

Greece

Eleni Lappa

Dr Helen Papaconstantinou, John Filias & Associates

PATENT ENFORCEMENT PROCEEDINGS

Lawsuits and courts

- 1** What types of legal or administrative proceedings are available for enforcing patent rights against an infringer, and are there specialised courts in which a patent infringement lawsuit can or must be brought?

The only available means for enforcing patent rights against an infringer are by initiating infringement proceedings in the civil courts. Depending on the circumstances of each case, such proceedings, aside from a regular patent infringement action, may also take the form of a petition for injunction and, occasionally, of a patent nullity action.

There are no administrative proceedings currently available for enforcing patent rights against an infringer. Even for the purposes of declaring a patent null and void, there must be an irrevocable court order from a civil court, which is then transmitted to the Greek Patent Office for the patent to be erased from the Patent Registry.

A ministerial decision has just been issued, for the creation of specialised IP courts (including patent courts) in Greece. Until recently, the general civil courts, which have jurisdiction over general litigation matters, have had jurisdiction over patent infringement matters. There are high hopes that specialised IP courts will bring certainty and efficiency.

Trial format and timing

- 2** What is the format of a patent infringement trial, to what extent are documents, affidavits and/or live testimony relied on, is cross-examination of witnesses permitted, are experts utilised, are disputed issues decided by a judge or a jury, and how long does a trial typically last?

The format of a patent trial closely resembles that of a regular trial proceeding. Namely, the trial is always concluded within the same day. The proceeding starts by some opening questions to the plaintiff's witness by the presiding judge or the court rapporteur or both. The two opposing counsel then take turns in asking the plaintiff's witness questions. The same process is followed for the respondent's witness. Each party's counsel has one opportunity to address questions to the plaintiff's and respondent's witness. Written arguments and sworn affidavits are submitted to the court before the hearing. Rebuttal arguments are filed subsequent to the hearing, after reviewing the hearing transcripts.

These are non-jury trials and the composition of the court (one or three judges) depends on the legal basis of the claim. Namely, if unfair competition is included as the legal basis, then a panel of three judges will hear the matter.

Use of expert witnesses is encouraged. The adversaries, to

substantiate their claims and arguments, frequently rely on the testimonies of experts in the subject matter of the dispute, both as 'live' witnesses before the court during the hearing and also as sworn affidavit witnesses.

Proof requirements

- 3** What are the respective burdens of proof for establishing infringement, invalidity, and unenforceability of a patent?

In a patent infringement proceeding, the burden of proof lies with the plaintiff. To establish infringement, the plaintiff must prove that the scope of protection of its patent encompasses the product or method used by the other party.

In a patent nullity action, the burden of proof also lies with the party initiating the nullity action. To establish the invalidity of the patent, the plaintiff must prove that the patent lacks novelty or inventive step, etc, and should not have been granted by the Greek Patent Office for the following reasons as listed in article 5 of Patent Law No. 1733/1987:

"Article 5

Meaning

- Patents shall be granted for any inventions which are new, which involve an inventive step, and which are susceptible of industrial application. The invention may relate to a product, a process or an industrial application.
- The following shall not be regarded as inventions within the meaning of paragraph 1:
 - discoveries, scientific theories, and mathematical methods;
 - aesthetic creations;
 - schemes, rules, and methods for performing mental acts, playing games or doing business, and programs for computers;
 - presentation of information.
- An invention shall be considered new if it does not form part of the state of the art. The state of the art shall be held to comprise anything made available to the public anywhere in the world by means of a written or oral description or in any other way, before the filing date of the patent application or the date of priority.
- An invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.
- An invention shall be considered as susceptible of industrial application if its subject matter may be produced or used in any sector of industrial activity.
- The following shall not be regarded as inventions suscep-

tible of industrial application within the meaning of paragraph 5:

- methods for treatment of the human or animal body by surgery or therapy;
- diagnostic methods practised on the human or animal body.
- The exceptions to paragraph 6 shall not apply to products and in particular to substances or compositions for use in any of these methods.
- Patents shall not be granted in the following cases:
 - inventions the publication or exploitation of which would be contrary to public order ('ordre publique') or morality;
 - plant or animal varieties or biological processes for the production of plants or animals; this provision does not apply to microbiological processes or the products thereof.
- Patents shall also be granted for an invention which has been disclosed no earlier than six months preceding the filing of the patent application, if the disclosure was due to:
 - an evident abuse of the rights of the applicant or his or her legal predecessor;
 - the fact that the invention was displayed at an officially recognised international exhibition falling within the terms of the convention on international exhibitions signed in Paris on 22 November 1928 and ratified by Law 5562/32 (Official Journal, 221). In said case, when filing the application, the applicant should state that the invention has been so displayed and should file the relevant supporting certificate.
- The disclosure of paragraph 9 does not affect the novelty of the invention provided for in paragraph 3."

The burden of proof concerning the unenforceability of a patent, which can be used only as an objection to an infringement action, and if granted does not lead to the invalidation of the patent itself, is the same as the one above for the invalidity of the patent. The only difference is that the burden of proof concerning the unenforceability of the patent lies with the respondent to the patent infringement action, that is, the party using the unenforceability of the patent as an objection to the action brought against it. The nullity action must be pursued through a separate action and in that case the alleged infringer becomes the plaintiff alleging that the particular patent lacks novelty.

Standing to sue

- 4** Who is entitled to sue for patent infringement, and under what conditions can an accused infringer bring a lawsuit to obtain a judicial ruling or declaration on the accusation?

In accordance with article 17 of Patent Law No. 1733/1987:
Article 17

Actions before justice by the owner of the patent - False pretence

"1. In case of present or threatened infringement of the patent, its owner has the right to demand the cease of the infringement and the omission from any infringement in the future.

2. In case of international infringement of the patent, its owner who suffered damage is entitled to demand restitution of the damage or return of the benefits derived from the unfair exploitation of the invention or the payment of an amount equal to the value of the licence for said exploitation.

3. The same rights are granted to the beneficiary of an exclu-

sive licence, to whoever has a right on the invention, and to whoever has filed a patent application. In the latter case the court may postpone the trial procedure of the case until said patent has been granted."

In the light of the above provision, the patent owner, the beneficiary of an exclusive licence, as well as any other third party with rights on the patent have standing to sue. The above does not include the distributor who may be involved in the proceeding by filing an intervention on the basis of unfair competition law.

Inducement/contributory infringement

- 5** To what extent can someone be liable for inducing or contributing to patent infringement by someone else?

Contributory infringement is not expressly provided for by statute. Nevertheless, in practice, if a party contributes to the manufacturing or production of a patented product or uses part of a method being protected by a patent, it may also be liable and may be joined as a party to the patent infringement proceeding initiated by the patent owner.

Infringement by foreign activities

- 6** To what extent, if any, can activities which take place outside of the country support a charge of patent infringement?

Activities that take place outside the country may give rise to a patent infringement claim. This type of protection is explicitly available by statute, and in particular, in accordance with article 17, paragraph 2 of Patent Law No. 1733/1987:

"In case of international infringement of the patent, its owner who suffered damage is entitled to demand restitution of the damage or return of the benefits derived from the unfair exploitation of the invention or the payment of an amount equal to the value of the licence for said exploitation."

Infringement by equivalents

- 7** To what extent are 'equivalents' of the claimed subject matter liable for infringement?

As Greek jurisdiction is not a 'common law' jurisdiction, the primary source of the substantive law is statute. The same applies in patent matters. There is no express provision concerning the US equitable doctrine of 'equivalents' in any relevant Greek statute and there is no well-established case law in that regard.

Discovery of evidence

- 8** What mechanisms are available for obtaining evidence from an adverse party, from third parties and/or from outside the country, for proving infringement, damages or invalidity?

In Greek jurisdiction there is no 'discovery' or 'interrogatories' as in other adversarial legal systems such as the US. As such, there are no pre-hearing mechanisms available to a party claiming infringement, aside from requesting an order from a competent court to grant access to specific information or documents. In practice, this is not a frequently used means for obtaining evidence. Adversaries usually rely on the information available to them before the initiation of the proceeding.

Litigation timetable

- 9** What is the typical timetable for a patent infringement lawsuit in the trial court and in the appellate court?

There are no statutory time frames per se. The timetable of the trial, therefore, largely depends on the caseload of the court assigned to hear the matter. Typically, although this may vary in practice, patent infringement matters are heard within six months from the date the action is filed (especially if unfair competition is included as a legal basis, due to prescription considerations) and the decision is usually rendered within six months from the date the hearing takes place. The foregoing does not include any delays due to ex officio or party-requested postponements, etc and is only an estimate.

In the appellate court the hearing usually takes place within eight to 10 months from the date the appeal is filed. The decision is rendered within eight to 10 months from the date the hearing takes place. The foregoing does not include any delays due to ex officio or party-requested postponements, etc and is only an estimate.

Litigation costs

- 10** What is the typical range of costs of a patent infringement lawsuit before trial, during trial and for an appeal?

Costs greatly depend on the complexity of the case and on any expert fees, etc. Costs in Greek jurisdiction are typically much lower than costs in other European jurisdictions.

Court appeals

- 11** What avenues of appeal are available from an adverse decision in a patent infringement lawsuit?

In the event that an unfavourable decision is issued at first instance, the matter may be appealed to the civil court of appeals for reconsideration on the basis of error in the application of the law to the facts of the case and a request for retrial of the facts.

The ultimate available appeal option is that of bringing the matter to the Supreme Civil Court (Areios Pagos), which is the highest degree of judicial review on a civil level in Greece.

Antitrust considerations

- 12** To what extent can enforcement of a patent expose the patent owner to liability for an antitrust violation, unfair competition, or a business-related tort?

There is no precedent available with regard to antitrust violations and it remains to be seen if such an issue will be brought for review by Greek courts in the near future. Nevertheless, the issue of unfair competition is part and parcel of the patent infringement action, as an auxiliary legal basis for bringing legal action against the alleged infringer, whenever the circumstances of the matter allow it.

Alternative dispute resolution

- 13** To what extent are alternative dispute resolution techniques available to resolve patent disputes?

Alternative dispute resolution techniques are rarely used in Greece, especially for patent-related disputes. According to the Greek Code of Civil Procedure, whenever any main action is initiated there is a mandatory extra-judicial settlement attempt, which must take place prior to the hearing. The plaintiff must

schedule it and serve notice thereof to the adverse party before the hearing date, ie, within the following time frame: from the fifth day that notice of the action has been served until at the latest 35 days before the hearing date, and a report must be drafted and filed with the court before the hearing. A mediator may also be present during the meeting, but the mediator cannot be involved at the hearing as a witness, etc. In the event that the parties do reach settlement, they jointly draft and execute a settlement report, which is then brought to the court for certification when the hearing takes place.

SCOPE AND OWNERSHIP OF PATENTS

Types of protectable inventions

- 14** Can a patent be obtained to cover any type of invention, including software, business methods and/or medical procedures?

In accordance with article 5, paragraph 2 of Patent Law No. 1733/1987:

“2. The following shall not be regarded as inventions within the meaning of paragraph 1:

- a. discoveries, scientific theories, and mathematical methods;
- b. aesthetic creations;
- c. schemes, rules, and methods for performing mental acts, playing games or doing business, and programs for computers;
- d. presentation of information.”

Patent ownership

- 15** Who owns the patent on an invention made by a company employee, an independent contractor, or multiple inventors, and how is patent ownership officially recorded and transferred?

In accordance with article 6 of Patent Law No. 1733/1987:

“Right to a patent

Invention by an employee – claiming

- The right to a patent shall belong to the inventor or to the beneficiary in accordance with paragraphs 4, 5, and 6 and to his or her general or special successors in title. Whoever requests the grant of the patent shall be deemed to be the inventor.
- If two or more persons have made an invention jointly and provided that there exists no other agreement, the right shall belong to all of them jointly. Each co-beneficiary may freely assign his share and take care of the maintenance of the joint patent.
- If two or more persons have made the invention independently of each other, the right to the patent shall belong to the person whose patent application has the earliest date of filing or to the person who has a priority right against the others in accordance with article 9.
- An invention made by an employee shall belong to him or her (free invention) unless the invention is either a service invention, in which case it entirely belongs to the employer, or is a dependent invention in which case it belongs by 40 per cent to the employer and by 60 per cent to the employee.
- A service invention is the outcome of a contractual relation between the employee and the employer for the development of inventive activity. In case that a service invention is accomplished, the employee shall have the right to request an additional reasonable recompense if the invention is particularly profitable to the employer.

- A dependent invention is an invention made by an employee with the use of materials, means or information of the enterprise in which he or she is employed. The employer shall be entitled to exploit the dependent invention by priority against compensation to the inventor, proportional to the economic value of the invention and the profits it brings. The inventor of the dependent invention shall without neglect notify in writing the employer on the accomplishment of the invention and shall give the necessary data for the filing of a joint patent application. If the employer does not answer in writing within four months from said notification to the employee that he is interested in jointly filing the patent application, the said application shall be filed by the employee only and in this case the invention belongs entirely to the employee.
- Any agreement which restricts the above mentioned rights of the employee shall be considered null.
- In all cases, the name of the inventor shall be mentioned in the patent and the inventor shall have the right vis-a-vis the applicant or the owner of the patent to demand his or her recognition as inventor.
- The beneficiary of the invention may, if a third party has filed without his or her consent a patent application relating to his invention or to essential constituents thereof, demand by legal action against said third party the recognition of his or her rights emanating from the patent application or, in case that a patent has been granted, his or her rights emanating from the patent.
- The aforementioned legal action shall be brought before the court within a period of two years from the date of publication of the summary of the patent in the Industrial Property Bulletin. This term does not apply if the patentee is aware of the right of the claimant at the time of grant or assignment of the patent.
- A summary of the irrevocable decision stating the acceptance of the aforementioned action shall be recorded in the Patents Register.

The licences and all other rights which have been granted on the patent shall be considered null as from the date of said recordal. The defeated litigant and third parties, if they have exploited the invention in good faith or had proceeded with the necessary preparations for said exploitation, may request from the recognised beneficiary the grant against compensation of a non-exclusive licence for a reasonable period of time. In case of dispute of the parties the conditions shall be determined by the one-member court of first instance in the place of residence of the applicant, in accordance with the procedure laid out in article 741 to 781 of the Code of Civil Procedure Law.”

With regard to the assignment of a patent right, in accordance with article 12 of Patent Law No. 1733/1987:

“Assignment – Succession – Contractual Licence

- The right on a patent application and on the patent itself may be assigned following written agreement or they may be inherited. The assignment shall be completed upon registration of the assignment agreement or of the certificate of inheritance in the Patent Register and it is published in the Industrial Property Bulletin.
- The joint owners of a patent may assign, each one separately, following written agreement, their share of the patent. The same applies to the right in common for granting a patent.
- The patentee may grant to a third party, following written agreement, a licence for exploitation of the patent. In case of a licence for a joint patent, the agreement of all the patentees

is required.

- Unless otherwise agreed, the licence is neither exclusive nor assignable nor inheritable.

5. The patentee may at any time state to the Industrial Property Organisation his consent to the grant of licences with or without exclusivity, against compensation.

The statement shall be valid for a period of two years, shall be recorded in the Patents Register, and published in the Industrial Property Bulletin; the appropriate note shall be written on the patent.

- In the case of paragraph 5, for the period of time only for which the statement shall be valid, the patentee shall be entitled to a deduction from the sum of the annual fees paid for protection of the patent. The deduction shall be determined in general or for specific categories of cases by decision of the Administrative Council of the Industrial Property Organisation.”

DEFENCES

Patent invalidity

16 How and on what grounds can a patent be invalidated?

In accordance with article 15 of Patent Law No. 1733/1987:

“Nullification

1. The patent shall be declared null by court decision if:
 - a. the owner of the patent is not the inventor or his assignee or beneficiary according to article 6, paragraph 4, 5 and 6;
 - b. the invention is not patentable in accordance with article 5;

- c. the description attached to the patent is insufficient for the invention to be carried out by a person skilled in the art;
- d. the subject matter of the granted patent extends beyond the content of the protection, as requested in the application.

2. The persons mentioned in passage (a) paragraph 1 are entitled to bring action against the owner in the case of said passage, whereas in all other cases action may be brought before the court by whoever has legal interest. The nullification action shall be brought before the competent civil court. Patentees who are not residents of Greece bring actions or are sued in the courts of the capital.

3. If the nullification is brought before the court only against part of the invention, the patent is accordingly restricted.”

Absolute novelty requirement

17 Is there an ‘absolute novelty’ requirement for patentability, and if so, are there any exceptions to the requirement?

An ‘absolute novelty’ requirement exists in the sense that patents can only be granted for inventions which can be considered to be new and they can only be considered new if they do not form part of the existing state of the art. The state of the art for the purposes of the Greek Patent Law, entails “anything made available to the public anywhere in the world by means of a written or oral description or in any other way before the filing date of the application or the date of priority.” (Article 5, paragraph 3 of Patent Law No. 1733/1987.)

The exception to the above absolute requirement is found in article 5, paragraph 9 of Patent Law No. 1733/1987:

“Patents shall be granted also for an invention which has been disclosed no earlier than six months preceding the filing of the patent application, if the disclosure was due to:

- a. an evident abuse of the rights of the applicant or his or her

legal predecessor;

b. the fact that the invention was displayed at an officially recognised international exhibition falling within the terms of the convention on international exhibitions signed in Paris on 22 November 1928 and ratified by Law 5562/32 (Official Journal, 221). In said case, when filing the application, the applicant should state that the invention has been so displayed and should file the relevant supporting certificate.”

Obviousness or inventiveness test

18 What is the legal standard for determining whether a patent is ‘obvious’ or ‘inventive’ in view of the prior art?

In accordance with article 5, paragraph 3 of Patent Law No. 1733/1987:

“An invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art...”

Patent unenforceability

19 Are there any grounds on which an otherwise valid patent can be deemed unenforceable due to misconduct by the inventors or the patent owner, or for some other reason?

The patent must be susceptible to industrial application. In accordance with article 5, paragraph 5 of Patent Law No. 1733/1987:

“5. An invention shall be considered as susceptible of industrial application if its subject matter may be produced or used in any sector of industrial activity.

6. The following shall not be regarded as inventions susceptible of industrial application within the meaning of paragraph 5:

- a. methods for treatment of the human or animal body by surgery or therapy;
- b. diagnostic methods practised on the human or animal body.”

REMEDIES

Monetary remedies for infringement

20 What monetary remedies are available against a patent infringer, when do damages start to accrue, and do damage awards tend to be only nominal, provide fair compensation or be punitive in nature?

In accordance with article 17, paragraph 2 of Patent Law No. 1733/1987, for assessing damages the equivalent amount of royalties due should be considered:

“In the case of international infringement of the patent, its owner who suffered damage is entitled to demand restitution of the damage or return of the benefits derived from the unfair exploitation of the invention or the payment of an amount equal to the value of the licence for said exploitation.”

The concept of punitive damages is still quite foreign to the Greek jurisdiction. Damages, when awarded, tend to be nominal and can be futile for the purposes of restitution and fair compensation.

The actual enjoinder of the infringer from any activities that infringe the patent in the future is the most effective relief available to the patent owner.

Injunctions against infringement

21 To what extent is it possible to obtain a temporary injunction or a final injunction against future infringement, and is an injunction effective against the infringer’s suppliers or customers?

To be able to obtain a temporary injunction, the ‘urgency’ requirement, which is interpreted in terms of swiftness of initiating action on the part of the plaintiff, must be satisfied.

For a final injunction to be obtained, there must be a final and irrevocable court order pursuant to a regular main action proceeding. For such an order to be effective against an entity, the said entity must be named in the order.

Attorneys fees

22 Under what conditions can a successful litigant recover its costs and/or attorneys’ fees?

In practice, it is quite difficult to recover litigation costs and attorneys’ fees in Greek jurisdiction. Normally, Greek courts award court fees in favour of the winning party. At present, court fees are usually assessed by the courts to be between €500 and €1,000.

Wilful infringement

23 Are additional remedies available against a deliberate or wilful infringer?

In addition to enjoinder of the infringer from engaging in any activities that according to the court’s assessment infringe the patent at issue, the court may order the seizure and subsequent destruction of the infringing products or the rendering of the infringing products to the plaintiff.

The patent owner may also request and the court may order the publication of the court order in the daily press of the city where the infringer is located, under the patent owner’s supervision and at the infringer’s expense.

Time limits for lawsuits

24 What is the time limit for seeking a remedy for patent infringement?

In accordance with article 17 of Law No. 1733/1987:

“rights shall be prescribed after the lapse of five years from the date the owner of the patent took knowledge either of the infringement or of the damage and of whom is obliged to give compensation, and definitely after the lapse of twenty years since the infringement took place...”

Patent marking

25 Is a patent holder obligated to mark its patented products in any way, and if so, how must the marking be made, and what are the consequences of a failure to mark?

In Greek jurisdiction there is no requirement to mark a product as patented; nevertheless, such a marking does serve as an equitable notice of the patent owner’s rights which negates any prima facie defence of ignorance of infringement on the part of the infringer. On the other hand, in accordance with article 17, paragraph 7 of Patent Law No. 1733/1987:

“7. Whoever places on products or on their wrapping, or on any kind of commercial documents destined for the public or on other relevant means of publishing and advertising a false statement that the objects in question are protected by patent, shall be punished by up to one year’s imprisonment or by fine amounting to at least fifty thousand drachmas or by both penalties.”

LICENSING**Voluntary licensing**

- 26** Are there any restrictions on the contractual terms by which a patent owner is permitted to license a patent?

No restrictions exist regarding contractual terms by which a patent owner is permitted to license a patent.

Compulsory licences

- 27** Are any mechanisms available to obtain a compulsory licence to a patent, and how are the terms of such a licence determined?

In accordance with article 13 of Patent Law No. 1733/1987:

“Non-contractual licence

1. The competent court mentioned in paragraph 10 of the present article may grant to a third party, without prior consent of the patentee, a licence for exploitation of the patent in case that the following prerequisites concur accumulatively:

- a. a period of three years has elapsed since the grant of the patent or a period of four years has elapsed since the filing date of the patent application;
- b. the relevant invention has not been exploited in Greece or, in case it has, the production of the products thereof is insufficient to cover local demand;
- c. the third party is in a position to exploit productively the invention covered by the patent;
- d. the third party notified the patentee, one month prior to the initiation of the judicial proceedings, regarding his intention to request a non-contractual licence.

2. the non-contractual licence shall not be granted in case the patentee justifies lack of exploitation or insufficient exploitation in the country. The importation of the product does not constitute an excuse for the invocation and application of this paragraph. The regulation of item 1 above shall not apply to products imported from member states of the European Union and the member states of the World Trade Organization.

3. The grant of a non-contractual licence may not exclude other contractual or non-contractual licences. The non-contractual licence may be assigned only along with the part of the enterprise which exploits the invention.

4. The owner of the patent may request from the competent

court mentioned in paragraph 10 the grant of a non-contractual licence on an earlier patent, provided that his invention relates to the invention of the earlier patent, the productive exploitation of said invention is not possible without offending the rights of the owners of the earlier patent and his invention constitutes a significant progress in comparison with the invention of the prior patent. When the aforementioned non-contractual licence has been granted, the owner of the earlier patent may request the granting of a non-contractual licence for the subsequent invention....”

PATENT OFFICE PROCEEDINGS**Patenting timetable and costs**

- 28** How long does it typically take, and how much does it typically cost, to obtain (and maintain) a patent?

It takes approximately a year to a year and a half for the patent to be granted, starting from the date of its application. The official fees are approximately €300 up to the granting stage, including maintenance for up to the fourth year of protection. From the fifth year of protection annuity payments start from €54 and range up to €472 for the twentieth year of protection.

Prior art disclosure obligations

- 29** Does an inventor have an obligation to disclose prior art to the Patent Office examiner?

No substantive examination is applicable in Greek jurisdiction. Accordingly, there is no obligation on the inventor to disclose prior art with the patent application to the Greek Patent Office.

Patent Office appeals

- 30** Is it possible to appeal an adverse decision by the Patent Office in a court of law?

As no substantive examination applies, the above is a moot point for patent applicants in Greek jurisdiction.

Dr Helen Papaconstantinou, John Filias & Associates

Contact: Eleni Lappa

2 Coumbari Street
Kolonaki
Athens
Greece

Tel: +30 210 3626624
Fax: +30 210 3626742
e-mail: mail@hplaw.biz
Website: www.hplaw.biz

Oppositions or protests to patents

- 31** Does the Patent Office provide any mechanism for opposing or protesting the grant of a patent?

The Patent Office does not provide any mechanism for opposing or protesting against the grant of a patent. In fact, the examination of the patent is not substantive per se, but primarily focuses on the formalities of the application.

Priority of invention

- 32** Does the Patent Office provide any mechanism for resolving priority disputes between different applicants for the same invention, and what factors determine who has priority?

The Patent Office does not provide any mechanism for resolving priority disputes between different applicants for the same invention. The Greek Patent Office does not decide any patent-related disputes. Any such matters would instead have to be referred to and resolved by the civil courts with proper jurisdiction.

Modification of patents

- 33** Does the Patent Office provide procedures for modifying, re-examining and/or revoking a patent after it has been granted, and can a court amend the patent claims during a lawsuit?

If there is a court order which partially or entirely nullifies a patent, the Greek Patent Office must modify its patent registry accordingly and modify the letters patent document as well.

Patent duration

- 34** How is the duration of patent protection determined?

Patent protection lasts for 20 years from the date of the filing of its application, in accordance with article 11 of Patent Law No. 1733/1987.