



# ICLG

The International Comparative Legal Guide to:

## Trade Marks 2018

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# Greece

Maria Kilimiris



Manolis Metaxakis



## Law Offices of Patrinos & Kilimiris

### 1 Relevant Authorities and Legislation

#### 1.1 What is the relevant trade mark authority in your jurisdiction?

The General Secretariat of Commerce of the Ministry of Development and Competitiveness is the relevant trade mark authority.

#### 1.2 What is the relevant trade mark legislation in your jurisdiction?

The relevant legislation is Law No. 4072/2012 (Articles 121–183 and 330), as currently applicable, following amendments made under Law No. 4155/2013.

### 2 Application for a Trade Mark

#### 2.1 What can be registered as a trade mark?

Words, letters, logos, the shape of goods or of the packaging and other traditional forms, and colours and colour combinations, where they become distinctive of the applicant's goods in commerce, can be registered as trade marks. The Greek Trademark Law also provides that sounds, including musical phrases, can be registered as trade marks if they are distinctive and can be presented in the form of a graphical representation.

#### 2.2 What cannot be registered as a trade mark?

The following cannot be registered as trade marks: trade marks that have no distinctive character; trade marks that consist exclusively of signs or designations which may be used in the trade to denote the kind, quality, attributes, quantity, purpose, value, geographical origin or time of production of the product or other characteristics of the product or the service, or which have become of common use; trade marks that consist exclusively of the shape imposed by the nature of the product or which is indispensable to obtain a technical result or which lends a substantial value to the product; trade marks that are contrary to public order and good morals, or mislead the public particularly as to the nature, quality or geographical origin of the product, including signs protected under EU law as appellation of origin for wines, spirits and agricultural products; the names of States, the flag, emblems, signs and seals of the Greek State and

other States referred to in Article 6ter of the Paris Convention on the protection of industrial property and on the conditions of this Article; and signs of great symbolic significance and of significant public interest – in particular, religious symbols, representations and words.

#### 2.3 What information is needed to register a trade mark?

The following information is needed:

- The full name and address of the applicant.
- A list of goods or services for which the trade mark will be registered.
- If priority is claimed, the priority date and priority number is requested.
- If colour is claimed by the applicant, this has to be specifically claimed.
- The trade mark application, as well as the representation of the mark to be filed, should be submitted both in physical and electronic form (CD or USB).

#### 2.4 What is the general procedure for trade mark registration?

Upon the filing of a trade mark application, and provided that the examiner raises no objection on either absolute or relative grounds, the trade mark is accepted for registration within a month from its filing and is published on the Secretariat's official website for opposition purposes. If an objection is raised by the examiner, the applicant may file observations within a month upon notification to support its trade mark application. If the applicant succeeds in overcoming the examiner's objection(s), the trade mark proceeds to registration as above. Otherwise, the applicant may file a complaint before the Trademarks Administrative Commission. If the Trademarks Administrative Commission upholds the rejection, the applicant may file a further appeal before the Administrative Court of First Instance (deadline: 60 days following notification). For that procedural point, the applicant may follow the judicial route, i.e. possible further appeal before the Administrative Court of Appeals (deadline: 60 days following notification) and a revision petition before the Council of State (deadline: 60 days following notification). If, at any of these stages, the trade mark application is accepted, the relevant judgment is published on the Secretariat's official website for opposition purposes.

#### 2.5 How is a trade mark adequately represented?

For word marks, the words can be simply represented.

For figurative marks, representation of the logo is sufficient.

When a colour is claimed, coloured prints of the trade mark are required.

Trade marks consisting of the shape of a product can be represented by photos of the product or a graphical representation of the shape of the product.

Three-dimensional trade marks can be presented in the form of graphical representation or photos.

## 2.6 How are goods and services described?

The 11<sup>th</sup> edition of the Nice Classification of goods and services is used.

It is permissible to claim whole-class headings; however, “all goods in class...” is not permissible.

## 2.7 What territories (including dependents, colonies, etc.) are or can be covered by a trade mark in your jurisdiction?

The whole country is covered by a trade mark registration. Local trade marks are not provided for by the law.

## 2.8 Who can own a trade mark in your jurisdiction?

A natural or legal entity may apply for a trade mark registration.

## 2.9 Can a trade mark acquire distinctive character through use?

A mark can be accepted for registration after *de facto* distinctiveness acquired through use has been shown. Use of the trade mark must be shown. The applicant must prove that its trade mark has been established in the relevant course of trade as a distinctive mark of the particular products or services within the Greek territory. The length of time required for such use, as well as the extent of use required, depend on the nature of products or services involved.

## 2.10 How long on average does registration take?

If no objection is raised during the *ex officio* examination, the trade mark application proceeds to registration within four months from filing. If an objection is raised but the applicant succeeds in overcoming the objection in the context of administrative proceedings, the trade mark application proceeds to registration within approximately one year from its filing at the latest.

## 2.11 What is the average cost of obtaining a trade mark in your jurisdiction?

The official fee for filing one trade mark application in one class is EUR 110. For each additional class, up to 10 classes, the official fee is EUR 20.

## 2.12 Is there more than one route to obtaining a registration in your jurisdiction?

A registration can be obtained by filing a Community trade mark or via the Madrid System for the International Registration of Trademarks.

## 2.13 Is a Power of Attorney needed?

If the trade mark application is filed by a proxy lawyer or an agent, a Power of Attorney must be filed with the Trademark Office. This document is requested at the time of the filing of a trade mark.

## 2.14 If so, does a Power of Attorney require notarisation and/or legalisation?

For the filing of a trade mark application, a Power of Attorney does not require any notarisation and/or legalisation.

## 2.15 How is priority claimed?

When filing a trade mark application, the applicant can claim a priority. The date of priority, as well as the filing number and goods covered by the prior foreign trade mark application, must be mentioned in the filing application. A certified copy of the foreign priority application must be filed with the Trademark Office within three months of the filing date of the national application.

## 2.16 Does your jurisdiction recognise Collective or Certification marks?

Collective trade marks are acceptable.

The only certification mark provided by the Greek Trademark Law is the Hellenic Trademark (HT), the trade mark for Greek products and services. Said mark is granted for goods and services that are manufactured or provided in Greece, and emphasises the Greek origin of the products/services. In order to grant a Certificate Mark, a certain procedure must be followed, beginning after issuance of the Regulation for the grant of a Certificate Mark for each category of goods and services each time. The law divides products and services into three (3) categories: (a) natural products; (b) processed natural products; and (c) remaining (industrial) products and services, and sets out some fundamental principles for the award of the HT in each category.

## 3 Absolute Grounds for Refusal

### 3.1 What are the absolute grounds for refusal of registration?

The following shall not be registered as trade marks:

- signs which are devoid of any distinctive character;
- trade marks which are descriptive;
- trade marks which consist exclusively of signs or indications which have become of common use;
- trade marks which consist exclusively of the shape which results from the nature of the goods themselves or which is necessary to obtain a technical result, or the shape which gives substantial value to the goods;
- trade marks which are contrary to public policy or to accepted principles of morality; and
- trade marks which may deceive the public as to the nature, quality or geographical origin of the goods or services and trade marks that consist of names of States, flags, emblems, symbols, escutcheon signs or hallmarks of the Greek State or of any other State covered by Article 6<sup>ter</sup> of the Paris Convention for the Protection of Industrial Property, as provided for therein. Furthermore, signs of great symbolic

value and significant public interest, particularly religious symbols, representations and words, shall not be registered as trade marks.

### 3.2 What are the ways to overcome an absolute grounds objection?

The applicant has the right to file observations against any possible objection based on absolute grounds. See also questions 2.4 and 2.9 above.

### 3.3 What is the right of appeal from a decision of refusal of registration from the Intellectual Property Office?

The decision can be appealed in its entirety. The applicant may file an appeal against the examiner's refusal before the Trademarks Administrative Commission. If the Trademarks Administrative Commission upholds said refusal, the applicant may further follow judicial proceedings before the Administrative Courts. See also question 2.4 above.

### 3.4 What is the route of appeal?

If an objection is raised by the examiner, the applicant may file observations within a month upon notification to support its trade mark application. If the applicant succeeds in overcoming the examiner's objection(s), the trade mark proceeds to registration as above. Otherwise, the applicant may file a complaint before the Trademarks Administrative Commission. If the Trademarks Administrative Commission upholds the rejection, the applicant may file a further appeal before the Administrative Court of First Instance (deadline: 60 days following notification). For that procedural point, the applicant may follow the judicial route, i.e. possible further appeal before the Administrative Court of Appeals (deadline: 60 days following notification) and a revision petition before the Council of State (deadline: 60 days following notification). If, at any of these stages, the trade mark application is accepted, the relevant judgment is published on the Secretariat's official website for opposition purposes.

## 4 Relative Grounds for Refusal

### 4.1 What are the relative grounds for refusal of registration?

A trade mark will be refused if it is found to be confusingly similar to: a) an earlier trade mark and the goods covered by the trade mark are also found to be similar or identical; b) a non-registered trade mark or any other distinctive sign or feature used in the course of trade which confers upon its owner the right to prohibit the use of any later trade mark; or c) an earlier right of personality or an intellectual or industrial property right, or if it is filed in bad faith.

Relative grounds based on a) may also be raised *ex officio* by the examiner.

### 4.2 Are there ways to overcome a relative grounds objection?

The applicant has the right to file observations against any possible objection based on relative grounds. See also questions 2.4 and 2.9 above.

### 4.3 What is the right of appeal from a decision of refusal of registration from the Intellectual Property Office?

See question 3.3 above.

### 4.4 What is the route of appeal?

See question 3.4 above.

## 5 Opposition

### 5.1 On what grounds can a trade mark be opposed?

An opposition may be based on absolute and/or relative grounds.

### 5.2 Who can oppose the registration of a trade mark in your jurisdiction?

Any person may file an opposition, provided that they show a legitimate interest. The opposition must be filed by the registered owner of the prior right or its registered licensee, depending on the terms of the licence agreement.

### 5.3 What is the procedure for opposition?

Following acceptance by the examiner, the trade mark is published for opposition purposes on the official website of the Greek Trademarks Office. Any third party showing a legitimate interest may file an opposition within three months from said publication (official fee payable: EUR 110). The opposition is heard before the Trademarks Administrative Commission and the parties have the right to file written observations within three days from the hearing (deadline extendible). A decision on the opposition is rendered within approximately three to six months from the hearing. The losing party has the right to file an appeal before the Administrative Court of First Instance (deadline: 60 days upon notification). A further appeal before the Administrative Court of Appeals is also available (deadline: 60 days upon notification). A revision petition before the Council of State is the final remedy (deadline: 60 days upon notification), which terminates legal proceedings.

It is important to note that under the new Law on Trademarks, the owner of the contested trade mark may request proof of use of the earlier trade mark cited regarding the period of time of five years before the publication of the contested trade mark.

## 6 Registration

### 6.1 What happens when a trade mark is granted registration?

The applicant may request the registration certificate of the trade mark. No fees are requested for the registration of the trade mark. When the trade mark application is registered, exclusive trade mark rights are granted. When a trade mark is registered and as long as it remains in force, it cannot be challenged before the Civil Courts.

### 6.2 From which date following application do an applicant's trade mark rights commence?

Filing of the trade mark creates a right conferring prospective entitlement that is similar to the final right to the mark. The exclusive and absolute right to the mark is acquired with its registration, but it is deemed to have been acquired as of the trade mark's filing date.

### 6.3 What is the term of a trade mark?

The term of a trade mark is 10 years from its filing date.

### 6.4 How is a trade mark renewed?

A trade mark is renewed by filing a renewal application and paying the official renewal fees. The official fee for the renewal of one trade mark in one class is EUR 90. For each additional class, the official fee is EUR 20. The trade mark can be renewed within a six-month grace period by paying a late renewal fine.

## 7 Registrable Transactions

### 7.1 Can an individual register the assignment of a trade mark?

An application for the assignment of the trade mark must be filed with the Trademark Office, and an assignment fee of EUR 90 must be paid. In addition to the application, an assignment deed must be filed. The assignment deed must be signed by both parties and the document must be covered by apostille.

### 7.2 Are there different types of assignment?

A partial assignment for certain goods or services is permissible. A trade mark can be assigned with or without goodwill. A divisional trade mark is also an available option.

### 7.3 Can an individual register the licensing of a trade mark?

Yes, they can. Either the licensor or the licensee submitting the licensor's consent may file the licence. The licence agreement must be signed by both parties and be covered by apostille.

### 7.4 Are there different types of licence?

Non-exclusive, exclusive and sub-licensing of marks are allowed. Duration, exclusivity and non-competition provisions may be freely agreed between the parties to the licence agreement, as long as they are not abusive and do not infringe competition law.

### 7.5 Can a trade mark licensee sue for infringement?

The licensee may commence infringement proceedings only with the written consent of the trade mark owner. If not otherwise agreed, the licensee may commence infringement proceedings, even without the trade mark owner's consent, provided that the latter, although notified accordingly, failed to sue the infringer within a reasonable period of time.

### 7.6 Are quality control clauses necessary in a licence?

No specific requirements apply to trade mark licences in Greece. A licence with no quality control clauses is therefore permissible.

### 7.7 Can an individual register a security interest under a trade mark?

An application for the recordal of a security interest must be filed in the Trademarks Office. An agreement between the pledgee and the pledgor for the creation of a pledge is also necessary. Such agreement must take the form of either a notarial deed or a private agreement bearing a certified date. The Greek courts will recognise the validity of a pledge under the laws of another country, provided that the laws of that country for the establishment of a pledge do not contravene Greek public order and good morals.

### 7.8 Are there different types of security interest?

A trade mark can be charged with a pledge.

## 8 Revocation

### 8.1 What are the grounds for revocation of a trade mark?

The trade mark owner may abandon the trade mark by filing the relative statement with the Greek Trademark Registry.

A trade mark can be revoked:

- if the applicant has not made genuine use of his trade mark during the five years following registration or for a period of five consecutive years;
- if it has become a commonly used term in respect of the goods and services it is registered for; or
- if it has become misleading as to the nature, the quality or the geographical origin of the products/services concerned.

### 8.2 What is the procedure for revocation of a trade mark?

Any third party showing a legitimate interest may file an application for revocation. The application for revocation is heard before the Trademarks Administrative Commission and the parties have the right to file written observations within three days from the hearing (deadline extendable). A relevant decision is rendered within approximately three to six months from the hearing. The losing party has the right to file an appeal before the Administrative Court of First Instance (deadline: 60 days upon notification). A further appeal before the Administrative Court of Appeals is also available (deadline: 60 days upon notification). A revision petition before the Council of State is the final remedy (deadline: 60 days upon notification), which terminates legal proceedings.

It is important to note that under the new Law on Trademarks, the owner of the contested trade mark may request proof of use of the earlier trade mark cited regarding the period of time of five years before the filing date of the revocation application of the contested trade mark.

The decision on cancellation becomes effective only when it becomes final.

### 8.3 Who can commence revocation proceedings?

Any person may file a revocation application provided that they show a legitimate interest.

### 8.4 What grounds of defence can be raised to a revocation action?

Genuine use of a trade mark is regarded as: placing the goods on the market; affixing the mark to products, packaging, writing paper, invoices and advertising material; the import and export of goods under a trade mark; and the use of the trade mark on electronic or audiovisual media.

Use of a trade mark should be made in the form in which it is registered. Use of the mark in a form differing in elements from the mark as it is registered, is regarded as use of the mark, provided that there is no alteration of the distinctive character of the mark.

The use of a trade mark with the consent of its owner, as well as the use of a collective trade mark by someone who has this right, is also considered to constitute genuine use of the trade mark. The commencement or resumption of use within a period of three months preceding the filing of the request for cancellation shall, however, be disregarded where preparations for the commencement or resumption occur only after the owner becomes aware of the risk that a request for cancellation may be filed.

### 8.5 What is the route of appeal from a decision of revocation?

The losing party may file an appeal before the Administrative Court of First Instance (deadline: 60 days following notification). For that procedural point, the applicant may follow the judicial route, i.e. possible further appeal before the Administrative Court of Appeals (deadline: 60 days following notification) and a revision petition before the Council of State (deadline: 60 days following notification).

Revocation is deemed to be final at the time a judgment is rendered by the Administrative Court of Appeal. However, the losing party has the right to file a revision petition before the Council of State on the basis of errors of law.

## 9 Invalidity

### 9.1 What are the grounds for invalidity of a trade mark?

A trade mark shall be declared invalid on the same grounds as in opposition proceedings, provided that the invalidity action is filed within five years following the trade mark's registration. Otherwise, the trade mark may only be invalidated on the basis that it has been filed in bad faith.

### 9.2 What is the procedure for invalidation of a trade mark?

Any third party showing a legitimate interest may file an invalidity action (official fee payable: EUR 110). The invalidity action is heard before the Trademarks Administrative Commission and the parties have the right to file written observations within three days of the hearing (deadline extendable). A decision on the invalidity action is rendered within approximately three to six months from the hearing. The losing party has the right to file an appeal before the Administrative Court of First Instance (deadline: 60 days upon

notification). A further appeal before the Administrative Court of Appeals is also available (deadline: 60 days upon notification). A revision petition before the Council of State is the final remedy (deadline: 60 days upon notification), which terminates legal proceedings.

### 9.3 Who can commence invalidation proceedings?

Any person may file an invalidity action, provided that it shows a legitimate interest.

### 9.4 What grounds of defence can be raised to an invalidation action?

The defendant may claim that the trade marks compared are not confusingly similar. Genuine use of the earlier trade mark is not required. However, under the new Law on Trademarks, the owner of the contested trade mark may request proof of use of the earlier trade mark for a period of five years prior to the filing date of the invalidation action.

A claim for bad faith can be rebutted by proving that the earlier trade mark was not known in the course of trade.

### 9.5 What is the route of appeal from a decision of invalidity?

The losing party may file an appeal before the Administrative Court of First Instance (deadline: 60 days following notification). For that procedural point, the applicant may follow the judicial route, i.e. possible further appeal before the Administrative Court of Appeals (deadline: 60 days following notification) and a revision petition before the Council of State (deadline: 60 days following notification).

Invalidity is deemed to be final at the time a judgment is rendered by the Administrative Court of Appeal. However, the losing party has the right to file a revision petition before the Council of State on the basis of errors of law.

## 10 Trade Mark Enforcement

### 10.1 How and before what tribunals can a trade mark be enforced against an infringer?

All actions related to infringement of a trade mark are heard before the Civil Courts.

The territory of Greece has been divided into two parts: Macedonia, Thrace, Epirus and Thessaly on the one hand; and the rest of the mainland and the islands on the other. In the Civil Courts of each region, i.e. Thessaloniki and Athens, special divisions have been created which have jurisdiction to judge cases related to IP rights.

### 10.2 What are the key pre-trial procedural stages and how long does it generally take for proceedings to reach trial from commencement?

In accordance with the new Code of Civil Procedure, applicable since 1 January 2016, the procedure for main action proceedings before the Civil Courts of First Instance is amended from a partially oral procedure, which included an oral examination of witnesses, to a written procedure. In exceptional cases, the court may consider that the case has not been sufficiently clear in order to reach a decision and may summon witnesses to be examined orally.

Moreover, in accordance with the new system, starting from the date of filing of the lawsuit, certain deadlines are set within which the foreseen procedures should have been concluded, contrary to the practice followed until now.

In this context, the briefs are submitted within a term of 100 or 130 days (in case the party is based abroad) from the filing of the lawsuit and the additional pleadings within the following 15 days from the expiry of the above deadline. With the lapse of the said deadline, the file of the case is technically considered completed, i.e. mature for a judgment to be delivered.

Within a term of 15 days starting from the date that the file is closed, the judge-rapporteur is appointed, while at the same time a hearing date for the discussion of the case is fixed within 30 days.

It should take approximately four to eight months from the hearing date for a judgment to be rendered. Today this is difficult to predict, due to courts' heavy dockets. It is at the court's discretion to declare the judgment rendered provisionally enforceable.

Finally, the losing party has the right to file an appeal before the Court of Appeals.

### **10.3 Are (i) preliminary and (ii) final injunctions available and if so on what basis in each case?**

A preliminary injunction (PI) action can be filed, which is judged within two to four months after its filing, and the judgment is rendered within three to six months after the hearing. A Temporary Restraining Order (TRO) can be added to a PI action and heard within one to two days. The decision is issued within 24 hours. A prerequisite for bringing a PI action is the existence of an IP right, present or imminent infringement of said IP right, and the existence of urgency.

### **10.4 Can a party be compelled to provide disclosure of relevant documents or materials to its adversary and if so how?**

The right to disclosure flows from the constitutional right to proof (Article 20 of the 1975 Constitution), as well as from Directive (EC) 2004/48 of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (the EC Enforcement Directive), which has now been fully implemented under the new Law on Trademarks.

### **10.5 Are submissions or evidence presented in writing or orally and is there any potential for cross-examination of witnesses?**

It should be noted that, under the new Code of Civil Procedure, applicable since 1 January 2016, at the hearing date no witnesses are examined before the court. The examination of witnesses shall take place in the event that this is considered by the court to be absolutely necessary, following a study of the file. In such a case, cross-examination of the witnesses is permitted.

Written evidence is filed, as well as sworn affidavits, provided that certain procedural rules have been followed.

### **10.6 Can infringement proceedings be stayed pending resolution of validity in another court or the Intellectual Property Office?**

The Civil Courts are bound by the decisions of the Administrative Courts and of the Trademarks Administrative Commission regarding the validity of trade mark registrations.

Infringement proceedings before the Civil Courts can be stayed upon the request of either party, if the prior trade mark has been challenged through an opposition, revocation or invalidity action before the competent Administrative Court. A stay will be granted until a final decision is issued on the validity of the trade mark.

### **10.7 After what period is a claim for trade mark infringement time-barred?**

The claim to cease infringement is time-barred following 20 years from the time the infringement occurred.

The claim to damages is time-barred five years after the end of the year in which the infringement first took place.

### **10.8 Are there criminal liabilities for trade mark infringement?**

Greek trade mark law provides for the prosecution of infringers only after the filing of a complaint by the owner of the trade mark.

Criminal penalties can be applied in cases of wilful trade mark infringement.

Criminal penalties are a minimum of six months' imprisonment and a minimum fine of EUR 6,000 to EUR 30,000.

### **10.9 If so, who can pursue a criminal prosecution?**

The owner of a registered trade mark can pursue criminal prosecution.

### **10.10 What, if any, are the provisions for unauthorised threats of trade mark infringement?**

There are no specific provisions for unauthorised threats of trade mark infringement. General law principles apply in this regard.

## **11 Defences to Infringement**

### **11.1 What grounds of defence can be raised by way of non-infringement to a claim of trade mark infringement?**

All types of defence regarding non-infringement should be based on facts that exclude the likelihood of confusion or rebut the fame of the trade mark invoked (depending on the legal basis of the main action). Defence based on a trade mark's invalidity is not permissible before Civil Courts, as the Trademarks Administrative Commission and the Administrative Courts are, by law, exclusively competent to rule upon this issue.

### **11.2 What grounds of defence can be raised in addition to non-infringement?**

The defendant may claim that the right deriving from the trade mark invoked is time-barred, or that what the trade mark owner seeks protection for is an abuse of process.

## 12 Relief

### 12.1 What remedies are available for trade mark infringement?

Injunctions, including temporary restraining orders in cases of urgency, can be granted.

Damages or compensation for moral damages can also be granted in the course of ordinary proceedings. The trade mark owner may also file a claim for damages, which may be in the form of royalties.

### 12.2 Are costs recoverable from the losing party and, if so, how are they determined and what proportion of the costs can usually be recovered?

As a matter of practice, costs and attorneys' fees are not awarded by a judgment following infringement proceedings or, if awarded, they are minimal (up to EUR 1,000). It is at the court's discretion, though, to grant an award amounting to 3% of the value of the subject matter of court proceedings, as identified by the claimant in the writ of the main action, if the amount claimed has been accepted/granted. In this context, if the main action is rejected, the court may award legal costs amounting to 2% against the claimant in the defendant's favour.

## 13 Appeal

### 13.1 What is the right of appeal from a first instance judgment and is it only on a point of law?

The losing party may file an appeal before the Appeals Court. The appeal may refer to errors both in fact and in law.

### 13.2 In what circumstances can new evidence be added at the appeal stage?

New evidence is permissible if it occurred following the delivery of a judgment at first instance or if it is proved that it could not reasonably be obtained before such a delivery.

## 14 Border Control Measures

### 14.1 Is there a mechanism for seizing or preventing the importation of infringing goods or services and, if so, how quickly are such measures resolved?

Regulation (EC) 608/2013 is applicable. Customs action is activated within three to five working days following the filing of the relevant request.

## 15 Other Related Rights

### 15.1 To what extent are unregistered trade mark rights enforceable in your jurisdiction?

The Greek Trademark Law does not include provisions for unregistered trade mark rights. Unregistered trade mark rights, however, are protected and can be enforced in Greece under the provisions of the Unfair Competition Law No. 146/14.

### 15.2 To what extent does a company name offer protection from use by a third party?

Article 8 of Law No. 1089/1980 on Chambers of Commerce provides for such a protection, in addition to protection available under Article 57 *et seq.* of the Civil Code.

### 15.3 Are there any other rights that confer IP protection, for instance book title and film title rights?

Book title and filing title protection are generally provided under Law No. 2121/1993 on Copyright and under the conditions specified therein. If the book title is registered as a trade mark, trade mark protection is also available.

## 16 Domain Names

### 16.1 Who can own a domain name?

Any natural and legal entity, irrespective of their establishment in Greece or elsewhere, can own a ".gr" domain name.

### 16.2 How is a domain name registered?

The applicant must submit an application for the registration of a ".gr" domain name via one of the registrars. A list of the registrars is available at the website of the Hellenic Telecommunications and Post Commission (EETT), along with the Regulation on Management and Assignment of ".gr" domain names.

### 16.3 What protection does a domain name afford *per se*?

The owner of a ".gr" domain name is entitled to forbid any third party to use an identical or similar sign, provided that said domain name is shown to be established in the relevant course of trade pursuant to the rules of Law No. 146/14 of Unfair Competition.

## 17 Current Developments

### 17.1 What have been the significant developments in relation to trade marks in the last year?

All answers provided above are based on the new Law on Trademarks enacted in April 2012, whereas some procedural matters were regulated under Law No. 4155/2013. Greek courts, as a matter of principle, follow all developments regarding trade mark issues as addressed by the Court of Justice of the European Union.

### 17.2 Please list three important judgments in the trade marks and brands sphere that have been issued within the last 18 months.

Under judgment No. 1378/2016 of the Specialised IP Court of First Instance in Athens, a Community Trademark (CTM) registration was invalidated following the defendant's counterclaim in a main infringement action commenced by the claimant on the basis of said CTM registration, pursuant to Articles 52, 94, 96, 99, 100 and 101 of Regulation (EU) 207/2009, as currently applicable. This was the first reported case in Greece where a national judicial authority

vested with EU judicial competence exercised such a power. During the last decade, the Specialised IP Court of First Instance in Athens has delivered a series of judgments, which are remarkably aligned with the EU case law on trade marks and characterised by well-reasoned rulings, thus facilitating legal certainty.

### 17.3 Are there any significant developments expected in the next year?

No, there are not.



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### 17.4 Are there any general practice or enforcement trends that have become apparent in your jurisdiction over the last year or so?

The EC Enforcement Directive is now being regularly applied by Greek courts in trade mark infringement cases, which makes disclosure of documents and providing information in relation to infringing goods much easier than in the past.



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The firm provides a full range of legal and technical services provided by experienced patent and trade mark attorneys, including patent, trade mark and design counselling, filing and prosecution, copyright protection, domain name registration and disputes, customs actions, franchising, distribution and licence agreements, as well as technical translations.

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