

GREECE

Havaianas acknowledged as a famous mark

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Under a recent judgement of the Specialized IP Civil Court the trade mark Havaianas was found to be a famous trade mark, which may enjoy broader protection provided by law for trade marks of such status.

More specifically, it was held that the infringement of well-known trade marks may be affirmed without recourse to likelihood of confusion. In this context, the Court found that the defendants tried to obtain unfair benefits from the appeal, reputation and prestige acquired by the claimants' famous trade mark, as well as to exploit without any costs and labour the claimants' long effort in the relevant course of business in order to develop and establish their repute.

Furthermore, the Court rejected the retailer/infringer's allegations about a supposedly very minor offering for sale of the infringing products as well as the wholesaler/infringer's allegations about manufacturing of very few infringing products, which were offered free of charge, as samples.

This is because it was shown in evidence that the retailer purchased infringing items for two summer-season periods and also the wholesaler purchased a mould appropriate for manufacturing infringing items, which both indicate that their intention was the massive manufacturing, offering for sale and commercial exploitation of said infringing products and not just their sampling.

The Court adopted in its reasoning long and stable CJEU case law regarding trade marks with a well-known status.