

**Decision No. 8676/2006 issued on 22 January 2007**  
**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. 4090/2002), and dismiss the Opposition filed by KRAFT FOODS AS against the trademark CHOCO TWISTERS (No. 136047, filed on 21 July 1997) by the Greek company GIOTIS A.E.

**CHOCO TWISTERS acceptance affirmed despite KRAFT's opposition & recourse**

GIOTIS A.E. was faced with an Opposition and subsequent Recourse proceeding, initiated by KRAFT FOODS AS, concerning the former company's trademark application CHOCO TWISTERS, which allegedly conflicted with the Community Trademark TWIST owned by the latter company. Both marks covered chocolate in class 30.

The Athens Administrative Court of First Instance, in reviewing the Opposition and Recourse before it, determined that there were significant differences between the marks in question, which effectively averted the risk of confusion between the respective marks, by the consuming public.

In particular, by the mere fact that the CTM consisted of two words and the national trademark application by a single word, the Court was satisfied that the respective trademarks were quite distinct from each other.

Moreover, by comparing the resembling word TWISTERS and TWIST, the Court was satisfied that the overall visual and phonetic impression caused by the preceding mark was substantially different to the one created by the subsequent application.

Therefore, the Court dismissed the Recourse and Opposition and decided in favor of the Applicant.