

WORLD TRADE ORGANIZATION

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

Hungary

By means of communications from the Permanent Mission of Hungary, dated 16 September, 5 November, 12 November and 15 November 1996, Hungary has notified its laws and regulations under Article 63.2 of the Agreement.

Annex I sets out the main dedicated intellectual property laws and regulations as notified by Hungary and Annex II contains the listing of "other laws and regulations" as notified by Hungary.

ANNEX I

LIST OF HUNGARIAN MAIN LAWS AND REGULATIONS
RELATING TO INTELLECTUAL PROPERTY RIGHTS

I. Copyright and related rights¹

1. Law No. III of 1969 on Copyright
(entry into force: January 1970)
Last amendment: Act I of 1996
(entry into force: 1 February 1996)
2. Decree of the Minister of Culture No. 9 of 1969 on the implementation of Law No. III of 1969
(entry into force: 1 February 1996)

II. Patents²

1. Law No. XXXIII of 1995 on the Protection of Inventions by Patents
(entry into force: 1 January 1996)

III. Trademarks³

1. Law No. IX of 1969 on the Protection of Trademarks
(entry into force: 1 July 1970)
2. Law No. IX of 1969 on the Protection of Trademarks completed with the rules according to Joint Decree No. 2/1970 of 1 July 1970 OMFB-IM of the President of the National Committee for Technical Development and the Minister of Justice on implementation of Law No. IX of 1969
3. Decree of the Minister of Justice No. 4 of 1970 concerning court proceedings in Trademark Matters

IV. Utility models⁴

1. Law No. XXXVIII of 1991 on the Protection of Utility Models
(entry into force: 1 January 1992)

¹The texts of these laws can be found in document IP/N/1/HUN/C/1 and 2.

²The text of this law can be found in document IP/N/1/HUN/P/1.

³The texts of these laws can be found in documents IP/N/1/HUN/T/1, IP/N/1/HUN/T/1/Rev.1 and IP/N/1/HUN/T/2.

⁴The text of this law can be found in document IP/N/1/HUN/I/1.

V. Industrial designs⁵

1. Decree-Law of the Presidium of the Hungarian Republic No. 28 of 1978 on the protection of Industrial Designs
(entry into force: 1 March 1979)
2. Decree of the Minister of Justice No. 1 of 1979 concerning court proceedings in Industrial Design Matters

VI. Topographies of microelectronic semiconductor products⁶

1. Law No. XXXIX of 1991 on the Protection of the Topographies of Microelectronic Semiconductor Products
(entry into force: 1 January 1992)

⁵The texts of these laws can be found in documents IP/N/1/HUN/D/1 and 2.

⁶The text of this law can be found in document IP/N/1/HUN/L/1.

ANNEX IIOTHER LAWS AND REGULATIONS

TITLE DATE OF ADOPTION ENTRY INTO FORCE	BRIEF DESCRIPTION
<p><u>Civil Code</u> (as amended) (No. IV of 1959) The Code entered into force on 1 May 1960</p> <p>Prevention of the Abuse of Intellectual Property Rights</p> <p><u>Law on the Prohibition of Unfair Market Practice</u> (as amended) (No. LXXXVI of 1990) The Law entered into force on 1 January 1991</p> <p><u>Law on the Prohibition of Unfair Market Practice and Limitation of Competition</u> (No. LVII of 1996) The Law will enter into force on 1 January 1997</p> <p>Civil Judicial Procedures and Remedies</p> <p><u>Law on Civil Procedure</u> (as amended) (No. III of 1952) The Law entered into force on 1 January 1953</p> <p>Provisional Judicial Measures</p> <p><u>Law on Civil Procedure</u> (as amended)</p>	<p>The civil code regulates the status and competence of natural and legal persons, the ownership rights, the law of contracts, the liability for damages and the inheritance.</p> <p>It contains basic rules on the protection of intellectual property, too.</p> <p>The Law provides for the protection of the freedom and the fairness of competition. It prohibits - <i>inter alia</i> - the abuse of trade secrets, the limitation of competition by contracts, the use of misleading indications in the course of trade and unfair comparison in advertisements.</p> <p>The Law contains provisions on civil litigious and nonlitigious proceedings applied by the courts to ensure equal and fair protection for rightholders. The county courts, and in the territory of the capital, the Metropolitan Court have jurisdiction in intellectual property cases.</p> <p>The Law contains rules on the accessibility of preliminary measures in case of threatening damage or to provide protection for the plaintiff's reasonable legal interests, or to maintain the status constituting basis for the dispute.</p>

TITLE DATE OF ADOPTION ENTRY INTO FORCE	BRIEF DESCRIPTION
Criminal procedures <u>Criminal Code</u> (as amended) (No. IV of 1978) Entry into force: 31 December 1978 <u>Act of Criminal Procedures</u> (as amended) (No. I of 1973) Entry into force: 1 January 1974 Protection of undisclosed information <u>Law on the Prohibition of Unfair Market Practice</u> (as amended) (No. LXXXVI of 1990) ⁸ The Law entered into force on 1 January 1991 <u>Law on the Prohibition of Unfair Market Practice and Limitation of Competition</u> (No. LVII of 1996) The Law will enter into force on 1 January 1997	<p>The Criminal Code qualifies as a crime and punishes false indications of goods and infringement with an imprisonment up to three years. Infringement of copyright and neighbouring rights is ranked as crime if the act causes pecuniary loss, the most serious penalty of which is an imprisonment of five years.⁷</p> <p>The Act contains provisions governing the proceedings before the criminal courts.</p> <p>The Law provides for the protection of undisclosed information. It prohibits the use of a business secret in an unfair manner and it prohibits to disclose it to others without authorization.</p>

⁷Sections Nos. 296, 329 and 329A of the Criminal Code are directly relevant to criminal procedures concerning intellectual property.

⁸This Law has also been made available in English to the Secretariat.

<p>TITLE DATE OF ADOPTION ENTRY INTO FORCE</p>	<p>BRIEF DESCRIPTION</p>
<p>Other Administrative Procedures</p> <p><u>Law on Administrative Procedure</u> (as amended) (No. IV of 1957) The Law entered into force as from 1 October 1957</p> <p><u>Decree of the Minister of Industry and Trade on the administrative fees of industrial property procedures</u> (No. 77 of 1995)</p>	<p>The Law establishes the general rules of administrative procedure, the competence of state bodies, the scope of decisions, the remedies against decisions, etc.</p> <p>These provisions are applicable to the procedures in IPR matters before the Patent Office, in as much as the special laws on patents, trademarks, etc., do not contain special provisions.</p> <p>The decree regulates the amount and the payment of fees relating to IPR procedures before the Patent Office.</p>