

Decision No. 6991/2005 officially notified on 12 JANUARY 2006

Case No. 25098/2001

1. Reversal/Recourse
2. National procedures

PRECIS: The Administrative Court of First Instance of Athens has reversed a Trademark Committee decision to grant a cancellation petition for the trademark registration HENDI BAGS covering food-bags in class in Class 16 of the [Nice Classification](#). The court held that the mark was not confusingly similar to the well-known trademark FENDI for goods in classes 3, 16, 18, 24 and 25 of the [Nice Classification](#).

HENDI BAGS acceptance on recourse

The Administrative Court of First Instance of Athens has reversed a Trademark Committee decision to dismiss the trademark application covering HENDI BAGS covering food-bags in class in Class 16 of the [Nice Classification](#) filed by the company SANITAS – SANITAS S.A. with headquarters in Greece, and granted the Recourse for its acceptance filed by the latter company.

FENDI S.r.L. with headquarters in Italy, filed an Intervention, against the acceptance of the filed Recourse and ultimately for the dismissal of the trademark application HENDI BAGS.

In reviewing the facts, the Court held that the HENDI BAGS trademark was specifically aimed to distinguish food-bags, sold in supermarkets, etc. As such the likelihood of confusion of said trademark with the well-known designer brand bags, was averted. In any case, the HENDI BAGS trademark was sufficiently distinct from the FENDI mark, as it also included the word BAGS which is not

incorporated in the Greek vocabulary and as such it is not per se a descriptive term.

The Court of first Instance therefore granted the Recourse and allowed the HENDI BAGS trademark to proceed to registration.

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