

Decision No. 10296/2008 issued on 16 December 2008
Case No. 134605/2008, filing no. 10133/2008

1. Petition for Injunction
2. National Procedures

The Greek company Stam. Mouyer S.A. founded in 1900 and incorporated in 1936, filed a Petition for Injunction against the Greek company I. Mouyer LLC et al in order to enjoin the latter from using the word MOUYER as a trademark, trade name, company name, distinguishing title, distinguishing feature of origin, etc. and from making any representations to the effect that they are related to the Petitioner, which owns a well-known chain of children's shoes in Greece.

It is characteristic that in a certain region of Athens, the two companies maintained their respective children's shoes' store almost side by side (on the same block, with just a few stores in between).

The Court took into account the prior rights of the Petitioner that dated back to at least 1936, from the incorporation of the company in its Societe Anonyme form, and the foundation of the company and its operation since 1900, as well as the trademark rights of the Petitioner which were filed later on.

Given the fame of the trade name and company name MOUYER (which is the last name of the founder of the company that filed the Petition for Injunction) and the extensive unregistered trademark rights from broad and well-known use of the brand MOUYER, in addition to the fact that the goods sold were identical by both parties, the Court granted the Petition for Injunction and issued an order enjoining the use of the mark trade name, distinguishing title/feature, etc. by the Respondent.