

QUESTIONNAIRE – ALAI CONGRESS 2018 – MONTREAL

Since the congress theme should attract many copyright practitioners, the Canadian group has chosen to develop a questionnaire which you are asked to complete with succinct answers, in either French, English or Spanish. The answers will be compiled in an analytical table that will be given to congress participants so that they can leave with a document allowing them to quickly compare the situation prevailing in several countries.

It is therefore essential to complete the table below by briefly answering each question. We invite you to refer to the legal provisions that apply in your country, if any.

For national groups who would also like to provide additional information related to certain questions, we ask you:

1) to indicate "* see also answer No. X below" after the short answer that you have provided in the table.

2) to put your more detailed answer after the table.

Please note, however, that only the answers to the table will be compiled in the practical tool that will be given to the participants.

HUNGARY											
Name of the person(s) answering the questionnaire											
Dr. Gábor FALUDI											
Dr. Anikó GRAD-GYENGE											
QUESTIONS FOR THE SUMMARY TABLE	1) Are statutory damages available? If so, please indicate the criteria for awarding them and the amount of such damages.	2) If punitive damages are available, indicate the criteria for awarding them.	3) Are class actions or class remedies available in copyright matters? If so, indicate in what circumstances they are used.	4) If seizures before judgment are available, indicate what gives rise to such procedures and the criteria for granting them.	5) Are there in your country 1) criminal remedies; 2) customs measures, in connection with copyright? If so, which ones?	6) Describe how circumvention of technological protection measures is dealt with, if such is done.	7) Is there a mandatory notice and notice regime or notice and take down regime for intermediaries in the case of alleged copyright infringement? If so, describe it briefly, and indicate if how it is dealt with differs based on which rights holder requests it.	8) Does the notion of secondary copyright infringement in the digital world exist in your country? If so, describe it briefly.	9) Indicate for which rights collective management is available.	10) With respect to collective management, indicate who sets the tariffs and how they are set.	11) Indicate whether copyright remedies are within the power of specialized courts or common law courts, and in the case of a mixed system, please specify in which cases an action should be brought before one rather than the other.
	There are no statutory	No. Article 13 of the EU	No, there are no class actions	In line with the Article 9 (1) b),	Yes. The criminal law protection is	Circumvention of TPM is	There is a notice and take	There are no explicit rules	All categories of economic	The tariffs are set by the CMO-s, but in	Copyright cases in Hungary fall within the civil law courts' competence. There are no

<p style="text-align: center;">ANSWERS TO QUESTIONS FOR THE SUMMARY TABLE</p>	<p>amount of damages in the Hungarian law. There is a provision on the so called general "lump sum" compensation of damages, which may be applied, if the exact amount of the damage caused cannot be established via the collection of evidence. A great deal of discretion is left to the courts over the amount of these damages, but some of the criteria are set out in the legislation. The general civil law rules applied in copyright cases.[1] Civil Code Art 6:519, 6:142, 2:52, 2:53.</p>	<p>Enforcement Directive provides full recovery of damages but it does not make possible the implementation of punitive damages under Hungarian law..</p>	<p>or class remedies in the Hungarian copyright law. Class actions under the substantive rules of the Civil Code could be available if allegedly unfair general terms and conditions are challenged before the ordinary civil law court (for the benefit of small and medium undertakings.⁹ Such a dispute can be imagined (not occurred so far) with regards to some provisions of CMO tariffs (e.g. on the legal consequences of payment delay)</p>	<p>11, 12 of the EU Enforcement Directive the Hungarian CA allows the seizure before judgement, in the frame of preliminary injunctions.[2] CA Art 94 (1) f), (7), (8), Art 94/A (1), (4). Seizure is in such cases is an order to the merit subject to appeal, not a pure security order</p>	<p>on a high level. Rules of the Act C of 2012 on Criminal Code follow the Article 69 of TRIPS and Articles 6 and 7 of the 2001/29/EC directive but the tools of protection are more detailed. Four types of delicts are regulated: plagiarism, infringement of copyright and certain rights related to copyright, including the refusal to pay private copy remuneration, compromising the integrity of technical protection, and falsifying data related to copyright management. The same acts, if the material disadvantage caused thereby is under HUF 100.000 are deemed to be infractions [3]</p>	<p>forbidden in Hungary. It is acknowledged as an analogy to the infringement of copyright (see Act on Copyright Article 95-95/A)[4] and it is punished by the Criminal Code as well (see Criminal Code Article 386).</p>	<p>down regime in the Hungarian e-commerce law. It applies to all types of copyright and neighbouring rightholders, the procedure is the same. The rules of the Act CVIII of 2001 on electronic commerce Art. 13 see below.[5]</p>	<p>of secondary liability in the Hungarian CA and we do not know any copyright case law in this field. In the course of the joint application of the e-commerce safe harbour rules and the enforcement rules of the CA the upper limit of the person that can be held liable under "secondary liability" is the cease and desist order.</p>	<p>right can be exercised by CMO's. There are several rights that fall under the scope of obligatory collective management, and there are several cases of extended collective management where the CA prefers (it is called prescribe collective management) the collective management but the rightholder is entitled to opt-out and exercise his or her rights individually.[6]</p>	<p>case of the registered CMOs' that exercise extended collective management they have to be approved by the Ministry of Justice. (The detailed procedure regulated in the Act XCIII of 2016 on the collective management of copyright and neighbouring rights Art. 145-156[7].)</p>	<p>specialized courts. Nevertheless it is possible that the acting judge has got a special IP education. The Hungarian Board of Copyright Experts supports the judiciary The opinions of the HBCE to be prepared upon the appointment of HBCE by the court to provide an expert opinion do not oblige the judge but they serve as a solid background of the decision. (Most of the court judgements follow the opinions of the HBCE.)[8]</p>
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[1] General rule of liability for non-contractual damages is in Section 6:519 of the Civil Code. It has to be applied also in copyright cases. Text of the rule is the following:

Section 6:519 [Liability for non-contractual damages] Any person who causes damage to another person wrongfully shall be liable for such damage. The tortfeasor shall be relieved of liability if able to prove that his conduct was not actionable.

A separate rule has been introduced in the new Civil Code for contractual damages, it has to be applied also in copyright cases. The text of the rule is the following:

Section 6:142 [Liability for any loss caused by non-performance] The person who causes damage to the other party by breaching the contract shall be liable for such damage. The said party shall be relieved of liability if able to prove that the damage occurred in consequence of unforeseen circumstances beyond his control, and there had been no reasonable cause to take action for preventing or mitigating the damage. (If the breach of the contract is committed by an act of overstepping the scope of a license it is questionable, whether the court applies the contractual or the non-contractual liability. under a so called “*non cumu*” rule of the Civil Code (6:143) only the contractual liability rules would apply, but it depends on the court whether they regards the overstepping the scope of the license as a self-standing infringement or a breach of contract.

In case of moral damages a separate rule of the Civil Code shall be used. It has to be applied also in copyright cases.

Section 2:52 [*Restitution, solatium doloris*]

(1) Any person whose rights relating to personality had been violated shall be entitled to restitution for any non-material violation suffered.

(2) As regards the conditions for the obligation of payment of restitution - such as the definition of the person liable for the restitution payable and the cases of exemptions - the rules on liability for damages shall apply, with the proviso that apart from the fact of the infringement no other harm has to be verified for entitlement to restitution.

(3) The court shall determine the amount of restitution in one sum, taking into account the gravity of the infringement, whether it was committed on one or more occasions, the degree of responsibility, the impact of the infringement upon the aggrieved party and his environment.

If the damage covers a moral right but the damage is monetary the general rules of liability for damages has to be applied.

Section 2:53 [Liability for damages] Any person who suffers any damage from the violation of his personality rights shall have the right to demand compensation from the infringer in accordance with the provisions on liability for damages resulting from unlawful actions.

(8) Materials and devices used in the copyright infringement as well as infringing goods may also be seized if the infringer is not in the possession thereof, but the owner thereof was aware of the infringement or could have been aware of such with proper circumspection in the given case.

(4) The author – beyond the civil law claims available in connection with the infringement – may request the court to order, under the conditions applicable to preliminary injunction (...)

[3] CRIMES AGAINST INTELLECTUAL PROPERTY RIGHTS

Plagiarism

Section 384

(1) Any person who: *a)* connotes as his own the intellectual works of another person and thereby causes financial loss to the right-holder of record;

b) by abusing his position, office or membership at an economic operator makes the use of the intellectual works of another person, or the enforcement of rights associated therewith, conditional upon being given a share from the fee received for, or from the profits or proceeds generated by such product, or to indicate him as an entitled party is guilty of a felony punishable by imprisonment not exceeding three years.

(2) In the application of this Section ‘intellectual works’ shall mean: *a)* copyrighted literary, scientific and artistic works; *b)* patentable inventions; *c)* protected plant varieties; *d)* protected utility models; *e)* protected designs; *f)* topographies of microelectronic semiconductors.

Infringement of Copyright and Certain Rights Related to Copyright

Section 385

(1) Any person who infringes the copyright or certain rights related to copyright of another person afforded under the Copyright Act, and thereby causing financial loss, is guilty of a misdemeanour punishable by imprisonment not exceeding two years.

(2) Any person who fails to pay the blank media fee or reproduction fee that is due to the author or the holder of a right related to copyright afforded under the Copyright Act in respect of copying for private purposes shall be punishable in accordance with Subsection (1).

(3) The penalty for a felony shall be imprisonment not exceeding three years if the infringement of copyright or certain rights related to copyright results in considerable financial loss.

Copyright Act by means of private copying or by way of making available on-demand services shall not be considered to constitute the criminal offense referred to in Subsection (1), provided the act does not serve the purpose of generating income in any way or form.

Compromising the Integrity of Technical Protection

Section 386

(1) Any person who is engaged in any conduct to circumvent the effective technical measures defined in the Copyright Act is guilty of a misdemeanour punishable by imprisonment not exceeding two years.

(2) Any person who, for the purpose of circumventing the effective technical measures defined in the Copyright Act:

a) manufactures or produces, supplies, provides access to or places on the market the means, products, computer program or equipment necessary therefor;

b) conveys economic, technical and/or organizational expertise required therefor or facilitating thereof; shall be punishable in accordance with

Subsection (1). (3) The penalty shall be imprisonment not exceeding three years for a felony if the act of circumventing technical protection is committed on a commercial scale. (4) Any person who, for the purpose of circumventing the

effective technical measures defined in the Copyright Act, manufactures

or produces, supplies or provides access to or places on the market the means, products, computer program or equipment necessary therefor, shall not be prosecuted if he voluntarily confesses to the authorities his involvement first hand, and if he surrenders such manufactured and produced objects to the authorities, and if he provides information concerning any other individuals participating in such manufacture or production.

Falsifying Data Related to Copyright Management

Section 387

Any person who, for financial gain or advantage: *a)* produces false data related to copyright management; *b)* unlawfully removes or falsifies any data or information related to rights management, defined as such in the Copyright Act; is guilty of a misdemeanour punishable by imprisonment not exceeding two years.

[4] CA Article 95 Protection Against the Circumvention of Technological Measures

(1) The legal consequences of the infringement of copyright shall apply to the circumvention of any effective technological measures designed to provide protection for copyright, which the person concerned carries out in the knowledge, or with reasonable grounds to know, that the aim of that act is pursuing that objective.

(2) The legal consequences of the infringement of copyright shall apply to the manufacture, import, distribution, sale, rental, advertisement for sale or rental, or possession for commercial purposes of devices, products or components or the provision of services which:

a) are promoted, advertised or marketed for the purpose of circumvention of, or

b) have only a limited commercially significant purpose or use other than to circumvent, or

c) are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of, any effective technological measures.

(3) For the purpose of paragraphs (1) and (2), the expression “technological measures” means any device, component, method or technology that, in the normal course of its operation, is designed to prevent or restrict acts, in respect of works, which are not authorized by the copyright holder. Technological measures shall be deemed effective where the use of a protected work is controlled by the rightholders through application of an access control or protection process, in particular encryption or other transformation of the work or a copy control mechanism, which is suitable to achieve the protection objective.

(4) The provisions of paragraphs (1) and (2) shall not affect the application of Articles 59 and 60(1) to (3). In the case of software, paragraph (2) shall only apply to the distribution or possession for commercial purposes of any technology, device or component whose sole intended purpose is to facilitate the unauthorized circumvention or removal of a technological measure applied for the protection of the software.

Article 95/A

(1) In the case of reprographic reproduction [Article 21(1)] for private purposes [Article 35(1)], and of the free uses provided for in Articles 34(2), 35(4) and (7) and 41, a beneficiary of such a free use may demand that the rightholder, in spite of the protection granted under Article 95 against the circumvention of technological measures, make the free use possible for him, provided that the beneficiary of the free use has got access to the work lawfully. If no agreement is reached between the parties on the conditions of the making the free use possible, either of the parties may initiate a procedure under Article 105/A.

(2) Paragraph (1) shall not apply where the work is made available to the public, on the basis of a contract, in such a way that the members of the public may access to it from a place and at a time individually chosen by them [Articles 26(8), 73(1)(e), 76(1)(c), 80(1)(d) and 82(1)(c)].

[5] Notice and take down procedure (Article 13 of the E-Commerce Act)

(1) Any proprietor whose rights relating to any authentic works, performances, phonograms, own program, audiovisual works or database under copyright protection, furthermore, whose exclusive rights conferred by trademark protection under the Act on the Protection of Trademarks and Geographical Indications are infringed upon by any information to which a service provider has given access - not including the standardized title of the information accessed - (hereinafter referred to as "proprietor"), shall be entitled to notify the service provider specified in Sections 9-11 in a private document with full probative force or in an authentic instrument for removing the information in question.

(2) The notification

shall contain:

a) the subject-matter of the infringement and the facts supporting the infringement;

b) the particulars necessary for the identification of the illegal information;

c) the proprietor's name, residence address or registered office, phone number and electronic mail address.

- (3) Where applicable, the proprietor's authorization fixed in a private document with full probative force or in an authentic instrument and issued to his representative for attending the "notice and take down" procedures shall also be attached with the notification referred to in Subsections (1)-(2).
- (4) Within twelve hours following receipt of the notification referred to in Subsections (1)-(2) the service provider shall take the measures necessary for the removal of the information indicated in the notification, or for the disabling of access to it and shall concurrently inform in writing the recipient of the service who has provided the information that infringes upon the proprietor's right (hereinafter referred to as "recipient of the service affected") within three working days, and shall indicate the proprietor and the proprietor's notice on the basis of which the information was taken down.
- (5) The service provider shall refuse to comply with a notice dispatched under Subsections (1)-(2) requesting the removal of information or the disabling of access to it, if he has already taken the measures prescribed in Subsection (4), acting upon the notification of the same proprietor or of the proprietor's representative authorized under Subsection (3), except where the removal of the information or the disabling of access to it was ordered by the court or another authority.
- (6) The recipient of the service affected may lodge an objection fixed in a private document with full probative force or in an authentic instrument at the service provider within eight days of receipt of the notice referred to in Subsection (4) against the removal of the information contested. The objection shall contain:
- a) the particulars for the identification of the information removed or to which access has been disabled, including the network address where it was previously hosted, and the particulars for the identification of the recipient of the service affected, as prescribed in Paragraphs a)-e) and g) of Subsection (1) of Section 4 of this Act;
 - b) a statement, including justification, declaring that the information provided by the recipient of the service did not infringe upon the rights of the proprietor indicated in the notice referred to in Subsection (2).
- (7) Upon receipt of the objection specified in Subsection (6) the service provider shall proceed without delay to restore access to the information in question, and shall simultaneously send a copy of the objection to the proprietor, except where the removal of the information or the disabling of access to it was ordered by the court or another authority.
- (8) If the recipient of the service affected acknowledges the infringement or fails to lodge an objection within the time limit specified in Subsection (6), or the objection, if lodged, fails to contain the particulars and the statement prescribed in Subsection (6), the service provider shall keep access to the illegal information disabled or shall keep it removed.
- (9) If the proprietor moves to enforce his claim relating to an infringement to which the notice referred to in Subsection (7) pertains by lodging a claim - within ten working days from the day of receipt of this notice - demanding that the infringement of rights be terminated and that the infringer be enjoined to cease any further infringement of rights, or makes a request for a payment warrant, or files criminal charges, the service provider shall take measures within twelve hours following receipt of the court's decision for ordering provisional measures, in due application of what is contained in Subsection (4), to maintain the removal of the information referred to in the notice specified in Subsection (2) or the disabling of access to it. The service provider shall send a copy of the court decision to the recipient of the service affected within one working day after the measures are taken.
- (10) The proprietor shall inform the service provider of all final and conclusive resolutions adopted under Subsection (9), including the approval or rejection of any request for provisional measures. The service provider shall comply with the provisions contained in the final and conclusive resolutions without undue delay.
- (11) The proprietor and the service provider affected may enter into a contract with respect to the application of the procedures specified in Subsections (1)-(10). In the contract the parties may not derogate from the provisions of law, however, they may agree on matters which are not regulated by law. The parties may install a contract clause to consider effective written communication the authentic copies of private documents they sent to or received from third parties, as well as any communication transmitted by way of electronic means if the addressee has acknowledged receipt also by way of electronic means, in which case the parties are required to acknowledge the receipt of electronic consignments from one another.
- (12) The service provider shall not be responsible for the success of the removal of information or the disabling of access to it if acting in good faith and in accordance with the provisions contained in Subsections (4) and (9) in the process of the removal of information or the disabling of access to it.

[6] Act on CMO's Extended collective management of rights Article 17

- (1) When a representative collective management organisation – in the scope specified in the relevant official permit – grants a licence to, or collects rights revenues from, the user, the user shall be entitled to use the entirety of the works or subject matters of related rights of the same type of all rightholders whose rights are managed collectively by the representative collective management organisation – whether managed collectively by law or the choice of the rightholder – on the same royalty payment conditions, regardless of whether the rightholder had given the representative collective management organisation an authorisation to manage rights involved.

[7] CHAPTER XVII APPROVAL OF TARIFFS APPLIED TO COLLECTIVE MANAGEMENT OF RIGHTS PERFORMED AS A REPRESENTATIVE COLLECTIVE MANAGEMENT ORGANISATION

81. Submission of the tariff

Article 145

- (1) HIPO shall be responsible for the preparation of the submittal of the tariff applied by the representative collective management organisation to its collective management of rights to the minister for approval.
- (2) The tariff applied by the representative collective management organisation to its collective management of rights shall be approved by the minister of justice.
- (3) The procedure for the approval of the tariff applied by the representative collective management organisation to its collective management of rights – including the opinion procedure – shall not be deemed an administrative procedure, thus, the rules laid out in the Code of Administrative Procedures need not be applied thereto.

Article 146

- (1) The representative collective management organisation shall submit to HIPO, by 1 September each year at the latest, the tariff set annually for the various types of use falling within the scope of collective management activities it is authorised to pursue as a representative collective management organisation in the permit issued pursuant to Article 33(2), for the purpose of conducting the approval procedure pursuant to this Article.
- (2) The planned starting date for the application of the tariff submitted according to paragraph (1) shall be 1 January in the next year.

Article 147

- (1) In the year when the resolution of HIPO on the issue of the permit pursuant to Article 33(2) became final, the representative collective management organisation may also submit to the HIPO the tariff specified in Article 146(1) at a time different from that defined in Article 146(1), but not later than within two months after the resolution on granting the permit became final, for the approval procedure, unless the validity period of the tariff thus filed would be less than six months when calculated with the method in paragraph (2).
- (2) In the case specified in paragraph (1) the planned start of the validity period shall be the first day of the fourth month after the month when the tariff was submitted, and the validity period shall end on the last day of the same calendar year.

Article 148

(1) The tariff submitted for the approval procedure shall be accompanied with an explanation of the reasons and documents supporting the explanation.

(2) In order to establish the proper remuneration of the authors of works broadcasted in radio and television programs, embedded in the self-produced programs of organisations communicating the same to the public by cable, marketed on image or sound carriers, as well as of the performing artists of subject matters of related rights, and the producers of phonograms or cinematographic works – considering the extent of the reproduction of their work, performance, cinematographic works and phonograms for private purposes – a survey also needs to be submitted which representatively illustrates the extent of reproduction for private purposes. The method of the survey shall be selected after consulting the major users and representative organisations of users. The results of the survey shall be made available to those participating in the procedure for the approval of the tariff.

Article 149

During the procedure for the approval of the tariff, the minister of culture, the minister of trade, tourism and catering, the minister of justice, HIPO and the other participants of the procedure shall communicate with one another by electronic means. HIPO shall communicate with the representative collective management organisations as well as with the users and the representative organisation of users by electronic means.

82. Consultation procedure**Article 150**

(1) After receiving the tariff submitted for the approval procedure HIPO shall, without delay, request major users and representative organisations of users, as well as from the minister of culture and – in respect of tariffs applicable to public performance – the minister of trade, tourism and catering to give an opinion thereon. ‘Users’ and ‘representation organisations of users’ mean those obliged to pay the fee specified in Articles 20 and 21 of the Copyright Act and their representative organisations.

(2) The opinion procedure under paragraph (1) for the approval of the tariff shall be carried out within sixty days of the submission of the tariff to HIPO. In justified cases the president of HIPO may extend the deadline herein before its expiry, by an additional thirty days.

Article 151

(1) During the opinion procedure of the procedure for the approval of the tariff, HIPO may request the opinion of any users and representative organisations of users.

(2) HIPO is obliged to request the opinion of those major users and representative organisations of users which reported in writing their intent to give an opinion in response to the notice published on the website of HIPO immediately after the submission of the tariff in the relevant year specifically for this purpose, within fifteen days of the publication of the notice, with the concurrent submission of the statement in line with paragraph (3) or (4), as well as – in the case of representative organisations of users – their effective rules of constitution.

(3) ‘Major user’ means the person which verifies – by the statement issued by the affected representative collective management organisation in response to its request – that in the calendar year preceding the year of the submission, the royalties it paid reached 5 percent of the total royalties paid based on the relevant tariff or by the user category defined therein.

(4) ‘Representative organisation of users’ means a legal entity with registered membership which, according to its rules of constitution is active nationwide, and its scope of activity covers the representation of the interests of the users concerned during the opinion procedure related to the tariff, and further which verifies – by the statement issued by the representative collective management organisation in response to its request – that the membership of the representative organisation comprises users affected by the relevant tariff and, in the calendar year preceding the year of the report, have paid at least 10 percent of the total royalties paid based on the relevant tariff or by the user category defined therein.

(6) In the event that HIPO granted a permit to more than one representative collective management organisation, in the procedure for the first-time approval of the tariff of the representative collective management organisation having obtained a permit later, major users and representative organisations of users shall mean those classified as major users and representative organisations of users by the previously authorised representative collective management organisation considering the tariffs applied in the previous year. The first time when the procedure for the approval of the tariff of the newer rights manager organisation is conducted, the statement under paragraph (3) or (4) needs not be submitted.

(7) If during the calendar year prior to the submission there was no tariff based on which the users could pay royalties in comparison with the tariff filed for approval, that person or organisation which is likely to fulfil the criteria in paragraphs (3) and/or (4) during the validity period of the new tariff shall also be considered a major user and representative organisation of users.

83. Decision on the approval of the tariff**Article 152**

(1) The tariff applied in the course of collective management of rights by the representative collective management organisation shall be approved by the minister of justice at the proposal of HIPO after the opinion procedure defined in Article 150. The application of the tariff and its publication in the Official Notices annexed to the Hungarian Official Gazette („Magyar Közlöny”) is subject to the approval.

(2) The approval of the tariff according to paragraph (1) does not preclude or affect the implementation of other legal regulations in respect of the tariff.

Article 153

(1) The minister of justice shall approve the tariff applied to the collective management of rights performed as a representative collective management organisation if it is consistent with the legal regulations pertaining to copyright.

(2) The minister shall only approve a tariff containing royalty increases by user category in excess of the consumer price index calculated by the Central Statistics Office for the previous calendar year, or extends the scope of users who are obliged to pay the same royalty, only based on the decision of the Government – initiated by the minister.

(3) If the submitted tariff contains the increase in a fee which had been higher earlier, compared to the tariff in effect at the time of the submittal, in the course of applying the provisions in paragraph (2) the rate of increase shall be determined based the tariff which had been the highest previously, provided that the validity period of the tariff that had established this highest fee has not lapsed for more than three year.

(4) The provisions in paragraph (2) need not be applied if the scope of users affected by the tariff is extended based on a legal regulation.

(5) The minister of justice shall make its decision in the form of a resolution within thirty days following the receipt of the proposal of HIPO.

(6) The resolution adopted by the minister of justice shall contain:

a) the name of the minister of justice, the case number and the name of the administrator,

b) the name and registered seat of the collective management organisation,

c) the tariff affected by the resolution,

d) in the operative part:

da) the decision of the minister of justice decision, and information regarding the appeal options, the place and deadline for submitting an appeal, and the appeal procedure,

db) the amount of the procedural costs,

dc) the decision on the payment of the procedural costs,

e) in the reasoning:

ea) the facts ascertained, including the presentation of the results of the opinion procedure conducted according to Articles 150 and 151,

eb) the proposal made by HIPO regarding the approval of the tariff and the presentation of the reasons for the proposal,

ec) the findings of the minister of justice concerning the tariff's compliance with copyright-related legal regulations and the reasons therefor,
ed) references to the legal regulations underlying the resolution of the minister of justice,
ee) reference to the legal regulation establishing the competence of the minister of justice,
ef) if the approval of the tariff is subject to a Government decision pursuant to paragraph (2), the presentation of the decision of the Government and the reasons therefor,
f) the date and place of adopting the decision, the name and position of the person exercising the competence, as well as the name and position of the issuer of the decision if it is not the same as the above,
g) signature of the issuer of the decision and the stamp of the authority.

(7) The resolution of the minister of justice shall be communicated

a) to the representative collective management organisation having submitted the tariff,

b) to *HIPO*,

c) to the minister of culture and – inasmuch as the tariffs for public performance are concerned – the minister of trade, tourism and catering,

d) to those major users and representative organisations of users which submitted their opinion regarding the tariff pursuant to Article 151.

(8) The resolution of the minister of justice shall not be subject to an appeal, and become final upon its communication.

(9) If the resolution of the minister of justice on the approval of the tariff of the representative collective management organisation contains a typing error in respect of a name or number or otherwise, or there is calculation error, the minister shall correct it – if necessary, after hearing the representative collective management organisation having submitted the tariff – provided that the error has no bearing on the substance of the case, the amount of the procedural costs or the obligation to bear costs. The minister of justice shall correct the error

a) by making a note on the original copy and – if available – the additional authentic copies of the resolution,

b) by replacing the resolution after withdrawing the erroneous one, or

c) by adopting a corrective resolution.

(10) The correction of the resolution pursuant to paragraph (9) shall be communicated to those who had been notified of the decision to be corrected. The correction of the resolution is not subject to an appeal.

(11) If the resolution of the minister of justice on the approval of the tariff of the representative collective management organisation omitted a statutory content element stipulated in paragraph (6) or failed to address any matter of substance, the minister of justice shall supplement the resolution.

(12) The resolution may not be supplemented pursuant to paragraph (11) if

a) one month has already lapsed since the resolution became final, or

b) if this would compromise any right that was acquired and exercised in good faith.

(13) The minister of justice may supplement the resolution

a) by way of issuing a separate amendment and – if possible – making a note of this fact on the original copy and the additional authentic copies of the resolution, or

b) by withdrawing the incomplete resolution and replacing it with a resolution containing the original resolution and the amendment thereof in consolidated structure.

(14) The amendment to the resolution shall be communicated to those who had been notified of the decision that needed supplementation. The amendment of the resolution is subject to the same legal remedies as the original resolution.

Article 154

(1) The review of the resolution of the minister of justice on the approval of the tariff may be requested by any organisation which is entitled to give an opinion on the tariff and the relevant representative collective management organisation, with reference to breach of law, within thirty days after receiving the resolution; the submission shall be filed with the Budapest Administrative and Labour Court which will adjudicate it under urgency, in line with the rules pertaining to administrative non-judicial procedures.

(2) To the non-judicial procedure under paragraph (1) Article 332(3) and (4) of the Code of Civil Procedures shall not be applied.

(3) In the event that the court repeals the resolution and orders the minister of justice to open a new procedure, the difference between the fees payable under the resolution adopted in the new procedure and the under the repealed resolution must be recognised.

(4) If the resolution is contested, the court may oblige the requestor who would have to pay fees under the tariff contemplated in the resolution to provide security. The amount of the security equals the sum of the fee payable based on the tariff approved in the contested resolution, or the disputed or unpaid portion thereof, unless the court, considering all aspects of the case, decides to reduce it.

Article 155

(1) From the aspect of contesting on the grounds of unfair contracting terms, tariffs shall not be deemed to have been stipulated by law or having been established in compliance with a legal regulation.

(2) In the event that the tariff is contested at court under paragraph (1) at the request of the collective management organisation the court may oblige the adverse party to provide security. To the amount of the security, the rules stipulated in Article 154(4) shall apply as appropriate.

84. Publication of the tariff

Article 156

(1) After its approval, the representative collective management organisation shall publish the tariff in the Official Notices annexed to the Hungarian Official Gazette ("Magyar Közlöny") in its own name.

(2) Until the publication of the tariff in line with the provisions in paragraph (1), the tariff established and approved for the previous period – and published earlier in the Official Notices annexed to the Hungarian Official Gazette ("Magyar Közlöny") – shall be applied even if its validity period has meanwhile expired.

(3) The rules in paragraph (2) shall also apply if the court – pursuant to Article 154 – repeals the resolution of the minister of justice on the approval in a final resolution.

[8] See the database of decisions of the HBCE (in Hungarian): https://www.sztnh.gov.hu/hu/szjszt/kereses?field_szakterulet_value=All&field_megkereso_value=All&field_birosagi_hatarozat_value=All