

Decision No. 10308/2006 formally served on 18 April 2007
Case No. 7744/2002

1. Affirmation /Recourse
2. National Procedures

PRECIS: The Athens Administrative Court of First Instance has decided to affirm the decision of the Trademark Committee (No. 4411/24-05-2001), and dismiss the Recourse filed by the Greek company "Andrikopoulos Chr. and Fragoulias OE". The Court thus rejected the trademark application SNOOPY FAST FOOD & device of the well-known "Peanuts" character



(No. 133566, filed on 29 January 1997). In doing so, it also accepted the Supplementary Intervention filed against the acceptance of the above trademark application by the American company United Features Syndicate, which the owner of the copyright and trademarks of the well-known "Peanuts" characters, including "Snoopy", all of which were originally designed by Charles Schulz.

SNOOPY FAST FOOD & device rejected, on the ground of prior well-known trademarks and copyright, despite non-coinciding classes

When the trademark application SNOOPY FAST FOOD and device of "Snoopy" was published for Opposition purposes the United Features Syndicate filed Opposition against its registration, the said mark was rejected by the Trademark Committee on the ground that it is confusingly similar to the famous "Snoopy" marks, which belonged to the United Features Syndicate.

The Greek Applicant then filed recourse with the Athens Administrative Court of First Instance, based on the following grounds:

- a) That the trademark application SNOOPY FAST FOOD only covered "fast food and restaurant services" in class 42 and none of the prior registered "Snoopy" marks covered the same services in class 42.

- b) That there was no bad faith on the part of the Applicant, because different target groups were allegedly addressed by the respective sides' marks and thus there was no potential for confusion.
- c) That the trademark application SNOOPY FAST FOOD did not qualify as a "slavish imitation" of the "Snoopy" marks because it also contained the words FAST FOOD which differentiated it from the other preceding Snoopy marks.

The Administrative Court of First Instance, after assessing the facts before it, not only was convinced that the previous decision of the Trademark Committee was correct, but it took it upon itself to actually examine further aspects of the matter, such as copyright, in order to further elaborate on the reasons for which it deemed the trademark application SNOOPY FAST FOOD to be entirely unacceptable.

The Court, in its reasoning, highlighted the fact that the relevant copyright for the famous "Peanuts" characters, existed in many countries and substantiated the fame of the "Snoopy" character. In addition, the Court referred to the several cartoons and comics' publications of the "Peanuts" characters, which are very popular among the Greek public, and have been so, well before the filing of any "Snoopy" trademarks in Greece.

As such the Court dismissed the Applicant's arguments asserting lack of confusion on the basis of the allegedly different target groups addressed and with that, it also rejected the trademark application SNOOPY FAST FOOD and device. The Court held that the fame of the "Snoopy" character, was such, based on its copyright and other acquired rights, that the lack of coinciding classes covered by the respective sides' marks was an irrelevant factor in assessing the risk of confusion. The Court considered it quite likely that the general public may easily assume that a fast food or restaurant establishment operating under the mark SNOOPY FAST FOOD and "Snoopy" device, was somehow endorsed by the copyright / trademark owner of the "Snoopy" character, and that may serve as a "luring-in" means of attracting clientele.

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