

Decision No. 2190/2006 issued on 11 September 2006
Case No. 17819/2002

1. Affirmation/ opposition
2. National procedures

PRECIS: The Athens Administrative Court of First Instance has decided to affirm the decision of the Trademark Committee (No. 3090/2002, issued on 14 May 2002), and dismiss the Opposition filed against the trademark OLIVER (No. 146112, filed on 24 July 1999) by the Dutch company VALENTINO GLOBE B.V. (which belongs to the VALENTINO Group of the famous designer).

OLIVER acceptance affirmed despite VALENTINO's opposition & recourse

VALENTINO GLOBE B.V. a Dutch company, which belongs to the VALENTINO Group of the famous designer, (hereinafter called "VALENTINO") filed Recourse with the Athens Administrative Court of First Instance requesting the re-consideration of its Opposition launched against the mark OLIVER which was dismissed by the Trademark Committee. The trademark under review was OLIVER No. 146112, filed in the name of a Greek company with the distinguishing title "PRINCE OLIVER".

The legal basis of the Opposition and subsequent Recourse was two-fold:

- a) on the one hand, among else its prior registered national Greek trademark:



OLIVER & device

No. 102618 covering goods in class 25 (*Clothing, footwear, headwear, etc.*) and

- b) on the other hand, the fame of the particular mark, evidenced by registration certificates in a plethora of countries in Europe, Asia and the Middle East, etc. starting from 1986.

VALENTINO therefore alleged, on the basis of its above-referenced rights, that the Greek company's trademark OLIVER (covering goods in classes 3, 18 and 25) was capable of creating confusion to the consuming public, especially given the fact that the classes it covered absolutely coincided with the Greek and foreign OLIVER trademark registrations owned by VALENTINO.

The Trademark Committee was not convinced and it held, *inter alia*, that VALENTINO's prior registered mark was sufficiently different from the opposed trademark, as the former included the device of a dog and the characteristic letter V, which is the initial for the company VALENTINO.

The Trademark Committee was also not persuaded of the fame of the particular trademark, since it considered that the evidence submitted did not fulfill all the requirements for rendering a trademark "famous".

VALENTINO filed Recourse and the Athens Administrative Court of First Instance re-considered the matter on its merits and decided to affirm the Trademark Committee's decision.

The rationale of the Court adopted in its entirety that of the Trademark Committee and it therefore upheld the Trademark Committee's decision and dismissed VALENTINO's recourse.