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Greece

# Greece: New law on trademarks comes into force



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Although there are several and severe restrictions due to COVID-19 in Greece, which inevitably affect trademark practice in relation to both prosecution and litigation, there is some good news in the field. The new law on trademarks has come into force, implementing Directive (EU) 2015/2436.

Unlike the bill released a year ago, ex-officio examination on relative grounds has been abolished. According to the New Greek Trademark Law, ex-officio examination covers absolute grounds only and in circumstances in which no objections on absolute grounds are raised, the examiner has to issue a decision allowing the trademark registration within 50 days from the filing of the corresponding trademark application. This in essence means that the registration of a trademark will be obtained within a maximum of 110 days from its filing, provided that the trademark application concerned is not opposed.

Furthermore, although a bifurcated system has been maintained, a significant change has been introduced. In particular, while the Trademarks Administrative Commission remains competent to rule upon both oppositions and invalidity actions against a Greek trademark (or an international registration designating Greece), appeals against decisions in opposition proceedings must be filed before the Administrative Court of First Instance in Athens. Appeals against decisions on invalidity actions must be filed before the Single Bench Civil Court of First Instance, presumably the operating specialised session of the court on IP matters.

Interestingly, although mediation in trademark infringement actions is mandatory, according to the Law on Mediation currently applicable in Greece, mediation in both opposition and invalidity action proceedings is optional according to the new Trademark Law.

The new law on trademarks is not free from difficulties. There will certainly be more to discuss on this topic once we return to normality.