL PROPERTY EDUCATION

In the last few decades, the HPO has played an important role in disseminating IP knowledge through its training activities. The two-year long advanced level industrial property course organised by the HPO is a significant element of the development of the Hungarian industrial property culture and of the training of a new generation of professionals. At the end of the course launched in 2007, 22 persons were given an advanced level qualification in industrial property protection, and an additional 10 participants worked on their theses. In September the HPO launched the

advanced level industrial property course with the participation of 55 persons, according to the amended provisions on industrial property qualification [Decree 2/2008 (VIII. 22.) TNM].

The intermediate level industrial property course was attended by staff members of patent attorneys' or law offices, the Hungarian Economy Development Centre, the National Office for Research and Technology, the Hungarian Customs and Finance Guard, innovation agencies, pharmaceutical companies, university knowledge centres and enterprises, 46 persons passed the exam successfully. The Office gave the opportunity to obtain the intermediate level industrial property qualification at the Károly Róbert College for the fourth time, 36 persons passed the exam successfully. Moreover, 13 students applied for the exam of the intermediate level industrial property course at the Agriculture Faculty of the College of Szolnok.

The special industrial property trainings organized for the research and education sector give an excellent framework for disseminating the industrial property culture. Under the cooperation with the Hungarian Academy of Sciences, the HPO organized one-day industrial property trainings on the issues of practical application of IP protection for the staff members of the network of research institutes on three occasions.

Based on the cooperation agreements concluded with 20 major Hungarian institutions of higher education the students can obtain up-to-date IP knowledge in graduate, post-graduate and in distance learning trainings. 78 applications were received to the invitation published by the HPO for assistance with dissertations. The modern distance learning programme complemented with research – with the participation of more than 220 students – contributed to the spread of knowledge on IP protection at the Ergonomics and Psychology Faculty of Budapest University of Technology and Economics, as well as at the University of Debrecen.

The industrial property protection training organized – with the support of the Grants and Innovation Centre – for the tutors of Eötvös Loránd University was successful, as well as the IP protection training organized as a part of basic business education, with the participation of INNSTART National Business and Innovation Centre Foundation.

The HPO participated with tutors for the first time on the two-year long course – as a preparation for the European patent attorney exam – organized by CEIPI (Centre d'Etudes Internationales de la Propriété Intellectuelle) and the Hungarian Chamber of Patent Attorneys.

DEVELOPMENT OF INDUSTRIAL PROPERTY AND COPYRIGHT CULTURE, CUSTOMER SERVICE

In compliance with the international trends and the requirements for national offices, the HPO continued to strengthen its quality service provider character. Through its industrial property services, customer services, IT and education programs, the HPO improved the conditions of awareness, information and education in the domestic industrial property and copyright culture.

INNOVATION SUPPORT, COMPETITION PROMOTION

The HPO contributed to innovation support in Hungary with the special tools of IP protection. Its purpose is to exert an influence of measurable efficiency on IP-awareness and activities of the major target groups of the national innovation sphere (particularly SMEs, Hungarian Academy of Sciences, high education).

The internationally reputed Action Plan Promoting Industrial Property Competitiveness was re-launched under the name of VIVACE+ within the cooperation of the National Office of Research and Technology (NKTH) and the HPO. 14 regional organisations including several former partners of the HPO (Chamber of Commerce and Industry, PATLIB centre) and also some recently joined organisations (ITD Hungary, SEED Foundation for Small Enterprise Economic Development) participated in the programme focusing on raising the industrial property knowledge of enterprises. VIVACE+ is based on the following four pillars: 1) enhancing the assistance in innovation; 2) improving industrial property services of; 3) promotion of IP protection and development of regional network; 4) education, content development and providing information in the field of industrial property.

A questionnaire survey on the awareness of industrial property of Hungarian entrepreneurs was prepared with the assistance of the Foundation for Hungarian Business Research and with the involvement of more than four hundred SMEs. The analysis described and evaluated the changes in industrial property awareness of enterprises in the past four years.

Linked to the institutions of higher education as recognised knowledge centres, the industrial property information centres, the so called PATLIB centres were operated at six universities outside Budapest with the professional assistance of the HPO. According to the contracts concluded between the University of Miskolc, the University of Szeged, NYME-ERFARET Nonprofit Kft. and the HPO, the information points in the libraries of the universities, in the Office for the Utilisation of Research Products and Technology Transfer of the University of Pécs, in the Genomnanotech Knowledge Center in Debrecen and in the Regional Knowledge Centre for Vehicle Industry in Gyr are parts of the PATLIB network in-line with the standards of EPO. They provide information on patents mainly for researchers, tutors, inventors and SMEs.

Determining the value of Hungarian-owned intellectual assets is a key element of the involvement of capital from external sources. As a further step of the research and development activities focusing on the adoption of the internationally used IP valuation methodology, the HPO launched a series of symposia in cooperation with four European IP offices (Finland, Austria, UK and Hungary). The first meeting was held in November 2008 in Budapest, the second one in Helsinki on 18-19 May 2009 on the economic and business perspectives of IP valuation. Connecting to the international cooperation in methodology the HPO initiated the establishment of an IP valuation forum, the site of which is available in English through the homepage of the HPO (<http://ipvaluation.hpo.hu/>), so providing an information platform for enterprises, researchers, universities and investors.

The adaptation of the international methodology of IP valuation to Hungarian circumstances continued, the pilot works for IP valuation of technical solutions elaborated in academic research institutions, being partly under patent protection, were commenced based on the cooperation agreement with the Hungarian Academy of Sciences.

In order to promote the utilisation of intellectual property, in March 2008 the National Office for Research and Technology – upon the initiative of the HPO and to the debit of the Research and Technology Innovation Fund – announced a competition titled "Obtaining Industrial Property Protection for Hungarian Inventions in Foreign Countries" No. IPARJOG_08 with a frame amount of HUF 200 million, to which the applications could be submitted till 31 December 2009. The Office actively participated in the work of the jury, assessing 116 projects received till the end of the year, of which the jury supported 83 applications.

PARTNERS IN PROFESSIONAL AND EDUCATIONAL COOPERATION

The HPO established professional, training and other cooperation with several institutions, the most significant ones are the following:

Professional cooperation

Hungarian Academy of Sciences, Hungarian Association for the Protection of Industrial Property and Copyright, Hungarian Association for

Innovation, Hungarian Academy of Engineering, Association of Hungarian Inventors, Hungarian Research Student Association, NOVOFER Foundation, Hungarian Chamber of Commerce and Industry, Journalists of the Federation of Technical and Scientific Societies, National Police Headquarters, Hungarian Finance and Customs Guard, Typotex Electronic Publishing Company, ITD Hungary, INNOSTART National Business and Innovation Centre, SEED Foundation, Ötlet Klub 13 Egyesület (Idea Club 13 Association)

Cooperation in higher education

Budapest University of Technology and Economics, Corvinus University of Budapest, Budapest Tech Polytechnical Institution, University of Debrecen, Eötvös Loránd University, Harsányi János College, Károly Róbert College, Hungarian University of Fine Arts, University of Miskolc, Moholy-Nagy University of Art and Design, University of West Hungary, Pázmány Péter Catholic University, University of Pécs, Semmelweis University, University of Szeged, Szent István University, Szolnok University College, International Business School, Police College

Professional communication agreements

Hungarian Television – Delta (TV series on science), Duna Television – Heuréka – Solart Film, Élet és Tudomány Association (scientific association), Jogtudományi Közlöny (Gazette of Jurisprudence), Mérnökújság (engineers newspaper), Napi Gazdaság (economic daily), Világgazdaság (economic daily), Gazdasági Rádió (economic radio), Agrárium, MAG (Hungarian economic development centre), Tudományos Ismeretterjesztő Társulat (scientific educational association), Természet Világa (World of Nature, scientific gazette), Természet-Tudomány Alapítvány (Nature-Science Foundation), Gépgyártás folyóirat (magazine on machine manufacturing).

Education-2010 - MS Office 2007

IX. Other general information related to the Office that is available on the Internet -- URLs of web pages of the Office's website that:

<http://mszh.hu>
<http://hpo.hu>

X. Other relevant matters

INTERNATIONAL COOPERATION IN THE FIELD OF INTELLECTUAL PROPERTY PROTECTION

International cooperation focused on exercising rights and meeting obligations deriving from the European Patent Convention and Hungary's membership in the European Union, as well as on international professional cooperation within the framework of the World Intellectual Property Organization and on the active regional and bilateral cooperation in IP protection.

EXERCISING RIGHTS AS A CONTRACTING STATE IN THE EUROPEAN PATENT ORGANISATION

The HPO, with the participation of delegations headed by the President, successfully accomplished the duties of exercising the rights and fulfilling the obligations of a Contracting State of the European Patent Convention. The Administrative Council of the European Patent Organisation (EPO) held four meetings. During the meetings of the Administrative Council in October and December the candidates were heard and the voting rounds were held within the procedure for the election of the new president of the EPO. The Board, set up for a better preparation of the decisions of the Administrative Council, held five meetings, the Budget and Finance Committee and the Committee on Patent Law held two meetings.

DUTIES ARISING FROM THE MEMBERSHIP IN THE EUROPEAN UNION

The HPO established close cooperation with the Office for Harmonization in the Internal Market (OHIM) and fulfilled its obligations as an EU member state. Hungary is represented in the Administrative Board of OHIM – as a member – by the Vice-President for Legal Affairs and – as a deputy member – by the Head of the Trade Mark, Model and Design Department. The Administrative Board and the Budget Committee held two ordinary meetings each, the joint meeting of the Administrative Board and the Budget Committee were held twice, and the so called "liaison meetings" were held three times.

Since 1 May 2004 Hungary has been represented in the Administrative Council of the Community Plant Variety Office by an official of the Ministry of Agriculture and Rural Development. The HPO's Vice-President for Technical Affairs performs as an alternate member of the Administrative Council.

The HPO participated at the meetings of the Working Party on Intellectual Property of the Council of the European Union, in the committees of the European Commission and at other experts' meetings. The HPO participated at 28 such meetings in 2009.

The HPO took an active part in the work of the Inter-ministerial Committee for European Affairs (ICEA). In the system of expert groups of ICEA, the HPO operates the expert group responsible for intellectual property.

The President of the HPO participated – upon an invitation from the Government – at the opening conference of "European Year of Creativity and Innovation" held in Prague. Two reputed Hungarian inventors, Mr Ern Rubik and Mr Áron Losonczy were also present and were asked to be the "Ambassadors of the Year".

COOPERATION WITHIN THE FRAMEWORK OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

The HPO represented Hungary in the international cooperation under WIPO. As in previous years, the representatives of the HPO regularly participated at the meetings of the standing committees of WIPO. The HPO represented Hungary at the 47th series of meetings of the Assemblies of the Member States, at the meeting of the Coordination Committee, the Program and Budget Committee, the standing committees, as well as at the meetings of the Administrative and Legal Committee, the Consultative Committee and the Council of UPOV.

The President of the HPO was elected as vice-chair of the PCT Union Assembly at the 47th series of meetings of the Assemblies of the Member States. Hungary was elected as a member of the Executive Committee of the Berne Union for copyright, so Hungary preserved its membership in the Coordination Committee which performs the Member States' supervision over the Assemblies.

The Assembly of the Lisbon Union accepted the report on the previous year's activity of the Working Group on the Development of the Lisbon

System chaired by the Vice-President for Legal Affairs of the HPO, and also supported the proposals concerning the modification of the Regulations under the Lisbon Agreement.

REGIONAL AND BILATERAL INTERNATIONAL COOPERATION

As recognition of the excellent work in search and examination, the HPO had opportunities to extend the participation in the international patent work sharing and to improve bilateral cooperation with other offices.

The annual meeting of the heads of the industrial property offices of the Visegrád Countries, Austria and Croatia was held on 7-9 June 2009, the event was organized by the HPO. The representatives of the Visegrád Countries held a meeting enlarged by the presidents of the Austrian and Croatian patent offices. The agenda focused on the issues of European patent cooperation and regional cooperation.

As a result of the bilateral negotiations during the meeting, on the initiative of the Austrian and Hungarian Patent Office, the consideration of establishing a PCT authority with Central European regional competence was launched by a preparation of a feasibility study. Putting the cooperation with the Austrian Patent Office into an institutional form fits to the regional "Danube Strategy" of the EU and Hungary.

PARTICIPATION IN INTERNATIONAL PROJECTS

The HPO successfully made use of the facilities offered by international and European IP projects. In the spirit of this intention the HPO has participated – as head of a working group – since 2008 in the IPeuropAware project assisted by the Competitiveness and Innovation Framework Programme (CIP) of the European Commission. The purpose of the international project is to coordinate the initiatives of the national patent offices for raising awareness of intellectual property protection. Under the project a publication on the international practice of raising awareness of IP protection entitled „Planning local actions for Intellectual Property Awareness and Enforcement Services" was prepared in English, which is available on <http://www.ipeuropaware.eu/outputs.html>. The cooperation with other national IP offices also included the organization of events on raising awareness, development of helpdesk services and the preparation of publications.

The report showing the results and the closing of the IP4INNO project, established to disseminate the knowledge on IP and the business practice enhancing innovation among institutions helping enterprises, was prepared.

The eMARKS project, which executed the market evaluation of the database service established under eMAGE programme, was also closed. The purpose of the project was to make a business plan which described the possibilities of self-financing operation of the service for the potential investors, with regard to the results of market evaluation. The HPO was responsible for testing the service among the target groups of users.

The HPO has promoted the Community protections in Hungary according to the cooperation agreements concluded with OHIM every year since 2006. Based on the cooperation agreement for 2009 – among others – a successful regional conference was organized in November on national and Community trade mark systems. The HPO published the "General information on the protection of unregistered Community designs" and prepared a questionnaire survey with the involvement of more than a hundred Community applicants, right holders and representatives on customer satisfaction concerning the forms of Community protection. Moreover, the part related to Community design protection of the distance learning module was elaborated as well.