

GREECE

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COUNTRY DATA

Official Name: Elleniki Dimokratia (Hellenic Republic) or Ellas (Greece)

Capital: Athens

Major Cities: Thessaloniki, Patras

Area: 131,957 km²

Population: 10,269,000

Languages: Greek

Currency: Euro

GNP: US\$ 11,430.00 per head

Main Products: Wheat, barley, maize, sugar beet, fruit, vegetables, cheese, wine, olives, textiles, chemicals, metals, tobacco, tourism, shipping

GMT: +2

INTERNATIONAL CONVENTIONS

WIPO, March 4, 1976; WTO, January 1, 1995.

Paris Convention, October 2, 1924 (Stockholm, July 15, 1976); Madrid Protocol, October 10, 2000 (having declared that the limit to notify refusal of protection shall be eighteen (18) months) (individual fee payable); Nairobi Treaty, August 29, 1983; Nice Agreement (Geneva), November 7, 1998.

Berne Convention, November 9, 1920 (Paris, March 8, 1976); Rome Convention, January 6, 1993; Phonograms Convention, February 9, 1994; Satellites Convention, October 22, 1991.

Hague Agreement (Hague, Stockholm), April 18, 1997; Locarno Agreement, September 4, 1999.

Patent Cooperation Treaty, October 9, 1990; Strasbourg Agreement, October 21, 1997; Budapest Treaty, October 30, 1993.

Hague Convention (legalisation), May 18, 1985.

TRIPS Agreement, implemented since January 1, 1996 by Law No. 2290/1995

Nice Agreement concerning the International Classification of goods and Services for the purposes of Registration of Marks, 8th Edition, since January 2002. Protocol Relating to the Madrid Agreement concerning the International Registration of Marks, as implemented pursuant to Ministerial Decision No. K4-307 of January 2, 2001.

TRADE MARK LEGISLATION

Trade Mark Law No. 1998 of 1939, as amended by Presidential Decree No. 317/1992, implementing E.U. Directive No. 89/104; the 1939 Law has been replaced by the Trade Mark Law No. 2239/1994, effective November 1, 1994.

OTHER LEGISLATION

Unfair Competition Law No. 146/1914, effective January 21, 1914; Anti-Trust Law No. 703/1977, as amended by Laws 1834/91, 2000/91, and 2966/95, effective February 13, 1995; Presidential Decree No. 81/1993 on the Protection of Appellations of Origin for Agricultural Products; Law 2251/94 on Consumer Protection and Comparative and Misleading Advertising, effective November 16, 1994, as amended by Law 2741/1999.

Copyright Law No. 2121/1993, amended in part by Law No. 2819/2000.

1 RIGHTS IN REGISTERED AND UNREGISTERED MARKS

1.1 Creation of rights

First to file acquires exclusive rights in the jurisdiction, but rights based on extended “prior use” in Greece are enforceable.

1.2 Rights afforded by registration

Registration confers the right to the exclusive use of the mark and the right to bring any action such as Oppositions, Infringement Actions, etc.

1.3 Status of unregistered mark

An unregistered trade mark enjoys no trade mark protection. However, it can be protected as a “distinguishing feature” under the provisions of the Law on Unfair Competition. Further rights acquired by use are enforceable against applications for registration of similar or identical marks, constituting the basis for opposition against such applications.

1.4 Compulsory registration

Registration of trade marks used for pharmaceutical products is compulsory.

2 TYPES OF MARKS PROTECTABLE AND DEFINITION

2.1 Types of marks registrable

Trade marks, service marks, collective marks, house marks, and trade names.

2.2 Definition of “trade mark”

A trade mark is defined as a mark used in the course of trade in relation to goods or services in order to identify the origin of the goods or services of one undertaking and distinguish them from those of another.

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 their packaging, provided such signs are capable of distinguishing the goods or services of one undertaking from those of another undertaking.

2.3 Definition of “service mark”

See 2.2 above.

2.4 Prohibited marks

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 to 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 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.

3 BASIS OF APPLICATION OF REGISTRATION

3.1 Who is entitled to file

Any legal person, individuals, partnerships, charities, unincorporated associations with legal personality. Nationals of non-Paris Convention countries are required, on the basis of reciprocity, to file a copy of their home country certificate. Applicants are obligated by law to appoint a local Attorney for filing.

3.2 Restrictions on holding companies

A holding company can be the proprietor of the mark; however, the users of the mark must be recorded as registered users.

3.3 Bases available for application

No requirements; but see 3.1 above.

4 PREPARING THE APPLICATION

4.1 Classification system

International classification system of goods and services. New classes 42, 43, 44 and 45 have been introduced with effect from January 1, 2002. See also 11.2(3) below.

4.2 Service marks registrable

Service marks are registrable.

4.3 Multiple class applications

Multiple class applications available, with a reduction of the per class costs up to ten (10) classes.

4.4 Divisibility of multiple class applications

It is possible to sever a multiple class application allowing accepted classes to proceed to registration.

4.5 Specification drafting requirements

(1) Breadth of specification

Applications for "all goods" in a particular class are not accepted. The specification must state the full text of the relevant classification heading.

(2) Breadth of terms within specification

There is no specific provision or practice.

(3) Retail services—Mail order services

Specifications including retail services and mail order services are not accepted, but it is possible to cover retail/shopping under class 35 by using a special wording accepted by the Greek Trademark Office, in order to cover retail/shopping, which has come about pursuant to relevant Community case-law, and is the following: the "Bringing together, for the benefit of others, and variety of goods - excluding transport - to enable consumers to view and buy products".

5 DOCUMENTS REQUIRED FOR FILING THE APPLICATION

5.1 Documents requiring applicant's signature and execution formalities

Power of Attorney, general or specific, simply signed and sealed; legalisation by Apostille or Greek Consul is required only if the power is to be used for actions before the Trade Committee and/or Administrative Court.

5.2 Documentation required to substantiate basis of application and formalities

No proof of home registration is required. The only exception is when the home country of the applicant is Taiwan.

5.3 Other documents required and formalities

None.

5.4 Representations of mark

Ten (10) prints for composite marks and ten (10) additional colour prints where colours are claimed, 9 x 8 cm (max).

5.5 General powers accepted

A general power is accepted and remains valid for a period of five (5) years. Powers must be executed by an authorised officer, whose name and capacity are explicitly mentioned in the power. The Trade Mark Office does not examine whether the signatory is a corporate officer or whether his power emanates from a temporary delegation of authority. Powers executed by the applicant's in-house counsel are acceptable. It is not necessary to attach to the submitted power a copy of the delegation.

The signature on the documents submitted before the Greek authorities must be an original handwritten signature.

5.6 Minimum documents necessary in order to obtain filing date

- Application form prepared locally;
- Power of Attorney

6 EXAMINATION FOR REGISTRATION

6.1 Extent of examination

For formalities, absolute and relative grounds for refusal.

6.2 Requirements for registration

(1) General requirements

Once a trademark application overcomes possible objections to its registration such as in paragraph 6.1 above, then it is eligible for registration.

(2) Slogans

In principle slogans do not fall into any special category and are treated as ordinary trade marks under the Greek Trade Mark Law. If objections of any nature are raised, it is necessary to submit evidence of the slogan's acceptance for registration in as many jurisdictions as possible.

(3) Devices

Designs, labels, seals, and signatures are registrable.

(4) Three dimensional signs

Three dimensional shapes, packaging configurations and trade dress, are registrable.

(5) Colours

Combinations of colours are registrable, provided they are very original. There is no decision yet accepting a trademark consisting only of a single colour.

(6) Holograms

Registrable.

(7) Sounds

Sounds, including musical phrases, are registrable. The Greek Trademark Office has not yet implemented the requirements for such filings.

(8) Smells

Same as above.

6.3 Marks not registrable

(1) Generic and descriptive marks

The following may not be registered:

- signs which do not constitute a trade mark under the law;
- marks which lack distinctiveness;

- marks which consist exclusively of signs or indications which may be used in trade to designate the kind, quality, features, quantity, purpose, value, geographical origin, or time of production of the product, or rendering of the service or other characteristics of the goods or services;
- marks which consist exclusively of signs that are customary in current language or in good faith and established trade practices;
- signs which consist exclusively of the shape of the goods, where that shape results from the nature of the goods themselves, is necessary to achieve a technical result or adds substantial value to the goods.

(2) Deceptive marks

Marks which are liable to deceive the public, in particular as to the nature, quality or geographical origin of the goods or services.

(3) Immoral or contrary to public order marks

Marks which are contrary to public policy and accepted principles of morality may not be registered.

(4) Marks in conflict with a mark accorded a prior right

The following may not be registered:

- a mark identical to an earlier trade mark regarding identical goods or services;
- a mark identical to an earlier trade mark regarding similar goods or services, or similar to an earlier trade mark regarding identical or similar goods or services, if there exists a likelihood of confusion on the part of the public, including the likelihood of association with the earlier mark;
- a mark identical to or similar to an earlier trade mark regarding dissimilar goods, if the earlier mark has acquired a reputation and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark;
- a mark the use of which is liable to be prevented by virtue of any rule of law protecting unregistered marks or other signs used in trade, provided that the relevant rights have been acquired prior to the date of filing of the application;
- a mark which is in conflict with other prior intellectual or industrial property rights;
- a mark which is in conflict with another party's personality right;
- a mark the use of which is liable to cause confusion with a mark which is registered and used outside Greece at the time of filing of the application in Greece, if the application is filed in bad faith.

Note that an earlier right means a trade mark, including a Community trade mark, with an earlier registration or application date, taking account of any claimed priorities, or a well known mark according to Article 6bis.

(5) Other marks not registrable

Marks applied for in bad faith may not be registered.

Signs of significant symbolic value, and in particular religious symbols, representations or words, may not be registered.

6.4 Well known marks (Article 6bis)

Article 6bis is applied. Well known marks may also be protected under the Unfair Competition Law irrespective of their registration or not in Greece.

6.5 Qualified registrability

(1)A Geographical designations

In general they are not considered to be registrable; however, there are decisions ruling that such terms are registrable on their own if the place indicated is not known for, or associated with, the designated products or services.

(1)B Geographical designations for goods not linked with the designated geographical area

Geographical designations for goods not associated with a particular geographical area would be accepted for registration since they would not be deemed to mislead consumers as to the origin, characteristics, or qualities of the relevant products.

(2) Surnames

Registrable, provided that the applicant is the lawful bearer of the surname, or the application is filed with his written consent.

(3) Forenames

Registrable, but distinctiveness must be proved.

(4) Letters not forming a pronounceable word

Registrable.

(5) Monograms

Registrable.

(6) Numbers

Registrable.

(7) Alpha-numeric marks

Registrable.

(8) Foreign words

Registrable.

6.6 Other conditions

(1) Disclaimers

Voluntary disclaimers are accepted under the new law; they may be filed at any stage before the Second Instance Administrative Tribunal.

(2) Associations

No provision.

(3) Series of marks

Registrable.

(4) Further conditions

No provision.

6.7 Consents

Letters of consent from the holder of a prior right are taken into consideration, but without being considered binding. The Trade Mark Committee will also consider “the public interest and/or the risk of confusion”. The letter of consent must be signed and certified by Apostille. The letter must be filed at the time of the hearing when the proposed trade mark application is examined by the Trade Marks Committee.

6.8 Examination notes

Examination pertains to form, inherent registrability and likelihood of confusion with prior registrations and is conducted by the Examiner, who reports on each specific application during a hearing before the 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. In the case of an application for registration being rejected the applicant has the right to appeal to the Administrative Court of First Instance, within a period of sixty (60) days of notification of the decision; further appeal lies

to the Administrative Court of Second Instance, and finally to the Council of State, within a period of thirty (30) days of notification of each decision respectively.

7 PRIORITY APPLICATIONS

7.1 International (Paris Convention) priority

(1) Availability

International priority is available under the Paris Convention.

(2) Requirements

- (a) Name of the country from which priority arises–Yes.
- (b) Application number–Yes.
- (c) Application date–Yes.
- (d) Proof required to support priority claim–A certified copy of the Convention application must be filed within three (3) months of the filing date of the application in Greece.
- (e) Other requirements
 - (i) Priority must be claimed at the time of filing the trademark application–Yes.
 - (ii) Partial priority available–Yes.
 - (iii) Multiple priority available–Yes.

7.2 Other priority arrangements

A six (6) month priority may be claimed on the basis of bilateral agreements with Taiwan.

7.3 Priority notes

Note that the goods or services for which priority is sought in Greece must be identical to those specified in the priority document; reference to the class heading in the priority document would not cover specific goods mentioned in the application filed in Greece.

8 OPPOSITION

8.1 Opposition procedure provided for

Opposition is possible.

8.2 Forum

Opposition is formally taken up and decided by the Trade Mark Office (Administrative Trade Marks Committee); the decisions of the Committee can be appealed to the Administrative Court of First Instance, with further appeal to the Administrative Court of Second Instance, and finally to the Council of State.

8.3 Who has standing to oppose

Any person with a legal interest, including the Chamber of Commerce, consumer associations, etc., on absolute grounds or bad faith.

8.4 Bases of opposition

- prior registration;
- prior application;
- prior use in Greece;
- ownership of a well known mark;
- proof of use, at the time the application is filed in Greece, of a trade mark registered abroad, provided the application in Greece is filed in bad faith.

8.5 Opposition term

Four (4) months from the 16th of the month following the month of advertisement of the application.

8.6 Extension of opposition term

No provision.

8.7 Suspension of opposition proceedings

While it is not possible to stay or suspend opposition proceedings, pending the outcome of negotiations between the parties, it is usually possible to delay opposition proceedings pending the outcome of negotiations between the parties by obtaining postponements of the related hearing before the Trade Marks Committee or Administrative Courts.

8.8 Documents

(1) Documents required to place opposition on file

- Oppositions are filed with the Trade Mark Committee in the form of court briefs;
- A power of attorney must be submitted to the Committee when the Opposition is heard before the Trademark Committee, along with the written arguments filed in support of the Opposition.

(2) Documents required to sustain opposition and defend against opposition

Upon filing of the opposition a hearing date is set by the Trade Mark Committee Secretariat. The applicant is required to attend. At the hearing a deadline for the submission of written arguments by both parties is set. A subsequent deadline for the submission of rebuttal arguments and all supporting materials is also set at the hearing.

8.9 Notes on opposition

No further notes.

9 CANCELLATIONS

9.1 Cancellation

Cancellation is possible.

9.2 Forum

Cancellation is formally taken up and decided by the Administrative Trade Marks Committee. The decisions of the Committee can be appealed to the Administrative Court of First Instance, further to the Administrative Court of Second Instance, and finally to the Council of State.

9.3 Who has standing to cancel

Any natural person or legal entity with legitimate interest, including the Chamber of Commerce, etc.

9.4 Bases of cancellation

- prior registration;
- prior application;
- prior use in Greece;
- proof of use, at the time the application is filed in Greece, of a trade mark registered abroad, provided the application in Greece is filed in bad faith;
- non-use;
- if the trade mark has become a common name;
- if, as a consequence of the proprietor's use, it is liable to mislead the public as to the nature, quality or geographical origin of the marked product.

9.5 Cancellation term

Registration becomes incontestable after a period of five (5) years of the registration date unless registration has been obtained in bad faith. Cancellation for non-use is possible only after 5 years have lapsed from the date of registration.

9.6 Notes on cancellation

No further notes.

10 TERMS OF REGISTRATION

10.1 First term of registration

Ten (10) years from the filing date of the application.

10.2 Subsequent terms

Every ten (10) years thereafter.

10.3 Effective date of current rules

November 1, 1994.

11 RENEWAL REQUIREMENTS AND PROCEDURE

11.1 Effect of renewal

Renewal is a pre-condition for the continuation of rights conferred by the original registration.

11.2 Procedure for renewal

(1) Proof of use on renewal

None required.

(2) Renewal documents

(a) Documents requiring registrant's signature and execution formalities—Valid Power of Attorney, in the name of the Attorney responsible for the renewal of the particular trademark.

(b) Other documents required and formalities—None.

(3) Reclassification on renewal

Reclassification may be required in respect of classes 42, 43, 44 and 45.

11.3 Special renewal rules

No special rules..

11.4 Renewal filing dates

Registrations may be renewed up to twelve (12) months prior to the expiration date without prejudice to the term of registration.

11.5 Late renewal

Late renewal is possible within a period of six (6) months of the renewal due date, upon payment of an additional fee.

11.6 Restoration

No provision.

11.7 Registration by another prohibited

No specific provision.

11.8 Notes on renewal

No further notes.

12 MAINTENANCE REQUIREMENTS

12.1 Use

If the mark is not used for any period of five (5) consecutive years following registration, it becomes vulnerable to a cancellation action (1) Documents requiring proprietor's signature and execution formalities

Not applicable.

(2) Other documents required and formalities

Not applicable.

12.2 Use as registered provisions

Use of the trade mark in a form slightly differing in elements which do not alter the distinctive character of the mark as registered is considered valid.

12.3 Fees

If action is taken against a non-used trademark, official fees are payable.

12.4 Taxes

No specific provision.

12.5 Marking

(1) Wording for notice

“Registered Trademark” in Greek or ® optional. Note that marking is not permissible prior to the registration of the trade mark.

(2) Effect of using notice

Using such a notice would create the presumption that the actions of the infringer are effected in bad faith.

(3) False claim of registration

Prosecution is available in the form of civil court proceedings, under Unfair Competition Law.

13 ASSIGNMENTS

13.1 Documents and their execution

(1) Assignment documents

Both parties must sign; legalisation of the assignor’s signature by Apostille or Greek Consul is required.

(2) Other documents requiring signature

Power of Attorney by the assignee, simply signed and sealed.

(3) Other documents required

None.

(4) Language of documentation

Documents can be executed in Greek or any other language, provided it is translated and authenticated by a licensed Attorney.

13.2 Recordation requirements

Recordation is required.

13.3 Effect of recordation

Recordation is a condition for the new owner of the trade mark to enforce his rights; the assignment becomes effective against third parties. A non-recorded owner has no locus standi for potential action.

13.4 Time limits for recording a deed of assignment—Effect of non-recording within the limit of time

No time limits.

13.5 Acceptable consideration

(1) Rules regarding consideration

- (a) Required—Consideration need not be stated.
- (b) Amount—No provision.
- (c) Nominal consideration acceptable—A nominal consideration may be stated.
- (d) Acceptable amount—The amount of U.K.£1.00 would be acceptable.

13.6 Tax implications

If the assignment is between a Greek and a foreign national, the Greek national is obligated to pay taxes in that regard.

13.7 Stamp duty

No provision.

13.8 Goodwill

Assignments may be made with or without goodwill and it is not necessary to refer to goodwill in the deed.

13.9 Partial assignments

It is possible to partially assign a registration, provided that the goods/services to be assigned are included in the specification and that the assignment will result in entirely distinct goods/services coverage. For example, it is not possible to assign “software for industrial use” and retain “software for consumer use”; however, it would be possible to assign “software” and retain “sunglasses”.

13.10 Pending applications assignable

Pending applications may be assigned, and the assignment will be recorded prior to registration.

13.11 Unregistered marks

The assignment of unregistered marks is legally recognised between the parties to the assignment, under civil law provisions and not trademark law provisions.

13.12 Association requirements

No association requirements.

13.13 Notes on assignments

No further notes.

14 MERGERS

14.1 Documents and their execution

(1) Merger documents

Certificate from the Register of Companies, Secretary of State, Commercial Register or a Notary Certificate evidencing the merger, or a certified copy of the merger deed; legalisation by Apostille or Greek Consul is required.

(2) Other documents requiring signature

Power of Attorney, simply signed and stamped with the new entity's seal.

(3) Other documents required

None.

(4) Language

Documents can be executed in Greek or any other language, provided it is translated and authenticated by a licensed Attorney.

14.2 Recordation requirements

Recordation is required.

14.3 Effect of recordation

Following recordation the transfer of rights becomes effective against third parties, and the new entity may effect all post recordation actions under its own name. A non-recorded owner has no locus standi for potential action.

14.4 Notes on mergers

No further notes.

15 CHANGE OF NAME

15.1 Documents and their execution

(1) Change of name documents

Certificate from the Register of Companies, Secretary of State, Commercial Register or a Notary Certificate, legalised or certified by Apostille or Greek Consul is required.

(2) Documents requiring signature

Power of Attorney, simply signed and sealed under the new name.

(3) Other documents required

None.

(4) Language

Documents must be executed in Greek or filed together with a translation.

15.2 Recordation requirements

Recordation is advisable.

15.3 Effect of recordation

Following recordation the registrant may effect all post recordation actions under the new name.

15.4 Notes on changes of names

No further notes.

16 SECURITY INTERESTS

16.1 Concept recognised

The concept is recognised.

16.2 Recordation requirements

(1) Recordation requirements within Trade Mark Office

The interest would have to be recorded in order to be effective against third parties.

(2) Other recordation requirements

No provision.

16.3 Enforceability

The rights in marks would be sold in an auction.

16.4 Notes on security interests

Notice that rights in a trademark which consist or include one's name cannot be alienated in any proceedings; accordingly, during bankruptcy, etc., rights against a trade mark which incorporates the name of the registrant would not be enforceable.

17 LICENSING

17.1 Concept recognised

The concept is recognised.

17.2 Quality control requirements

Minimum objective quality specifications.

17.3 Manner of control

Not applicable.

17.4 Recordation

Recordation is required.

17.5 Effect of recordation

The agreement becomes effective against third parties, and use of the licensee inures to the benefit of the registrant.

17.6 Licensing of unregistered marks

Licensing of unregistered marks would only be effective between the parties.

17.7 Sublicensing

Sublicensing is recognised. The sublicense must be recorded.

17.8 Licensing notes

The licensee shall be entitled to institute proceedings for infringement, provided that the licensor's written consent has been provided. Note, too, that sub-licensing is allowed.

18 COMPARATIVE ADVERTISING

18.1 Statutory provisions

Comparative advertising is regulated by Article 9 of Law No. 2251/94 and it is allowed provided that (a) it is not misleading, (b) it is not likely to cause confusion, (c) it is not defamatory, (d) it does not take advantage of the reputation of another trade mark or of any other distinctive sign belonging to a competitor and (e) it is verifiable.

18.2 Comparative advertising notes

No further notes.

19 COLLECTIVE MARKS AND CERTIFICATION MARKS

19.1 Statutory provisions

Cooperatives, unions or associations, and public statutory bodies may apply for the registration of collective trade marks designating products sold by their members. Collective marks may not be transferred.

The application for their registration must be accompanied by the following documents: (i) the statutes of the association which applies for the collective marks; (ii) a declaration containing the title, headquarters, purpose, and full names of those representing the applicant under the law; (iii) a list of the members entitled to use the mark; (iv) rules and regulations on the rights and obligations of the members; (v) proof of reciprocity, for foreign applicants; (vi) by-laws of the association. Documents must be legalised by Apostille or Greek Consul.

19.2 Collective marks and certification notes

Certification marks not provided for.

20 ENFORCEMENT OF RIGHTS

20.1 Acts constituting infringement

- use of an identical or confusingly similar mark in relation to goods or services covered by the registration;
- use of any sign where, by reason of its being identical or similar to the earlier trade mark and its use in respect of identical or similar goods or services to those covered by the registration, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association between the sign and the trade mark.

20.2 Relief which can be sought

Interlocutory injunctions, permanent injunctions, damages, delivery and destruction of infringing articles, publication of the decision, imposition of fines in the case of violation of the decision.

20.3 Procedure

Civil proceedings are instituted by the filing of a Petition for Interim Injunctions together with a Main Infringement Action. If the injunctions are granted, the Main Infringement Action may be terminated by an agreement between the parties settling the matter and litigation proceedings. Upon filing the Petition for Injunctions, the single-judge court sets a date of hearing. The plaintiff must serve a copy of the Petition on the defendant, communicating to him the date of the hearing. Both parties must be represented in court by an attorney, examine and cross-examine witnesses and file arguments in writing. The court renders its decision within a period of one (1) month of the date of hearing.

20.4 Expanded protection for “well known marks”

The owner of the mark is entitled to prevent all third parties from using any sign which is identical or similar to his trade mark in relation to goods or services which are not similar to those for which the trade mark is registered, where the mark has acquired reputation in Greece and where use of that sign would, without any due cause, take advantage of, or be detrimental to, the distinctive character or the repute of the earlier mark.

20.5 Criminal provisions

The new law creates the criminal offence of “counterfeiting”.

20.6 Enforcement notes

Unauthorised use of a trade mark as a domain name could be considered an act of unfair competition.

21 TRADE NAMES

21.1 Protection of trade/corporate names

Protection is available under: Law No. 1089/80 provides for the registration of a newly created trade/corporate name with the Chamber of Commerce within the jurisdiction of the enterprise’s headquarters; Law No. 146/1914 (on Unfair Competition Laws) and Article 58 of the Civil Code provide additional rights to proprietors of trade names.

Under Law No. 146/1914, the proprietor of a trade name has the right to restrain others from using the said same name in such a way as to cause confusion. In the event of foreseeable damage, the proprietor is entitled to indemnity; in the event of intentional use of the trade name, a term of imprisonment and fine may also be imposed on the infringer.

Article 58 of the Civil Code provides every person or company bearing a name, the right to challenge the unlawful use of the said name and demand a cessation of the offence and/or an injunction against future use. The remedy of damages is only available if the additional element of fault is established.

21.2 Prohibited trade/corporate names

Under Law No. 1089/80, the registration of identical or similar names as those previously registered in the Register of Names, for identical or similar business activities, is prohibited.

21.3 Conflict of rights between trade marks and trade names

Depending on the extent to which the trade/corporate name is known in business circles and the likelihood of confusion, a trade mark application for a trade/corporate name belonging to another is considered as an application made in bad faith and unacceptable for registration.

21.4 Protection under Article 8 of the Paris Convention

Protection is available under the direct invocation of Article 8, provided the name is well known or there is actual or intended local business activities.

22 UNFAIR COMPETITION

22.1 Unfair competition provisions

Law No. 146/1914 on Unfair Competition.

22.2 Unfair competitive acts

The general cause of action in respect of commercial, industrial and agricultural transactions is that any act which is opposed to morality is prohibited.

The general provision is complemented by specific causes of action on the use of a trade name, trade mark, and emblem.

22.3 Procedures, sanctions and remedies against unfair competitive practices

Under Law No. 146/1914, civil remedies include damages, removal and/or destruction of offending sign/name, and injunctive relief. Criminal prosecution is available.

An aggrieved party files a petition for injunction before the one-member District Court under the provisional remedies procedure; the aggrieved party simultaneously commences the main infringement proceedings.

23 DOMAIN NAMES

23.1 Domain names provisions/practice

Pursuant to Regulation No. 278/73, issued by the National Committee on Telecommunications and Post, domain names are registered by several approved registrars listed in the website of the Foundation for Research and Technology Hellas Institute of Computer Science, which can be found at: <https://grweb.ics.forth.gr>

A domain name may be registered as a trade mark.

A trade mark may be registered as a domain name.

Domain names are registered on a first come first served basis.

There is no case law yet on whether use of a sign as a domain name may be considered use of the same sign as a trade mark.

There is no recordation system for a security interest against a domain name.

23.2 Conflict of rights between trade marks and domain names

Conflicts between domain names and trade marks may be resolved on the basis of an established dispute resolution policy by the National Telecommunication Committee with a right of appeal before the courts.

24 GENERAL INFORMATION

24.1 Number of applications filed

6,746 applications were filed in the calendar year 2000.

24.2 Number of oppositions filed

270 oppositions were filed in the calendar year 2000.

24.3 Number of cancellation petitions filed

116 cancellation petitions were filed in the calendar year 2000.

24.4 Number of registrations in force

Information will be available in a future release.

24.5 Most popular classes of goods/services

Information will be available in a future release.

24.6 Recent trade mark jurisprudence *Aglukon Spezialdunger GmbH v. Aventis CropScience Aebe*, Court of First Instance, Athens, Provisional Measures Section, July 6, 2000—*Acquiescence*

The Court refused to grant a petition for an injunction in favour of the successor to the rights in a registered trade mark finding that both the successor and its predecessor had acquiesced in the unauthorised use of the trade mark for a period of six (6) years.

WORDPLUS, Court of First Instance, Athens, April 30, 1998—Broadening the scope of protection

The court upheld a Trade Mark Committee decision rejecting AT&T's application for *WORDPLUS*, holding that the applicant already enjoyed protection by virtue of a registration of *WORD PLUS* covering identical goods. The decision reflects a recent trend in Greek practice significantly broadening trade mark protection.

Fiat SpA v. Autoplaza s.a., Court of First Athens, Provisional Measures Section, May 26, 1999—Parallel imports

The decision reaffirmed the “selective distribution network” doctrine applied by Greek courts, as incorporated in Law No. 2239/1999 (Trade Mark Law), that affects the exhaustion of trade mark rights provision. The court enjoined the defendant, a parallel importer, from exhibiting the FIAT trade mark in its storefront, finding that this would actively mislead consumers to believe that it is a member of the selective distribution network that the plaintiff had established in Greece.

Jamont N.V., Administrative Court, Decision No. 16045, October 20, 1996—Registrability

On appeal the court reversed the finding that a device mark consisting of three paper-rolls for household purposes placed side by side and covered by a diagonal strip representing red tiles with water spots could be registered for “paper-rolls for household purposes”.

Gauber Srl, Administrative Court, Decision No. 2631, February 28, 1997—Personality rights

The court decided that the application for registration of LUCIANO PAVAROTTI did not violate the singer’s personality rights since he had agreed to registration and use of his name as a trade mark by the applicant.

Microsoft Corporation v. Armada OE, Court of First Instance, Athens, Provisional Measures Section, January 24, 2001—Domain names

The court ordered the Greek Domain Name Registrar to discontinue the defendant’s unauthorised registration of www.microsoft.gr, finding that registration and use of the domain name contravened the Greek law on unfair competition.

2004, Court of First Instance, Athens, Decision No. 9482/2000, published in 2/2001 Epitehorisi Dikaiou 354—2004

The court enjoined an investment company from using the indication “2004” on its own as an indication for one of its mutual funds holding that consumers could mistakenly presume an association between the investment company and the plaintiff, the Organising Committee for the 2004 Olympic Games.

BUICKS, Court of First Instance, Athens, December 31, 1999—Well known marks

The court reversed a decision of the Trade Mark Committee (Decision No. 9644/1996) that had rejected General Motor Corporation’s opposition against registration of BUICKS for clothes on the basis of its 1935 registration of BUICK for motor vehicles. The Committee had held that the mark could not be deemed famous within Greece and refused to take into account reputation outside Greece.

The court held that the Committee had erroneously failed to consider the significant reputation of BUICK on the international market.

GALLUP, INC. v. ICAP HELLAS A.E., Court of First Instance, Athens, October 29, 1999—Use of descriptive terms

ICAP had opposed GALLUP's application for registration of GALLUP for publishing and opinion poll services based on its use of the term in connection with its company name since 1984. The Court reversed the Trade Mark Committee's decision that had accepted the ICAP's claim (Decision No. 5732/1997). The court held that ICAP had not acquired any rights, since its use simply intended to express the idea of opinion polls conducted according to the methodology introduced G.H. Gallup and disseminated by GALLUP, INC.

HARIBO GmbH & Co. KG v. Vaharides G. – Tsiftsides C.O.E., Court of First Instance, Athens, November 30, 1999—Product similarity

The court found that croissants are similar to fruit-flavoured chewable candies since they serve the same needs, are intended for the same customers (predominantly children), and are typically sold in the same establishments. Both marks depicted yellow bears with red bow ties.

25 FEES

	Government fee	Attorney fee	Total
25.1 Filing			
One mark in one class	U.S.\$80.00	U.S.\$450.00	U.S.\$530.00
Each additional class	U.S.\$15.00	U.S.\$70.00	U.S.\$85.00
Late filing of documents			
25.2 Renewal and restoration			
Renewal of registration for each additional class	U.S.\$80.00	U.S.\$15.00	U.S.\$280.00
		U.S.\$65.00	U.S.\$360.00
			U.S.\$80.00
Restoration of mark to Register		not applicable	
25.3 Assignment			
One mark	U.S.\$75.00	U.S.\$285.00	U.S.\$360.00
Each subsequent mark	U.S.\$75.00	U.S.\$280.00	U.S.\$355.00
25.4 Notice of opposition–cancellation			
Notice of opposition	U.S.\$140.00	U.S.\$1,060.00	U.S.\$1,200.00
Petition to cancel	U.S.\$140.00	U.S.\$1,060.00	U.S.\$1,200.00

NOTES

Attorney fees may differ widely.

26 STAGES

The examination/hearing date is set on the day of filing and usually the hearing takes place within six (6) weeks of filing – at the hearing a deadline for a written response by applicant is set, at the discretion of the Trade Mark Committee; routinely set for a date between 5–8 days following the hearing; decisions are issued usually within a five (5) month period following the hearing – publication of the trade mark for opposition purposes takes place within three (3) months thereafter – the deadline for filing an opposition is four (4) months following the 16th day of the month after the actual publication date.

NOTES.

No further notes.