

## GREECE

(WIPO code: GR)

by

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### I. GENERAL INFORMATION

**Area:** 132,000 sq. km. **Population:** 11,282,751 (estimated 2009). **Capital:** Athens. **Language:** Greek. **Religion:** Greek Orthodox (98%). **Currency:** euro (EUR).

Trade Balance: -8.221,6 million Euro (Q1 2010), -7.044 Euro (Q2 2010).

**Import of goods:** 11.787,8 million Euro (Q1 2010), -11. 271,4 million Euro (Q2 2010).

**Export of goods:** 3.566,2 million euro (Q1 2010), 4.227,0 million euro (Q2 2010).

#### GENERAL REMARKS

Greece is mainly agricultural (though only 23% of the land is arable) with a well-developed industry (tourism, textiles, chemicals, metals, wine and food processing).

<b>Statistics (Jan. - Nov. 2010)</b>	<b>Granted</b>	<b>Filed</b>
Foreign trademarks	531	478
National trademarks	2274	4323
Applications for conversion of Community trademarks into Greek trademarks	16	30
Applications for conversion of International trademarks into Greek trademarks	n.a	5
International trademark registrations transmitted to the Office for examination		n.a.
International trademark registrations granted		
National applications for international trademarks		n.a.
<b>Statistics (Jan. - Nov. 2010)</b>		<b>Filed</b>
National patents		635
Utility models		29

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### 1. LEGAL BASIS

- Law 1023, February 16, 1980.
- Law 1607/1986, ratifying the European Convention.
- Law 1733/1987, providing for the establishment of the Organization of Industrial Property (OIP).
- Decree 77/1988, implementing provisions of EPC.
- Law 1883/1990, ratifying the Patent Cooperation Treaty (without Chapter II).
- Decree 45/1991, implementing the EEC Directive 87/54 of December 16, 1986, as supplemented by EEC Directives 87/532 and 88/311, relating to the legal protection of the topographies of semiconductor products.
- Law 2359/21, November 1995, providing for the extension of the duration of patents to twenty years.
- EC Regulation No. 1610 of July 23, 1996, relating to Supplementary Protection Certificates (SPCs) for plant protection products.
- Law 3396/2005, ratifying EPC 2000.
- Decision No. 50726 of the General Secretary of the Ministry of Justice, published in the Official Journal of the Hellenic Republic B 739/20.06.2006, introducing a new section for the hearing of industrial property cases at the Athens Court of First Instance.
- Ministerial Decision No. 11475/08 of June 13, 2008, published in the Official Gazette on June 25, 2008, setting the conditions under which the duration of the protection of a Supplementary Protection Certificate concerning pediatric pharmaceuticals can obtain a six-month extension.
- Ministerial Decision No. 10374/04.08.2009, allowing the possibility of requesting a written opinion on the search report.

### 2. MEMBERSHIP IN INTERNATIONAL CONVENTIONS

- Convention Establishing the World Intellectual Property Organization (WIPO), since March 4, 1976.
- Paris Convention for the Protection of Industrial Property, Stockholm Act since July 15, 1976.

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- The Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Apostille), since May 18, 1985.
- European Patent Convention (October 7, 1992: Termination of the reservation entered by Greece under Article 167 EPC (1973)).
- Patent Cooperation Treaty (PCT), since October 9, 1990.
- Budapest Treaty, as ratified by Law 2128/6.4.1993.
- TRIPS Agreement, ratified by Law No. 2290/1995, having effect from January 1, 1995.
- Adherence to Chapter II of the PCT Treaty by Law 2385/5.3.1996.
- Strasbourg Agreement Concerning the International Patent Classification, since October 21, 1997.

### 3. FILING

**Applicant:** the person who first files an application - the inventor or his assignee (an individual, firm or corporation). **Foreigners and nationals not living in the country:** both must retain a local attorney. **Kinds of patents:** (1) principal patents; (2) patents of addition. **Amendment of application:** correction of errors in the documents possible within four months from the filing date.

**Novelty:** absolute novelty. **Exceptions to protection:** (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; (e) methods for treatment of the human or animal body by surgery or therapy; (f) diagnostic methods practiced on the human or animal body. However, products and in particular non-pharmaceutical substances or compositions for use in methods under (e) and (f) are patentable; (g) inventions the publication or exploitation of which would be contrary to public order or morality; (h) 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. As of October 8, 1992, date of the termination of the reservation entered by Greece under Article 167(2)(a) (EPC 1973), pharmaceuticals per se are patentable. It is possible to obtain per se pharmaceutical claims even if a priority date earlier than October 7, 1992 is claimed.

**Priority:** Paris Convention for the Protection of Industrial Property, Stockholm Act since July 15, 1976 applies. If an orderly patent application or application for grant of a utility model certificate has been filed abroad, the applicant or its beneficiary is entitled to claim priority, provided that, within 12 months from the filing date, he/she files an application in Greece for the same invention and that the condition of reciprocity applies. The date, number and country of first filing must be stated in the application. The right of priority goes back to the date of the first filing abroad.

**Requirements** (to be sent to local agent for filing of application):

1. Full name, nationality, domicile and profession of the applicant; if a corporate body, its kind;
2. Naming of the inventor(s);
3. Power of attorney, to be signed by applicant. A single general power of attorney simply signed by the applicant or the authorized representative of the company (in case the applicant is a legal entity), is sufficient for all patent applications filed in the name of the same applicant, simultaneously or separately. If the power is executed on behalf of a firm or a company, the name and capacity of the signatory should be expressly stated;
4. Specification, claims and an abstract not exceeding 150 words, in duplicate in English, French or German accompanied by a translation into the Greek language; written on one side of the paper only;
5. Drawings in duplicate (in practice a third copy is to be added as a file copy for the patent agent's records); the drawings should be drawn on strong white paper in Indian ink; size 30 x 20 cm; with a free margin of 2 cm all around;
6. Priority document in Convention cases. Translation of the entire document is required;

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7. Assignment of priority rights legalized either by the Greek Consulate or by Apostille, if the Greek application is filed with a claim to Convention priority in the name of someone other than the applicant for the basic patent. For U.S. applicants a certified copy of the U.S. assignment is sufficient.

**Minimum requirements on filing date:** the initial application must be accompanied by specification, claims and abstract only. All other documents may be filed later. **Time frame for filing the supporting documents:** four months from the date of filing in Greece in non-Convention cases. In Convention cases the priority document can be filed either within four months from the date of filing in Greece or within sixteen months from the date of filing in the country of origin. These terms are not extendible. **Request for search:** within four months from the filing date. The applicant has the option of requesting a written opinion on the search report. **Electronic filing:** Currently not available

**PCT applications:** Greece can be designated only for a European patent, since only a European patent (and not a national patent) can be obtained via the PCT route for this country. The European Patent Office acts as designated/elected Office for Greece, which does not act in the capacity of designated/elected country under Chapter I and II of the PCT. **The time limit for entering the regional phase** under Chapters I and II of the PCT is that of the European Patent Office, i.e. 31 months.

### 4. EXAMINATION PROCEDURE

**Novelty examination:** after the examination as to formalities, the Organization of Industrial Property (O.B.I.) shall draft a search report, if requested by the applicant in due time, with all state of the art data. The search report is notified to the applicant who is entitled to comment on it within three months from the notification. After the three-month period, O.B.I. will draft its final search report which will be made available to the public along with the patent application. *The patent is however granted regardless of the contents of the search report.* The search report is attached to the Letters Patent document.

**Amendments:** Within four months from the filing date, the applicant must submit any missing drawings or other supporting documents, complete any missing data and correct any eventual errors in the draft of the documents and of other supporting documentation.

**Divisional Applications:** If the application relates to several inventions, up to the date of grant of the patent the applicant may divide the application into more than one divisional applications, maintaining the filing date of the initial application as the filing date of each divisional application.

**Secrecy:** The patent application as well as the documentation attached thereto, are made available to the public eighteen months after the filing date or the priority date, unless the patent is granted earlier. In such a case they are made available to the public on the date of grant of the patent.

### 5. REGISTRATION, PROTECTION

The patent is granted after the issuance and publication of the final search report. **Publication:** after the date of grant, the patent file is laid open to public inspection and copies thereof are available on request. A summary of the patent is published in the Official Gazette. **Opposition:** is not provided for. **Beginning of protection:** the day following the application date. **Duration of protection:** twenty years for patents filed after January 1, 1988 (fifteen years for older applications). **Extension of duration:** following the ratification of the GATT Agreements and the implementation by separate law of the provisions relating to the twenty-year duration of patents, the term of patents which are valid on January 1, 1996 can be extended until the completion of twenty years following the date of the patent application. No formality is required for the extension. The extension will be automatic by payment of the 16th annuity and onwards. **Validation of invalidated patents:** not possible. **Annuities:** annuities must be paid each year up to the last day of the month corresponding to the date on which the application was filed. Annuities are due also for pending applications beginning with the third year. **Annuities grace period:** six months from

the due date with fine. **Annulment:** after the term of payment has expired, the Patent Office proceeds to the annulment of the patent and to the publication of the Annulment Act in the Official Bulletin. After such publication, restoration of the patent is not possible. **Working:** not compulsory under Greek Law. **Nominal working:** does not justify lack of actual working and does not help the patentee to avoid a possible compulsory license, nor does the offer to license. Under the new Law (2359/95) importation from countries of the European Union and from countries of the World Trade Organization will satisfy the working requirements, as well as manufacture in any European Union member State. **Assignment:** assignment deed executed by assignor and assignee, with power of attorney incorporated (legalized by Greek Consul or Apostille). **Amendment of issued patents:** not possible. **License for exploitation:** registration necessary. **Conversion of a patent application into a utility model application:** the applicant of a patent application can, either upon filing the patent application, or prior to the grant of the patent request the conversion of the patent application into a utility model application. In any case, the patent application is automatically converted into a utility model application if the applicant does not pay the search fees in time. **Marking of patented goods:** not compulsory, but advisable.

### 6. MODIFICATION OF PROTECTION AFTER GRANTING

**Rights of prior user:** Any person, who, prior to the application date or priority date, is already using the invention or at that time has made the necessary preparations therefore, may continue to use the invention for his enterprise and its needs. Such prior user's right may only be transferred together with the business.

**Nullification:** a patent shall be declared null by court decision if: (a) the owner of the patent is not its inventor or its assignee or its beneficiary according to Article 6, paragraphs 4, 5, and 6; (b) the invention is not patentable in accordance with Article 5; (c) the specification attached to the patent is insufficient 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. The nullification action shall be brought before the competent civil court. If the nullification is brought only against part of the invention, the patent is restricted accordingly.

**Compulsory license:** after four years from the date of filing or three years from the grant, any third party may demand the concession of a compulsory license based on lack of or insufficient exploitation of the patented invention within the Community. The compulsory license is granted by a three-Member Court. No compulsory license shall be granted if the patent owner can justify the failure to work the invention. Imports of the product will not constitute a justification. For reasons of public health or national defense, the Minister of Industry, Energy and Technology may rule that compulsory licenses shall be granted in favor of bodies of the public sector on patents which have not been exploited in Greece or when production is insufficient to cover local needs. A compulsory license shall be granted on provision that reasonable royalties are paid. **Disputes about ownership - disputes about novelty:** before the court only after issue of the patent.

**Infringement and penalties:** The following activities may be considered patent infringement activities, if performed without the consent of the patentee: A) In case of a patented product, the manufacture, the offering or the bringing into the trade of the patented product, the use and possession of the patented product for any of these purposes, and the importation of the patented product; and B) In case of a patented process, the application of the process and the offering or making available in the market of the process, and the manufacture, offering or bringing into the trade, as well as the use or possession for any such purpose, of a product directly resulting from the patent protected process, and the importation of such product.

According to the provisions of the Patent law, whoever places on products or on their wrapping, or on any kind of commercial documents destined for the public or on other relevant published or advertising material a false statement that the objects in question are protected by a patent, shall be punished by up to one year of imprisonment or by fine or by both penalties.

**Enforcement:** Infringement actions can be brought before the competent Courts by the patent

owner, an exclusive licensee, in the case of co-owners they can bring infringement actions independently and for owners of a patent application – the Court may postpone the trial until the patent is granted.

### 7. RIGHTS DERIVED FROM A EUROPEAN PATENT

Greece can be a designated country in a European Patent. Grant of a European Patent in which Greece is designated confers the same rights as grant of a Greek Patent. **Implementation of the Convention granting European Patents:** the provisional protection of Article 67 (3) of the Convention is granted only when an appropriate Greek translation of the claims of the application has been filed with and published by O.B.I. Issued European Patents are valid in Greece only if the patentee files with O.B.I. a Greek translation within a period of three months from the date of publication of the mention of grant in the official Journal of the EPO. This term cannot be extended.

### 8. SUPPLEMENTARY PROTECTION CERTIFICATES (SPCs)

#### A. FOR PLANT PROTECTION PRODUCTS:

European Community Regulation No. 1610/96 regarding Supplementary Protection Certificates (SPCs) for Plant Protection Products entered into force on February 8, 1997, by virtue of Ministerial Decision No. 30560/544.

The application must be filed with the Patent Office (O.B.I.) within six months from the date the authorization to place the product on the market as a plant protection product was granted, or from the date the patent was granted, if the authorization is granted before the basic patent is granted. Supporting documents must be filed within four months from the application date.

SPCs for a Plant Protection Product confer the same rights as conferred by the basic patent and are subject to the same limitations and obligations.

#### B. FOR MEDICINAL PRODUCTS:

A system for the granting of Supplementary Protection Certificates (SPCs) for Medicinal Products came into effect on January 2, 1998.

This system is based on European Community Council Regulation No. 1768/92 of June 18, 1992.

The procedure for issuance of SPCs for Medicinal Products is essentially the same as that of SPCs for Plant Protection Products. The application must be filed with the Patent Office (O.B.I.) within six months from the date the authorization to place the product on the market as a medicinal product was granted. Authorization to place the product on the market is granted by the Greek Pharmaceutical Organization.

#### B.1 FOR PEDIATRIC PHARMACEUTICALS:

Ministerial Decision No. 11475/08 sets the conditions under which the duration of the protection of a Supplementary Protection Certificate concerning pediatric pharmaceuticals can obtain a six-month extension. The extension can be obtained by filing an application with the Greek Patent Office. Said application may be filed: (a) together with the application for the grant of an SPC; (b) after the filing of an application for the grant of an SPC and before the grant takes place; (c) if the SPC has already been granted, the application for the extension may be filed two years before the expiry of the granted SPC at the latest.

The same Ministerial Decision provides for a transition period of five (5) years from the entry into force of EU Regulation EC/1901/2006, namely until January 26, 2012. Until said date the afore-mentioned application for an extension may be filed six months before the expiry of the granted SPC at the latest.

In order for an application for extension to be filed, the following are required: (1) all the details supplied until today for an SPC application (as referred to in Art. 8 of Regulation EC/1768/1992); (2) a copy of the statement indicating compliance with an agreed pediatric investigation plan (as referred to in Art. 36 par. 1 of Regulation EC/1901/2006); (3) proof that the pharmaceutical product

in question is authorized in all member States (as referred to in Art. 36 par. 3 of Regulation EC/1901/2006); (4) where an SPC application is pending, an application for an extended duration must also include a reference to the application already filed; (5) if an SPC has already been granted a copy thereof must be submitted.

### III. UTILITY MODELS

1. LEGAL BASIS
2. PROTECTION

#### 1. LEGAL BASIS

- Law No. 1733 of May 7, 1987.

#### 2. PROTECTION

**Definition:** a utility model certificate is granted for any novel and industrially applicable three-dimensional object with a particular design and form, such as a tool, an instrument, a device, an apparatus, or parts thereof, proposed as novel and industrially applicable and capable of providing a solution to a technical problem. **Duration:** seven years. **Transformation of a patent application into an application for a utility model:** possible. In all other respects, the corresponding provisions regarding patents apply.

### IV. TRADE AND SERVICE MARKS

1. LEGAL BASIS
2. MEMBERSHIP IN INTERNATIONAL CONVENTIONS
3. FILING
4. EXAMINATION PROCEDURE
5. GRANTING, PROTECTION
6. MODIFICATION OF PROTECTION AFTER REGISTRATION
7. COMMUNITY TRADEMARK CONVERSIONS
8. INTERNATIONAL TRADEMARKS
9. INTERNATIONAL TRADEMARK "TRANSFORMATION"
10. REPLACEMENT OF A NATIONAL TRADEMARK BY AN INTERNATIONAL ONE

#### 1. LEGAL BASIS

- Trade Mark Law No. 2239/16.9.1994.
- Consumer Protection Law No. 2251/16.11.1994.

#### 2. MEMBERSHIP IN INTERNATIONAL CONVENTIONS

- Convention Establishing the World Intellectual Property Organization (WIPO), since March 4, 1976.
- Paris Convention for the Protection of Industrial Property, Stockholm Act since July 15, 1976.
- The Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Apostille), since May 18, 1985.
- TRIPS Agreement, implemented since January 1, 1996.
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, since November 7, 1998.
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, effective June 2000, as implemented pursuant to Ministerial Decision No. K4-307 of January 2, 2001.

## 3. FILING

**Applicant:** the first bona fide applicant; but rights based on extended "prior use" in Greece are not disregarded. Registration confers rights of "exclusive use". **Applicants not living in the country:** must appoint a local attorney. **Kinds of trademarks:** a trademark may consist of any sign capable of being represented graphically, particularly words, including personal names, designs, letters, numerals, sounds, including musical phrases, the shape of goods or of their packaging, provided that such signs are capable of distinguishing the goods or services of one undertaking from those of other undertakings. **Collective and service marks:** are registrable. **Novelty:** is not required but the trademark applied for must not conflict with a mark already registered. **Not registrable:** (a) signs which cannot constitute a trademark; (b) trademarks which are devoid of any distinctive character; (c) trademarks which consist exclusively of signs or indications which may serve in trade to designate the kind, quality, quantity, intended purpose value, geographical origin, or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service; (d) trademarks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade; (e) signs which consist exclusively of the shape which results from the nature of the goods themselves, or the shape of the goods which is necessary to obtain a technical result, or the shape which gives substantial value to the goods; (f) trademarks which contravene public policy or accepted principles of morality; (g) trademarks which are of such a nature as to deceive the public; (h) flags, national emblems, symbols etc. pursuant to Article 6<sup>ter</sup> of the Paris Convention; (i) signs which have been filed in bad faith. Trademarks which are devoid of any distinctive character can exceptionally be accepted if they became distinctive through use up to the date of their examination. **Classification:** international, according to the Nice Agreement. **Multi-class applications:** possible. **Priorities:** according to Paris Convention, six months. **Territory covered:** Greece.

**Requirements** (to be sent to resident agent for filing of application):

1. Complete list of goods; a single application may be filed for registration of a mark for more than one class of goods;
2. Full name, address, occupation and nationality of applicant;
3. Power of attorney, simply signed and stamped with the company's seal. The power of attorney is also valid for subsequent applications. Appointment of agent is compulsory;
4. 10 facsimiles in black and white; where color is a distinctive feature, 10 additional specimens reproduced in color are required; if the mark consists of a word in ordinary block letters, no facsimiles are required;
5. A certified copy of home application or registration with a translation attested by the agent is required only in Convention cases (to be filed within three months from the date of filing, if not filed simultaneously). However, for applications originating in Taiwan, a home certificate is still required, at filing time, irrespective of whether or not priority is claimed. Greece does not hold a reciprocity agreement with Saudi Arabia.

*For assignment applications:*

1. Deed of assignment, legalized by the Greek Consul or with Apostille;
2. Power of attorney simply signed by the assignee only. No further legalization is required. Both the deed of assignment and the power of attorney may be incorporated in a single document which, however, must be legalized by the Greek Consul or by Apostille.

**Minimum requirements on filing date:** filing of a trademark application without simultaneous lodging of the power of attorney is not possible.

**Note:** for requirements for Community Trademark Conversion, see Section 7 below.

## 4. EXAMINATION PROCEDURE

**Examination:** as to form, inherent registrability, and as to likelihood of confusion with prior registrations by the Examiner, who reports on each specific application during a hearing before the



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Administrative Trademark Committee. The date of the hearing is set upon the filing of the trademark application. Attending of the hearing is advisable if the application encounters difficulties on the Examiner's side. In case of citations or objections, the applicant is given a term to submit written arguments to refute the Examiner's objections. Recordal of voluntary disclaimers is possible up to the examination of a trademark application before the second instance Administrative Court. A **letter of consent**: obtained from the owner of a cited trademark is acceptable without, however, being conclusive, provided that it is legalized by Apostille. The Trademark Committee reserves the power to maintain a citation "in the public interest" or "for risk of confusion".

### 5. GRANTING, PROTECTION

**Publication**: the trademark application, when accepted by the Administrative Trademark Committee, is advertised in the Official Gazette and registered four months after the publication date. **Beginning of protection**: date following that of filing. **Duration**: ten years, renewable every ten years. **Extension of duration**: always renewable for a like period, i.e. ten years from date of application. Renewal must be applied for within the last year before expiry or within the six-month **period of grace** after expiry with a surtax of 50%. A simply signed power of attorney is required if the agent who applies for the renewal is not the attorney of record. Otherwise no document is required. **Opposition**: during the four-month period, beginning on the sixteenth day of the next month of the publication date, opposition is possible. After the registration and five years from the date thereof, petition for cancellation is possible. **Recourse**: if the Trademark Committee refuses an application, an opposition, or a petition for cancellation, the applicant is entitled to file a recourse before the three-Member Administrative Court of First Instance. **Appeal**: if the three-Member Court of First Instance dismisses the recourse, the applicant is entitled to appeal the decision before the five-Member Administrative Court of Appeals within sixty days from official notification of the decision. If the Administrative Court of Appeals dismisses the appeal, recourse before the Council of State within sixty days from the notification of the decision is possible. **Marking of registered goods**: not compulsory. **Correction of registration**: not possible. **Penalty for infringement**: imprisonment from three months up to five years and a fine, either one or the other of these penalties; even when the infringing party is not found guilty of fraud, the court as a rule orders the destruction of any counterfeit or imitative marks as well as of the products on which such trademarks have been used, if the marks cannot be removed and destroyed separately; a claim for damages may also be brought against the infringing party. **Assignment**: a trademark may be transferred independently of any transfer of the undertaking or the goodwill. **Licensing**: licenses must be registered. Licensing for the use of a trademark may be allowed by the Administrative Trademark Committee, provided that consumers are not misled thereby and that said use does not contravene the public interest. Sub-licensing is permissible. On the licensor's written consent the licensee can be entitled to initiate proceedings for infringement. **Kind of property**: exclusive property is acquired by registration. **Use of a trademark**: is compulsory for the maintenance of a mark in Greece. However, use of a trademark is not examined on an ex officio basis and is therefore not at issue in the renewal process. A registered trademark can be cancelled pursuant to the petition of any interested party, if not used in Greece within five years from registration. A trademark is also liable to be cancelled if, for a period of five consecutive years, the owner has ceased to offer the products concerned for sale. The following are considered to constitute valid use under current Greek Law: (a) use of a mark in form which diverges slightly from the registered form, provided that the distinctive nature thereof is not transformed; (b) affixing the mark to the product or to its package; (c) use in connection with the goods or services (i.e. invoices, stationery); (d) authorized use by a licensee; (e) the export of marked goods or services to other countries; (f) use at exhibitions and fairs held in Greece evidences the intent to use the mark in Greece and may therefore serve to rebut a third party's contentions of non-use under certain circumstances. Trademark renewal and nominal use such as publication and/or advertisements in newspapers do not validly support trademark use under Greek Law. **Opposition**: within four months from the date of advertisement of the acceptance of the application in the Official Gazette, but action may also be instituted prior to such publication. **Appeal**: within two months from the date of notification of the decision which is being appealed.

### 6. MODIFICATION OF PROTECTION AFTER REGISTRATION

**Rights of prior user:** provided for. **Cancellation:** protection is refused after registration only if the trademark is cancelled either for likelihood of confusion or for non-use, or because it has become the common name in the trade for a product or service in consequence of acts or inactivity of the proprietor, or it is liable to mislead the public in consequence of the use made of it by the proprietor, according to provision 17 of the Greek Trade Mark Law, No. 2239/94.

### 7. COMMUNITY TRADEMARK CONVERSIONS

**Filing requirements** for conversion of a Community trademark application into a national application in Greece:

1. A power of attorney, duly signed by the party requesting the conversion;
2. 1 copy of the Community trademark application as filed;
3. 1 copy of the Notification of a request for Conversion to National Offices pursuant to Article 112 Council Regulation (EC) No. 207/2009 and Rule 44 IR, evidencing the member States for which the conversion has been requested;
4. 1 copy of the transmission of a request for conversion to National Offices pursuant to Article 113(3) Council Regulation (EC) No. 207/2009;
5. 10 copies of the mark in black and white composition (no larger than 9 x 8 cm) and, if applicable, 15 copies of the mark in its colored composition.

**Note:** the above documents and copies of the mark must be filed with the Greek Trademark Office within two months from the date of the related communication sent by the Trademark Office to the applicant or trademark owner. **Examination:** as to form, inherent registrability, and as to likelihood of confusion with prior registrations by the Examiner, who reports on each application during a hearing before the Administrative Trademark Committee.

### 8. INTERNATIONAL TRADEMARKS

International applications designating Greece and extensions of International registrations receive the same treatment as national ones, namely they are examined and, if accepted, are published for opposition purposes. As a very high percentage of applications when examined by the Greek Examiner encounter problems of one sort or another, it would be advisable for the applicant to retain a domestic representative to represent him before the local Office already at the examination stage in order to put forward the most suitable arguments during the examination procedure.

If the trademark is refused at the examination stage, the applicant is entitled to file recourse, which, however, entails lengthy proceedings.

### 9. INTERNATIONAL TRADEMARK "TRANSFORMATION"

**Filing requirements** for "transformation" of an International Trademark into a National Trademark in Greece:

1. A power of attorney, duly signed by the party requesting the "transformation";
2. 10 copies of the mark in black and white composition (no larger than 9 x 8 cm) and, if applicable, 15 copies of the mark in its colored composition.

The application for the "transformation" of an International registration receives the same treatment as national applications.

### 10. REPLACEMENT OF A NATIONAL TRADEMARK BY AN INTERNATIONAL ONE

In order for a national trademark to be replaced by an International one in the Greek Trademark Register, a new petition for replacement is required provided that the goods and/or services listed in the International registration are also listed in the national one. International trademarks which

replace national ones receive the same treatment as national trademarks, as far as the examination procedures are concerned, unless examined prior to the filing of the petition for replacement.

## V. DESIGNS AND MODELS

1. LEGAL BASIS
2. MEMBERSHIP IN INTERNATIONAL CONVENTIONS
3. FILING
4. EXAMINATION PROCEDURE
5. GRANTING
6. MISCELLANEOUS

### 1. LEGAL BASIS

- Law No. 2417 of July 3, 1996.
- Presidential Decree 259/97, effective as of September 19, 1997.
- Directive 98/71/EC implemented with Presidential Decree 161/2002, effective from October 28, 2001.
- Council Regulation 6/2002/EC on Community Designs.

### 2. MEMBERSHIP IN INTERNATIONAL CONVENTIONS

- Convention Establishing the World Intellectual Property Organization (WIPO), since March 4, 1976.
- Paris Convention for the Protection of Industrial Property, Stockholm Act since July 15, 1976.
- Hague Agreement Concerning the International Registration of Industrial Designs (Complementary Act of Stockholm, 1967), as revised on September 28, 1979.
- The Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Apostille), since May 18, 1985.
- TRIPS Agreement, implemented since January 1, 1996.
- Locarno Agreement Establishing an International Classification for Industrial Designs, since September 4, 1999.

### 3. FILING

**Right to the design and model:** belongs to the designer or his successors in right. Documentation reflecting the form of succession is required if the designer is an employee of the applicant or if the designer has assigned his/her rights to the applicant. **Protection:** to the extent that a design or model is absolutely new within the Community and has an individual character. Component part designs are considered to be new and endowed with individual character if they are visible during the normal use of the product and to the extent that the visible features of the component part fulfill, in themselves, the requirement as to novelty and individual character. **Novelty:** absolute novelty within the European Union. **Novelty grace period:** novelty is not destroyed if the design was made known to the public within twelve months prior to the filing of the application with the Hellenic Patent Office (O.B.I.). **Exhibition exception:** the novelty of the design is not jeopardized when the design was shown during an international exposition (according to the Paris Convention concerning international expositions) no earlier than six months preceding the filing of the design application in Greece. In this case the applicant should state that the design has been so displayed and should file the relevant supporting certificate when filing the design application. **Multiple applications:** of up to fifty designs are acceptable, provided that the goods to which they will be incorporated belong to the same subclass.

**Requirements** (to be sent to resident agent for filing of application):

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1. Power of attorney, simply signed by the applicant;
2. Graphic representation or original photograph in quadruplicate (max. size: 16 x 16 cm);
3. Priority documents, if claimed;
4. Documentation regarding succession, if applicable, either notarized or legalized by Apostille. For U.S. applicants a certified copy of the U.S. assignment is sufficient.

**Priority:** must be claimed within six months of the priority date.

### 4. EXAMINATION PROCEDURE

The application is examined only as to formal requirements.

### 5. GRANTING

**Ownership:** registration of a design is a prima facie evidence of ownership. **Duration - renewal:** registration of a design confers upon its holder the exclusive right to use that design for a maximum period of twenty-five years, subject to renewal every five years. **Assignments - licenses:** must be recorded with the Greek Industrial Property Organization.

### 6. MISCELLANEOUS

**Deferred publication:** possible upon payment of additional fees. Publication may be deferred for a maximum period of twelve months from the filing of the related design application.

## VI. TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS

**Applications** for the protection of computer mask works such as are used in the manufacture of semiconductor chips must be filed within two years from the date of first commercial exploitation. **Applicant:** can be a citizen or resident of one of the EU States or the other States mentioned in the Decree or a company or firm carrying on substantial business in an EU member State. **Description:** the application must be accompanied by a brief description of the topography, drawings or photographs showing the whole topography layout or each single layer or the mask works for manufacturing the semiconductor product. **Duration of protection:** protection is granted up to the end of the tenth calendar year in which the topography was registered or commercially exploited, whichever date was earlier.

## VII. DOMAIN NAMES

1. LEGAL BASIS
2. FILING
3. REGISTRATION, PROTECTION
4. REGISTRATION AUTHORITY - REGISTRY

### 1. LEGAL BASIS

Administrative regulations on the organization and management of country code top-level .gr domain names are in force in Greek jurisdiction (Regulation No. 351/76/20-5-2005).

### 2. FILING

**Country code top-level domain name:** .gr **Sub-domains:** .com.gr; .edu.gr; .org.gr; .net.gr  
**Applicant:** individuals and legal entities. **Restriction as to nationality:** none. **Local presence:** not required. **Domestic trademark right:** not required for obtaining domain name registration. **Domain name can be registered as a trademark:** yes. **Note:** following the implementation of Regulation No. 351/76/20-5-2005, .gr domains can also be registered solely in Greek characters (but no mixed Latin and Greek characters in a single domain).

## 3. REGISTRATION, PROTECTION

**Duration:** two years. **Renewal/maintenance:** two years, renewable. **Dispute about ownership:** to be brought before the national courts and/or the National Telecommunications and Post Commission, as per Regulation No. 351/76/20-5-2005. **Uniform dispute resolution procedure:** none.

## 4. REGISTRATION AUTHORITY - REGISTRY

**Authority name:** from July 1, 2004, private online Registrars are responsible for registrations. The accreditation process is conducted by the National Telecommunications and Post Commission.

**Internet address:** <https://grweb.ics.forth.gr/>

# VIII. PUBLICATIONS

## OFFICIAL PUBLICATIONS

- The Official Gazette of Industrial Property, in which all accepted trademark applications are published for opposition purposes, is issued every month.
- Special Industrial Property Bulletin, a monthly issue of the Industrial Property Organization (O.B.I.), comprising a summary of granted national patents and of European patents validated in Greece.

## LITERATURE

- Commercial Law Review (Epitheorisis Emborikou Dikaiou).
- New Inventions (Nees Efevresis).
- Overview of Commercial Law (Episkopisi Emborikou Dikaiou).
- Business and Company Law (Dikaiou Epichiriseon kai Etairion).
- Administrative Process (Diikitiki Diki).

# IX. OFFICES AND AGENTS

## OFFICES

- O.B.I. (Industrial Property Organisation), Pandanassis Street 5, 15125 Paradissos Amaroussiou, e-mail: [info@obi.gr](mailto:info@obi.gr) ; Internet address: [www.obi.gr](http://www.obi.gr)
- Office of Trade Marks and Industrial Property, Ministry of Commerce, Place Kaning, 10181 Athens. Internet address: [www.gge.gr](http://www.gge.gr)

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