
ORDER
Nr. 1/1979. (III. 24.) of the Minister of Justice
on court proceedings in industrial design protection cases

Based on the authorization paragraph (4) of § 21 of Law-Decree Nr. 28 of 1978 on the protection of industrial designs - with the consent of the President of the National Technical Development Commission and the President of the National Office of Inventions¹ - it is ordered as follows:

(to § 16. of the Law-Decree)

1. § To the requirements of a request for the review of a decision of the National Office of Inventions (furtheron: OTH) the rules concerning complaints are to be applied *mutatis mutandis*.

2. §

(1) The person who filed a request shall be a party to the court proceedings. The public prosecutor instituting proceedings shall be entitled to all rights to which a party is entitled, however, he may not come to compromise, surrender or recognise rights.

(2) Where an adverse party has also taken part in the procedure before the Hungarian Patent Office, the court proceeding shall be initiated against him.

(to § 17. of the Law-Decree)

3. § To a patent attorney as authorized person the same rules shall apply as to persons having a power of attorney in civil legal procedure, with the alteration that he may claim for his disbursement and his legal fees too.

(to § 18. of the Law-Decree)

4. §

(1) Where neither the applicant nor any of the parties appear at the hearing, or where none of the parties meet the invitation of the court in the fixed time limit, the court shall decide on the request on the basis of the material at its disposal.

(2) Compromise may not be reached in the court proceedings if such compromise was not possible in the procedure before OTH.

(3) Where a party requests a court decision on a question which was not subject of the procedure before OTH, the court shall refer the requests to OTH.

5. §

(1) The court shall decide both on the merits of a case and on other questions by decree.

(2) If by the decision of OTH brought after the submitting of the claim, (e.g. correction, or amendment of the decision) the claim became partly or full obsolete, the court will terminate the procedure in this part.

(3) Where an adverse party also takes part in the court proceedings, the provisions on litigation costs shall apply *mutatis mutandis* to the preliminary deposit and payment of the costs of proceedings. In the absence of an adverse party, the applicant shall advance and meet the costs.

¹ As from 1 January 1996 according to the Law No. XXIII of 1995 the National Office of Inventions was renamed to Hungarian Patent Office

6. §

(1) The court decree on the merits of case shall be communicated in any case by service.

(2) The decree of the court of first instance against which appeal is not lodged will get legal force after 15 days reckoned from the last day of the period of appeal.

(to § 20. of the Law-Decree)

7. § Also in legal procedures because of infringement of design protection the provisions of 3. § of the present order are to be applied.

8. § This order shall come into force on the day of its promulgation, its provisions are to be applied in legal procedures, initiated after 1 March 1979.

Order 1/1979
