

Decision No. 3935/2006 formally served on 23 July 2007
Case No. 307/2005

1. Affirmation / Appeal
2. National Procedures

PRECIS: The Athens Administrative Court of Appeals has decided to affirm the decision of the Athens Court of First Instance (No. 14935/2004), that accepted the Recourse filed by the Japanese company "HONDA KIGEN KOGYO KABUSHIKI KAISHA" against the Opposition filed by the Greek company "LOGO A.E." concerning the Japanese company's trademark application HONDA LOGO No. 136922. The Court thus rejected the assertion of the Greek company that the mark HONDA LOGO is confusingly similar with the LOGO company name and trademarks of the latter.

HONDA LOGO mark not capable of causing confusion with the LOGO company name and trademarks

The trademark application HONDA LOGO No. 136922, filed on 18 May 1998 by "HONDA KIGEN KOGYO KABUSHIKI KAISHA" covered vehicles and related goods in class 12.

The subsequent Opposition filed by LOGO A.E. against the trademark HONDA LOGO was based primarily on the ground that the trademark HONDA LOGO, which included the exact company name and trademarks of the company LOGO A.E., was filed in bad faith, because the name HONDA was allegedly not sufficient to avert the risk of confusion.

In its decision, the Court of Appeals took special note of the fact that the trademark under review actually consisted of two company names (HONDA and LOGO). Nevertheless it determined that the dominant part of the trademark HONDA LOGO was the word HONDA, which is per se sufficiently distinctive as a company name, trademark and distinguishing feature of HONDA.

This finding in conjunction with the fact that the Greek company is not active in the field of manufacturing vehicles etc. was sufficient for the Court of Appeals to determine that the trademark application HONDA LOGO for the particular goods in class 12 cannot cause confusion to the consuming public and thus dismiss the Opposition filed by LOGO A.E.

Eleni Lappa
Dr. Helen Papaconstantinou, John Filias & Associates
Athens