

1. *Is your country/intergovernmental organization implementing the exception “acts done privately and for non-commercial purposes”? If so, how is it implemented?*

Yes, in Hungary Article 109 (6) (a) of the Act XXXIII of 1995 on the protection of inventions by patents (Patent Act) provides for the following compulsory exception:

“(6) The exclusive right of exploitation shall not extend to
(a) acts done privately or not involved in an economic activity”.

2. *Concerning this exception, are there definitions for the following term: “acts done privately and for non-commercial purposes”?*

Article 109 (2) of the Patent Act details the acts of infringement (see below) and Article 109 (6) (a) establishes the exceptions to this. These concepts, which are regarded as exceptions, are not defined by either the Patent Act or other legislation.

The Hungarian Intellectual Property Office did not develop any definition for these terms in its official practice either, since infringement cases are dealt by the national court exclusively.

Article 109 (2)

“On the basis of the exclusive right of exploitation, the holder shall be entitled to prevent any person not having his consent from the following acts in respect of the propagating material of the protected variety:

- (a) production or reproduction (multiplication),
- (b) conditioning for the purpose of propagation,
- (c) offering for sale,
- (d) selling or other marketing,
- (e) exporting,
- (f) importing,
- (g) stocking for any of the purposes mentioned in (a) to (f).”

3. *Please specify legislation/regulation and jurisprudence concerning this exception.*

As mentioned in the context of question 1, Article 109 (6) (a) of the Patent Act provides for the following compulsory exception:

“(6) The exclusive right of exploitation shall not extend to
(a) acts done privately or not involved in an economic activity”.

No related jurisprudence concerning this exception became known to the Hungarian Intellectual Property Office.

4. *Are there any challenges and/or opportunities in implementing this exception in your jurisdiction? Please explain.*

Based on the relevant court decisions and on the fact that there is no information on the relevant jurisdiction, the Hungarian Intellectual Property Office assumes that the interpretation of these exceptions does not cause any problems in the judicial practice in Hungary.