

**"The Budapest Dialogue - Intellectual Property,
Creative Economies and their Consumers"
International Conference
6 to 8 September, 2007 - Hotel Helia, Budapest
Dr. Miklós Bendzsel
President
Hungarian Patent Office**

Distinguished Guests, Dear Participants, Ladies and Gentlemen,

It is a great pleasure to welcome all of you in Budapest and I am particularly pleased that I am in the position to greet more than 160 participants, interested in joining the “Budapest Dialogue”.

With our conference organised by the Hungarian Group of AIPPI, the Hungarian Association for the Protection of Industrial Property and Copyright and the Hungarian Copyright Forum, being the Hungarian ALAI Group, we follow a very successful tradition. This biannual meeting in Budapest in early September has become one of the most awaited events in the Hungarian and European IP community, and it is indeed an excellent opportunity to meet and to discuss in depth the most prominent developments in the field of intellectual property nowadays.

Our present is marked with future research. Elaboration of mid- and long-term strategies, scenario building is a top priority. In 2006, several documents were prepared aiming at the investigation of the intellectual property system of the future. For instance the Gowers review of intellectual property in the United Kingdom, the Rapport du groupe de projet PIETA with the title “Quel système de propriété intellectuelle pour la France d’ici 2020?” in France. In spring 2007, the European Patent Office research project concerning the future of the patent system was completed and the findings were published under the title “scenarios for the future” covering a time-horizon until 2025. Also the fruits of the consultation launched in early 2006 by the European Commission on the future of the patent system in Europe ripened this spring when the Commission published its Communication titled as “Enhancing the patent system in Europe”. This trend is equally present in the overseas intellectual property life: the USPTO has recently published its strategic framework, however, for a more decent time frame, “only” until 2012.

The most important driving force for these efforts is undoubtedly the changing needs of users of the intellectual property system and the reaction of policy makers thereon. It would be easy to say that there is a major technological change in the background. However, I rather believe that the real motivation is to be found in the changing needs of the society, such as, for example, the appearance of new business models and the reinterpretation of the role of patents. There is also a tangible tendency of a certain “dilution” of intellectual property rights. We have been experiencing during the recent years that intellectual property protection changes in both horizontal and vertical directions. Under the horizontal change, I understand the widening of the scope of intellectual achievements eligible for intellectual property protection. There are patents granted to business methods, computer programmes, and in the field of copyright I can mention the protection of databases or the widening of the scope of rights related to copyright. Under vertical change, I would like to refer to a certain inflation of intellectual property rights that is caused by the lowering of the protection requirements. This trend is equally present in the patent field in the assessment of inventiveness and inventive step and in respect of trademarks when judging the distinctive character of a sign to be protected.

In Europe, in the field of trademarks, the debate on the level of fees before the OHIM has again put the relationship between the Community and the national protection systems into the spotlight. The considerable widening of the territorial scope of Community trademarks after the recent accessions of new member states and, in parallel, the gradual lowering of the fees to be paid for acquiring Community trademark protection merit the careful consideration of the effects that this tendency exerts on the national infrastructure and economic competition. It is equally worth considering whether the current practice of the requirement of use of Community trademarks is appropriate in the enlarged EU.

Recent developments in the copyright field also show that the expectations of the society have undergone a radical change, equally to the economic and the business environment in which these rights should exist and reward their right-holders. In particular, collective management societies face new challenges, and there are already some European initiatives envisaging a Europe-wide collective rights management scenario.

Therefore, the assessment of the needs of users and the shaping of the system in a user-friendly way has become a central goal of all eminent regulatory bodies and IP offices.

New pilot projects are launched, for example, the USPTO has started its so-called peer to patent project that involves the users into the patent granting procedure. The project opens the patent examination process for online public participation and enables the public to submit prior art and commentary relevant to the claims of selected applications. The HPO itself believes that the relationship with NGOs and the active discussion with our users are of paramount importance in the life of a modern government body that deals with intellectual property. Therefore I fully endorse the organisers' choice when selecting the topic of this conference.

Nevertheless, it has to be born in mind that when the interests and needs of the "users" of the system are referred to, we should take into account not only the interests of the major right holders but also the interests of the general public. Decision-makers at both Community and national level should listen to all those having a potential interest in the functioning of the intellectual property system, as a properly functioning system should serve equally the interests of those who have to respect the exclusive exploitation rights conferred by patents as well as those wishing to benefit from easily accessible up-to-date patent information. In the debates on the future European patent litigation system for example, it is the common "terrain d'entente" that a predictable, rapid and inexpensive resolution of disputes between right holders and other parties is an essential prerequisite for establishing a sound and efficient patent system in Europe.

Ladies and Gentlemen,

Let me conclude by inviting all of you to join the "Budapest Dialogue". I believe that we all will enjoy this three-day programme and I am convinced that our excellent speakers will light the fire of debates, and the social programmes in the "early-autumn" Budapest will give unforgettable memories. I wish you every success, a fruitful exchange of views and a pleasant stay in Budapest.

Thank you for your kind attention.