

CWS/ATR/TM/2018/HU

Annual Technical Report on Trademark Information Activities in 2018 submitted by Hungarian Intellectual Property Office

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I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN TRADEMARK INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

Outline of main policies and plans aimed at development of trademark information activities and expected time frames for their realization

The Office considers as objectives of outstanding importance to provide information on the protection of intellectual property, to raise awareness of industrial property right protection and copyright protection, with special emphasis on helping enterprises – especially small and medium-sized ones – to broaden their knowledge of industrial property rights and copy - right protection, and to promote the respect of intellectual property rights.

New projects launched or resumed this year in the context of the policies and plans mentioned above, short description: aims, partners, tasks

It is an essential task of the Office to prepare laws relating to intellectual property or amendments to existing laws. From last year's activities in this area the following are worth mentioning.

The preparation of the submission aimed at the transposition of Directive (EU) 2015/2436 to approximate the laws of the Member States relating to trade marks required serious consideration. In order to comply with its obligation of legal harmonisation under the Trade Mark Directive, HIPO actively participated in the comprehensive review of Act XI of 1997 on the Protection of Trade Marks and Geographical Indications (Trade Mark Act) and of the related decree level regulation. The National Assembly adopted Act LXVII of 2018 on the Amendment of certain Acts on the Protection of Industrial Property, the provisions of which entered into force as of 1 January 2019. The primary objective of the amendments was the transposition of the Trade Mark Directive, however, with a view to reducing pendency times and simplifying procedures, other aspects of trade mark related procedures and provisions relating to international trade marks were also affected; furthermore, mainly on account of data protection and electronic administration, lesser adjustments were made also to other Acts on intellectual property protection.

In connection with the trade mark reform HIPO prepared the draft of the Methodology Guidelines for trade mark procedures, which incorporates the changes arising from the latest amendments, as well as the English language version of the Act. Government Decree 220/2018. (XI. 27.) Korm. on the amendment of certain Government decrees on the protection of industrial property amended.

Government decree 270/2002. (XII. 20.) Korm. on the organisation and operation of the Body of Experts on Industrial Property, and Government Decree 147/2007. (VI. 26.) Korm. on the detailed rules of the electronic filing of industrial property submissions. The amendments to the decrees on formal requirements are laid down in Decree 30/2018. (XII. 12.) IM of the Minister of Justice on the amendment of certain decrees on intellectual property.

The transposition of the provisions of the Trade Mark Directive made it necessary, in connection with the amendment of the Trade Mark Act, to amend the rules of Decree 19/2005. (IV. 12.) GKM on the fees for administrative services in industrial property procedures before the Hungarian Patent Office (Decree on Fees) concerning fees to be paid in trade mark procedures, as well as the review of Decree 16/2004. (IV. 27.) IM of the Minister of Justice on the detailed formal requirements of applications for trade marks and geographical indications. The Decree on Fees was also supplemented with a provision relating to the fee of protectability opinion, which can be requested in connection with an application for utility model protection or in connection with a utility model.

Main areas of trademark information activities and related information and communication technology (ICT) practices which were in the focus of attention last year

Statistics: changes in terms of application filings and registrations with respect to previous year; trends or areas experiencing rapid changes

Number of valid trade marks in Hungary in 2018

National trade marks in 2018: 54787

International trade marks (under the Madrid system): 87144

Registered European Union trade marks: 1.1 million.

The number of valid national trade marks remained at the level of the previous years (it amounted to 54 787). The number of international trade marks (under the Madrid System) in Hungary exceeded 87 thousand. According to database searches the number of European Union trade marks registered for the 28 Member States of the European Union exceeded 1 million. Foreign applicants who wish to obtain protection covering several countries are opting in increasing numbers for the European Union trade mark system, which ensures protection for the whole territory of the EU.

Main figures of trade mark applications filed via the national route

Trade mark applications of domestic origin in 2018: 3 860

Trade mark applications of domestic origin in 2017: 3 770

Figures of national trade mark registration proceedings

Valid national trade marks: 54 787

Closed proceedings: 4 040

Applications: 3 860

Registrations (granting): 3 177

Pending cases: 2 601

The number of trade mark applications filed via the national route was 3860 in 2018, which represents a 3% deviation from the 10 year average of trade mark applications. Of those applications 41% were filed electronically with HIPO. 90% of all trade mark applications were filed by Hungarian applicants, 67% of them were filed by entities and 33% by individual applicants.

HIPO concluded 4040 cases in 2018, which is an increase of 4% over the previous year. The stock of pending cases decreased by 7% compared to 2017, so the number of cases carried over to 2019 amounted to 2601.

The number of publications was 2981, which is 6,5% higher than that of the previous year. Among the concluded cases the registrations (79%) continue to prevail. The number of granted applications increased by 10% over the previous year and amounted to 3177. The number of rejections was 72, and that of terminated cases was 791, i.e. 8% less than the year before. Of the terminated cases in 711 instances HIPO considered the application withdrawn either for failure to pay the required fees or for failure to reply to an invitation. The withdrawal of applications by applicants also decreased by 16%, this occurred in 80 cases. These indicators show an increase in applicants' awareness.

At the end of the year the number of valid national trade mark protections was 54 787 and this corresponds to the order of magnitude that came to stay during the previous years.

The pendency time before the publication of national trade mark applications was reasonable, trade mark applications were published after 3.4 months on average in the Gazette for Patents and Trade Marks. The gross average pendency time of applications for registration as national trade marks – which time frame includes the 3 months period before the publication, as well as the one-month period from the sending of the search report – remained at the favourable level of the previous year, namely 6.4 months.

Two thirds (67%) of the 54 thousand valid national trade marks in the trade mark register were owned by Hungarian right holders. Foreign right holders had their seat mainly in the USA, the UK and Germany.

As for the age pyramid of valid national trade marks one can observe that the number of valid trade marks is considerably higher in the first 10 years than the number of those renewed in later cycles.

GEOGRAPHICAL INDICATIONS

During the year 52 new international registration of appellations of origin were notified by the International Bureau of WIPO to HIPO under the Lisbon System. At the end of 2018 the number of valid national geographical indications was 26, out of which six were geographical indications and 20 appellations of origin.

The number of valid European Union designations of origin and geographical indications related to agricultural products and foodstuffs was 1382 at the end of 2018, and out of them 14 originated in Hungary. The number of European Union geographical indications related to wines reached 1 766 at the end of the year; out of them 64 originated in Hungary. The number of valid European Union geographical indications related to spirit drinks amounted to 248 at the end of 2018; out of them eight originated in Hungary. Besides, six applications for protection from Hungary are still pending.

The number of valid international appellations of origin under the Lisbon Agreement was 1129, out of which 28 were of Hungarian origin.

Other matters and useful links (URLs): annual report of the Office, news page, statistics, etc.

HIPO Facts and Figures 2018: https://www.sztnh.gov.hu/sites/default/files/sztnh_2018.pdf

II. SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Information and support provided by the Office to applicants regarding filing on paper and/or e-filing (instructions, seminars, etc.) - URLs

Detailed information and support is accessible on the website of HIPO, eg.:

e-Filing: <https://ugyintezes.sztnh.gov.hu/eBej2/step1>

Forms and fees: <https://ugyintezes.sztnh.gov.hu/eBej2/sugo#5>

How can I protect my intellectual property?: <https://www.sztnh.gov.hu/hu/hogyan-vedjem-a-szellemi-tulajdonomat/hogyan-vedjem-a-megjelolesemet>

Availability of the application dossier in electronic form

The e-dossier gives inspection and communication platform providing online administration.

E-dossier: <http://epub.hpo.hu/e-aktabetekintes/?lang=HU>

Matters concerning classifying

(i) 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

(ii) Use of electronic classification systems and pre-defined terms of the classification applied

Matters concerning processing of different types of non-traditional marks (e.g., three-dimensional, motion, hologram, color mark, etc.)

Nice Classification and Vienna Classification systems are used.

Nice Classification: <https://www.sztnh.gov.hu/hu/hogyan-tajekozodhatok-a-honlapon/adatbazisok/iparjogvedelmi-osztalyozasi-rendszerek/nizzai>

Vienna Classification: <http://classifications.mszh.hu/vienna/index.htm>

Other activities

III. SOURCES OF TRADEMARK INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of trademark information, outline of the content and medium (on paper, on CDs, online - URLs)

E-SEARCH for external use: <http://epub.hpo.hu/e-kutatas/?lang=HU>

Web-based GAZETTE, published twice a month: <http://www.hipo.gov.hu/hu/szakmai-oldalak/szabadalmi-kozlony-es-vedjegyertesito>

How can I protect my trademark?: <https://www.sztnh.gov.hu/hu/hogyan-vedjem-a-szellemi-tulajdonomat/hogyan-vedjem-a-megjelolesemet>

Official Gazettes: main types of announcements, frequency of publication, medium (on paper, on CDs, online (URL), etc.

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Information products (coverage, medium, etc.) available to examiners, including external documentation and databases

E-SEARCH for internal use, covering the public and non-public data.

E-SEARCH (for the public): <http://epub.hpo.hu/e-kutatas/?lang=HU>

GAZETTE: <http://www.hipo.gov.hu/hu/szakmai-oldalak/szabadalmi-kozlony-es-vedjegyertesito>

Nice Classification: <https://www.sztnh.gov.hu/hu/hogyan-tajekozodhatok-a-honlapon/adatbazisok/iparjogvedelmi-osztalyozasi-rendszerek/nizzai>

Vienna Classification: <http://classifications.mszh.hu/vienna/index.htm>

TMview: <https://www.tmdn.org/tmview/welcome>

Information products (coverage, medium, etc.) and services available to external users; conditions of access (e.g., free of charge, subscription, etc.)

E-SEARCH (for the public): <http://epub.hpo.hu/e-kutatas/?lang=HU>

GAZETTE: <http://www.hipo.gov.hu/hu/szakmai-oldalak/szabadalmi-kozlony-es-vedjegyertesito>

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Vienna Classification: <http://classifications.mszh.hu/vienna/index.htm>

TMview: <https://www.tmdn.org/tmview/welcome>

How can I protect my trademark?: <https://www.sztnh.gov.hu/hu/hogyan-vedjem-a-szellemi-tulajdonomat/hogyan-vedjem-a-megjelolesemet>

Legal status information (kind of information, coverage, medium, etc.)

E-Dossier: <http://epub.hpo.hu/e-aktabetekintes/?lang=HU> just for information purposes.

Certified statement on the validity of protection can be received against payment.

Other sources

IV. ICT SUPPORT TO SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Specific software tools supporting business procedures within the Office: general description, characteristics, advantages, possible improvements

The IT system of HIPO effectively provided the information technology background necessary for official and service activities and performed the tasks related to e-administration and information security, prescribed for public administration organs.

From among the tasks it is worth mentioning the making of the necessary changes in official letters within the so-called Unified Case Management and Filing System that became necessary because of the entry into force of Act CL of 2016 on the Code of General Administrative Procedure (hereinafter "the Code of General Administrative Procedure").

HIPO successfully joined the Regulated Electronic Administration Services, which made it possible for it to access the Central Identification Agent, the Interconnecting Registry 3, the Registry of Instructions 4 and the Company Gate 5. The fine tuning of the Office Gate proved also necessary on the basis of the experience made in the course of electronic communications with the courts, and new or previously not defined functions were added to the electronic message and document sending functions of the earlier introduced Client Gate. HIPO joined the ADATREZOR (Data Treasury) initiative, which is mandatory for government organs, and within the framework of this initiative the digital assets of the Office are regularly stored in the central data treasury provided by the government.

HIPO started the modernisation project of the internal case management system. The EUIPO Back Office system was deemed to be best suited for the complete renewal of the internal case management system of HIPO; the Back Office was already implemented in more than 10 EU Member States and so it is used by their IP offices as their own internal case management system. HIPO also made the decision to take it over and adapt the system to its requirements.

Information Security and executed the tasks prescribed by the ISO risk management improvement plan. Clients can make use of the following services online: *e-search*, *e-file inspection*, *e-filing*, *e-register*, *TM e-Filing*, *TMView*, and *DesignView*.

Hardware used to supporting business processes of the Office

Internal databases: coverage, updates, interlinks with external sources

The Unified Administrative System of the Office comprise the bibliographic and image data, the documents and the official letters that belong to the different intellectual property rights, namely patent, plant variety protection, spc, utility model, trademark, industrial design. The public electronic-databases GAZETTE, IP-SEARCH, E-REGISTER, E-DOSSIER are also used by the Examiners. The IP-SEARCH database has an internal version for internal use only with the additional data that are not accessible for the public.

Establishment and maintenance of electronic search file: file building, updating, storage, documents from other offices included in the search file

The Unified Administrative System of the Office is used for file building covering all industrial property titles of protection. It is updated real-time and has a daily backup storage. All incoming documents are scanned since 2012.

Administrative management electronic systems (register, legal status, statistics, and administrative support)

The Unified Administrative System of the Office is used for file building, which covers all industrial property titles of protection. It has a real-time update system and has a daily backup storage. This system is the source of the public electronic-databases, such as GAZETTE, IP-SEARCH, E-REGISTER, E-DOSSIER.

Other matters

V. PROMOTION ACTIVITIES AIMED TO SUPPORT USERS IN ACCESS AND EFFICIENT USE OF TRADEMARK INFORMATION

Office's library (if deals with trademark information): equipment, collection management, network of libraries in the country, cooperation with foreign libraries

See: Industrial Property Special Library: <http://www.sztnh.gov.hu/en/services/industrial-property-special-library>

Publications related to different business procedures and trademark information sources available to users, for example, books, brochures, Internet publications, etc.

The partners and customers of HIPO, who are interested in intellectual property, can choose from a variety of services or programs of customer service, information provision and education, eg.: AIDA, IP-Panorama, Start-up guide, Partner Search, Tenders, IP-Valuation, etc.: <http://www.sztnh.gov.hu/hu/vallalkozoknak/hogyan-kezdjek-hozza>

The website of HIPO (www.sztnh.gov.hu) offers valuable information both to potential clients who are less well-informed of intellectual property matters and to professional users. The portal was visited on more than 1.5 million occasions by nearly 524 thousand individually identifiable users, who downloaded more than 14.5 million pages. According to statistics on use, the number of individual visitors, visits, hits and downloaded pages increased significantly, by one-third compared to the previous year. On the website of the HIPO more than 45 thousand documents are available.

Clients can access useful and free e-administration and information services on the website such as the e-search, e-file inspection, e-filing and e-register. In addition to those, they can use the TM e-Filing system to file national trade mark applications, the TMview system for electronic trade mark search, as well as the Designview database, which contains designs protected in the European Union.

The website for raising the IP awareness of the general public (www.szellemitulajdon.hu) had more than 36 thousand individual visitors. The National Board Against Counterfeiting has its own website (www.hamisitasellen.hu), which features recent news on the subject of counterfeiting.

Cooperation with universities, technology and innovation support centers, etc.

HIPO has contracts for an indefinite period with 16 County Chambers of Commerce and Industry and 6 PATLIB centres (in Debrecen, Miskolc, Sopron, Pécs, Gyr and Szeged) to operate information points of IP protection. These information points provide updated information for clients, and – in the cases they deem necessary – contact the central Customer Service of HIPO, but they lack proactivity, so the Office decided to find more active cooperation partners that are closer to SMEs. To this end, it has conducted negotiations and initiated cooperation with xLabs Ltd. and the National Association of Young Entrepreneurs.

The free of charge intellectual property diagnosis service, restarted in 2017, continued to operate in 2018 with the support of EPO. The IP diagnostics service offers tailor-made advice for innovative enterprises on the possibilities of legal protection for their intellectual property. With - in the framework of the Bilateral Cooperation Plan concluded between EPO and HIPO, between 2016 and 2018 the Office could make 30 IP diagnoses free of charge in order to raise awareness among small and medium-sized enterprises.

In 2018 HIPO concluded cooperation agreements with Hiventures cPlc and Széchenyi Venture Capital Fund Management cPlc, the two largest state-owned risk capital funds, in order to raise IP awareness among innovative Hungarian enterprises, especially start-ups, and organisations promoting innovation. Another agreement has been concluded with the Budapest Stock Exchange, as a result of which innovative Hungarian enterprises listed on the Hungarian stock exchange could make more efficient use of the competitive advantages on the market provided by intellectual property protection. Trainings and tailor-made services are HIPO's main tools in making innovative enterprises and organisations promoting innovation more familiar with the national and international intellectual property systems.

HIPO can boast a long history of cooperation with Hungarian institutions of higher education. In 2018 it had such cooperation agreements in force with 17 higher education institutions. With these cooperation schemes the Office intends to 1) broaden the knowledge and skills of university professors and students in the fields of industrial property rights and copyright, 2) enhance the protection and exploitation of research results developed within these institutions, and 3) strengthen the position of the universities as regional information points for industrial property right protection. In the agreements HIPO undertook to assist in the teaching of intellectual property protection subjects and, if requested, to help these universities draw up their internal regulations for the protection of intellectual property rights and to support them in performing their technology transfer-related tasks.

In 2018 the total number of hours of intellectual property education provided in cooperation with HIPO amounted to 984, and the number of persons attending those courses was 2122.

The beginning of 2018 saw the conclusion of a research project carried out by experts of HIPO, the University of Pécs and the University of Debrecen and entitled 'Management of intellectual property rights and the exploitation of research results at publicly financed research institutes'; which put forward proposals for the improvement of the exploitation of the intellectual property of universities and academic institutes and for the promotion of technology transfer.

In 2018 our central customer service received nearly 16 thousand queries, out of which 57% were made by phone. We witnessed a further decrease of queries made in person, since our customers tend to make more frequent use of the electronic administration services of the Office (e.g. website, e-search or e-application) for information purposes. The queries received electronically numbered 1549, about 15% of which were in English, a percentage similar to last year's. Most of these queries related to the current status of a given case, or to the different ways or due dates of fee payments. Only a few persons prefer traditional correspondence by post with the customer service. In general it can be concluded that most of those turning to our customer service request information in several fields at the same time. A large percentage, i.e. one third of the queries, namely 6717, aimed at trade mark information. Other important fields dealt with by our customer service are information on databases (2604 queries), copyright or legal information (2447 queries) and patent information (2336 queries).

Education and training: training courses, e-learning modules (URLs), seminars, exhibitions, etc.

The basic, intermediate and advanced level industrial property courses, the basic and intermediate level copyright courses as well as the specially targeted courses organised by HIPO have become important fora for knowledge sharing and awareness raising in Hungary.

In 2018, a basic level industrial property course was held in May for 16 participants, and an intermediate level industrial property course was started in March with 26 participants. Advanced level industrial property qualification was acquired by 5 people, and 30 more are attending our current advanced level industrial property course. At these courses participants included, apart from the staff of the Office, employees of enterprises, law firms or of patent attorneys' offices, higher education institutions, and the Hungarian Academy of Sciences. As for copyright, in May 26 participants passed the professional examination at the end of our basic level course, while our intermediate level copyright course was attended by 20 participants. The courses were taken by colleagues from the Office, as well as by employees of publishing houses, museums, higher education institutions, libraries or law firms. For 20 different institutions the Office also held specially targeted courses, intellectual property further trainings or search trainings.

Based on their cooperation with HIPO, the IP was taught at 10 faculties of 8 higher education institutions as a subject of its own, and at 8 more universities as part of another subject. Within the framework of e-learning, 6 higher education institutions participated in providing courses in the subjects of "Intellectual property protection" and "Innovation management and industrial property protection".

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Like in previous years, HIPO invited applications for the „Ujvári János Award for Diploma Works" the purpose of which is to provide incentives for graduating students of higher education to develop the intellectual property protection aspects of their theses or dissertations. In 2018, the award was granted to 9 students.

The patent search services of HIPO provide user-friendly, evaluating type reports and patent search results for their clients, who have the following five services at their disposal: novelty search, novelty search with preliminary patentability report, preliminary patentability report, validity search, and freedom to operate (FTO). As a result of a review of trade mark services for a fee, from 1 May 2017 two new trade mark services, 'trade mark search' and 'trade mark search with protectability opinion' were introduced.

The National Board Against Counterfeiting (NBAC) has 21 members and 6 working groups. Its objective is to reduce the supply of counterfeit and pirated products, to enhance the effectiveness of enforcement action in the fight against the infringement of IP rights, and to mitigate the unfavourable economic impact of counterfeiting and other infringements. In order to achieve the above objectives it draws up proposals and plans for regulation, organises trainings, events and information campaigns for awareness raising, conducts surveys, does research and brings about cooperation among domestic and international stakeholders and representatives of the media. The body actively cooperates with the European Observatory on Infringements of Intellectual Property Rights (Observatory), operated by the EUIPO, and representatives of NBAC regularly attend its plenary sessions and the meetings of its five working groups.

NBAC celebrated the 10th anniversary of its existence in 2018 by a series of interviews made with the heads of its working groups, as well as with a competition for students entitled "FAKING IS LAW BRAKING". With its interactive thematic tent, the Board was present at Hungary's three big music festivals: 'VOLT' in Sopron, 'Sziget' in Budapest and 'Strand' at Lake Balaton.

One outstanding achievement of NBAC's efforts made in order to change the current legal environment was that as of 1 January 2018 the facts of 'counterfeiting medical technology products' in the Criminal Code (Section 186) had been amended by making preparation activities a crime. At NBAC's two-day annual conference in November 2018 experts discussed the impacts of the aforesaid amendment and other issues related to enforcement.

Cooperation between NBAC, the National Food Chain Safety Office (NFCSSO) and the National Customs and Tax Administration brought significant results in 2018. In July, the 'IP Crime Conference' organised by EUROPOL together with the National Customs and Tax Administration offered NBAC the opportunity to present its activities. OPSON VII, an operation against counterfeit food products organised by INTERPOL and EUROPOL with the assistance of NBAC in the spring of 2018 proved very successful, similarly to Operation PANGAEA XI in October, the so far biggest international raid against the distribution of fake medicines and food supplements and against unlicensed e-pharmacies. NBAC has been conducting its annual consumer survey on consumer behaviour and trends concerning counterfeit products. In 2018, a new survey on food supplements was added to the research that had been made at VOLT Festival since 2015.

E-learning modules:

<http://www.sztnh.gov.hu/hu/sztnh/szellemitulajdon-vedelmi-kepzes/tavoktatas>

<http://www.sztnh.gov.hu/hu/sztnh/szellemitulajdon-vedelmi-kepzes/altalanos-es-kozepiskolas-szellemitulajdon-vedelmi>

Other activities

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION

International exchange of trademark information in machine-readable form (e.g., Official Gazettes)

HU Trade Marks can be searched via TM-VIEW.

Participation in international or regional activities and projects related to trademark information

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Assistance to developing countries

Other activities

VII. OTHER RELATED MATTERS