

**Decision No. 3738/2005 issued on 14 OCTOBER 2005**

**Case No. 26016/2001**

1. Affirmation/Recourse
2. National procedures

PRECIS: The Administrative Court of First Instance of Athens has affirmed a Trademark Committee decision to accept the trademark application IONA covering goods in class in Class 3 of the [Nice Classification](#). The court held that the mark was not confusingly similar to the preceding word mark YON-ka covering perfumes and cosmetics in Class 3 of the [Nice Classification](#).

**IONA acceptance affirmed**

The Administrative Court of First Instance of Athens has affirmed a Trademark Committee decision to accept the trademark application IONA covering cosmetics, skin cosmetics, bath cosmetics, hair products, sun-protection products, soaps, perfumes, etc. in Class 3 of the [Nice Classification](#) filed by the company IONA INTERNATIONAL CORPORATION with headquarters in Japan, and dismiss the Opposition thereto by the company MULTALER ET CIE with headquarters in France (Decision No. 7838/2001).

MULTALER ET CIE, a company with headquarters in France, filed Recourse with the Administrative Court of First Instance of Athens against the Trademark Committee's decision (No. 7838/2001) dismissing its Opposition against the acceptance of the trademark IONA on the basis of its prior registered trademark YON-ka (in special script) covering perfumes and cosmetics in Class 3 the [Nice Classification](#).

The Trademark Committee had dismissed the aforementioned Opposition based on the prior registered trademark YON-ka on the

ground that the new trademark application IONA is not confusingly similar to the prior registered trademark YON-ka also covering goods in Class 3, filed by the French company.

The Japanese company filed a Supplemental Intervention for the dismissal of the French company's Recourse before the Administrative Court of First Instance of Athens.

The Japanese company asserted that the risk of confusion to consumers is not likely in light of the fact that the respective marks are not similar, whether visually or phonetically, even if the goods respectively covered are similar.

In affirming the Committee's decision, the Court allowed the registration of the mark. It reasoned, among other things, that the visual and phonetic impression created to consumers by the respective trademarks is sufficiently distinct. This is due to the fact that the trademark under review is a simple word mark consisting of the word IONA, written in plain capital letters, while the prior registered trademark consists of two distinctly written syllables, YON- and -ka the second of which is written underneath the first in special lower case script, while the first syllable, YON, is written in plain capital letters. All the foregoing elements give the trademark under review sufficient distinctiveness per se and in any event render it easily distinguishable from the pre-existing mark YON-ka.

Thus the Court dismissed the Recourse, accepted the Supplemental Intervention and allowed the trademark IONA to proceed to registration.

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