

Trademark Law Nº 2239 of September 16, 1994.

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Chapter A. Signs of Which a Trademark May Consist ➡

Art. 1.—(1) A trademark shall be any sign capable of being represented graphically and of distinguishing the goods or services of one undertaking from those of other undertakings.

A trademark may consist, in particular, of words, names of natural or legal persons, pseudonyms, representations, designs, letters, numerals, sounds, including musical phrases, or the shape of goods or of their packaging.

(2) The title of a newspaper or magazine shall be deemed a trademark.

Acquisition of Rights

Art. 2. The registration of a trademark in accordance with this Law shall confer an exclusive right of use.

Grounds for Refusal

Art. 3.—(1) The following shall not be registered as trademarks:

(a) signs which do not constitute trademarks under Article 1 of this Law;

(b) signs which are devoid of any distinctive character;

(c) trademarks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, properties, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or services;

(d) trademarks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade;

(e) trademarks 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;

(f) trademarks which are contrary to public policy or to accepted principles of morality;

(g) trademarks which may deceive the public as to the nature, quality or geographical origin of the goods or services.

(2) Trademarks shall not be registered:

(a) if they consist of the flags, emblems, symbols, escutcheons, signs or hallmarks of the Greek State or of any other State covered by Article 6ter of the Paris Convention for the Protection of Industrial Property (Law No. 213/75) as provided for therein. Furthermore, signs of great symbolic value, particularly religious symbols, representations and words shall not be registered as trademarks;

(b) if registration has been applied for in bad faith.

(3) Notwithstanding the provisions of paragraph (1)(b), (c) and (d) of this Article, a trademark may be registered if, prior to the final hearing for approval, it has become distinctive in consequence of the use which has been made of it.

Art. 4.—(1) A trademark shall not be registered:

(a) if it is identical with an earlier trademark and the goods or services for which registration is applied for are identical with the goods or services for which the earlier trademark is protected;

(b) if, because of its identity with or similarity to the earlier trademark and the identity or similarity of the goods or services covered by the trademarks, there exists a likelihood of confusion on the part of the public; likelihood of confusion includes the likelihood of association with the earlier trademark;

(c) if it is identical with or similar to an earlier trademark and is to be registered for goods or services which are not similar to those for which the earlier trademark is registered, where the latter trademark has acquired a reputation and the use without due cause of a later trademark would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trademark.

(2) For the purposes of this Law, “earlier trademarks” means:

(a) trademarks, including Community trademarks, registered prior to the date of the trademark applied for, taking into account any priorities claimed in respect of such trademarks;

(b) earlier applications for the registration of trademarks, including Community trademarks, subject to their registration;

(c) trademarks which, on the date of application for registration or, where appropriate, of the priority date claimed in respect of the application, are well known within the meaning of Article 6bis of the Paris Convention.

(3) A trademark shall not be registered:

(a) if it conflicts with a non-registered trademark or with 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 trademark, provided such rights have been acquired prior to the date of the application for the later trademark, taking into account any priorities claimed;

(b) if it is opposed by an earlier right of personality or intellectual or industrial property right other than those referred to in this Law;

(c) if it is likely to be confused with a registered trademark in use abroad on the filing date of the application, provided that the application was made in bad faith by the applicant.

(4) A trademark that is similar to but not identical with an earlier trademark may be registered if the owner of the earlier trademark consents to such registration; consent may be conditional and shall be submitted to the trademark authority, except where the Committee deems consent to be contrary to the public interest and there exists a likelihood of confusion on the part of the public.

Art. 5. Where a trademark consists of the applicant's name and the same name has already been registered as a trademark by another person to distinguish identical or similar goods, a distinctive sign shall be added to make it clearly distinguishable from the earlier trademark.

Art. 6.—(1) A trademark shall be registered by means of an application filed with the competent department of the Ministry of Commerce.

(2) Applications shall be filed in four copies and shall contain:

(a) a request for registration of the trademark;

(b) a representation of the trademark;

(c) the name, address and profession of the applicant and, in the case of legal persons, the company name and registered offices;

(d) a list of goods or services which the trademark is intended to distinguish, arranged by class with indication of the class for each group of goods;

(e) designation of a lawyer as authorized representative;

(f) where priority is claimed, the date of the earlier registration and the country of such registration;

(g) the signature of the representative;

(h) where the trademark consists of a sound, a special note shall be entered on the application;

(i) if registration of color is required, a special note shall be entered on the application.

(3) The application shall be accompanied by:

(a) ten copies of the trademark; in the case of a trademark in color, ten copies in color of the trademark shall be submitted;

(b) five copies of the list of goods or services for which the trademark is intended;

(c) a fee for the grant of trademark rights;

(d) a power of attorney for the registration of the trademark, bearing the applicant's signature.

(4) The application shall be filed on a special form of which the contents shall be laid down by the Ministry of Commerce.

(5) The date and time of filing and a serial number shall be entered on the application and the latter shall be duly signed.

(6) Applications which fail to comply with paragraphs (2) and (3) of this Article shall not be accepted by the Committee.

(7) If the application as filed has omitted any of the required elements or if it contains errors that were not discovered by the competent official, the applicant shall be notified thereof by a communication with proof of receipt or by personal service and shall be required to remedy the defects within 15 days.

If the omitted elements are not provided or the errors are not remedied within the prescribed period of time, the application shall be referred to the Administrative Trademark Committee.

(8) Applications shall be entered in a register; there shall be separate registers for domestic trademarks and for foreign trademarks.

Art. 7. Until the time of the hearing before the Administrative Court of Appeal, the applicant may:

(a) declare that he will not contest disputes arising from the non-essential elements of the trademark;

(b) declare a limitation of the goods and services, even where they are not specifically referred to in the application.

Chapter B. Administrative Trademark Committee ➡

Art. 8.—(1) The Administrative Trademark Committee shall decide on the acceptance of the application for registration.

(2) The Administrative Trademark Committee shall also decide any dispute arising between the competent authority and the applicants or those holding rights in the trademark in accordance with this Law.

(3) The Administrative Trademark Committee shall comprise ten departments each consisting of one associate judge from the State Legal Council as President, the Director or a Head of Section from the Directorate of Commercial and Industrial Property of the Ministry of Commerce, of a university graduate and of a representative of industry, as members.

(4) The members of the Administrative Committee's departments shall be appointed, together with an equal number of alternate members, by a decision of the Minister for Commerce, issued in September of every other year, on a proposal made by the State Legal Council, with respect to the President of the Committee, and by the Chamber of

Commerce and Industry of Athens and the Chamber of Commerce and Industry of Piraeus, for the representatives of industry. Senior officials of the Directorate of Commercial and Industrial Property of the Ministry of Commerce shall be appointed as alternates to the Director or Head of Section of that Directorate.

(5) The Secretary of each department of the Administrative Trademark Committee shall be appointed, together with an alternate, by a decision of the Minister for Commerce. The secretaries and their alternates shall be officials of the Directorate of Commercial and Industrial Property and shall be university graduates.

(6) An Assistant Secretary shall be appointed by the same decision, together with an alternate, for each department of the Committee. The assistants and their alternates shall all be officials of the aforementioned Directorate.

(7) The Senior President shall determine the allocation of cases amongst the departments.

Procedure

Art. 9.—(1) The Administrative Trademark Committee shall have its seat in Athens. The Committee shall meet at the Ministry of Commerce in an office to be determined by an order of the competent Head of Section; the order shall be displayed in the office concerned.

(2) The meetings of the Committee shall be public and minutes shall be kept. The Committee shall meet on the dates and at the times to be laid down by the Director at the beginning of each year and notified by means of a written announcement posted on the notice board of the office of the competent directorate. Debates shall be conducted on the basis of a list drawn up by the President in the order of submission of statements. The list shall be posted on the notice board in the office of the competent directorate eight days before the date of the session.

(3) Prior to the session, the parties shall be summoned to attend by the competent authority. The summons shall be served upon them or their representatives within a period of five days prior to the session and the debates shall also be conducted in the absence of the parties. The Committee may postpone the session, on a request made by the parties or ex officio, until such date as it shall determine. The absence of the parties shall not constitute acknowledgment of the facts. The Committee shall proceed with its session as if the parties were present. The parties may not appeal from a judgment by default.

(4) The parties, appearing either in person or through their representatives, may present their arguments, either in writing or orally, and may lodge with the Committee any necessary element or document; all means of evidence as provided in Presidential Decree 341/1978 may be submitted. An affidavit taken before a magistrate or a notary public, following notification of the adverse party 48 hours beforehand, shall be accepted. The Committee may permit the examination of witnesses.

(5) Without prejudice to the provision in Article 3(3), the grounds for refusal of trademarks shall be appraised on the basis of the legislation in force at the time of the hearing before the Administrative Trademark Committee.

(6) Decisions shall be taken on a majority; the reasons for refusals shall be given in each case. Any minority opinion shall be recorded in the decision. Decisions shall be given in public and shall be signed by the President and the Secretary for Trademarks.

(7) Summaries of decisions accepting trademarks shall be published within one month of the date of publication of the decision in the Commercial and Industrial Property Section of the Government Gazette. The summary shall contain the trademark, the name, profession and address of the applicant, the goods or services intended to be distinguished by the trademark. Refusals shall be notified to the parties or their representatives by the competent authority.

(8) The provisions of Presidential Decree 341/1978 shall apply *mutatis mutandis* to orders in court, to the drafting of decisions and minutes, and to the grounds and procedure for exempting members of the Committee.

(9) Failure to comply with the provisions on procedure shall lead to nullity if, in the view of the Committee, non-compliance has caused prejudice to the plaintiff.

Opposition

Art. 10.—(1) Any person may file opposition to a decision taken by the Administrative Trademark Committee that accepts the registration of a trademark, in whole or in part, on condition that he can show a legitimate interest, even if such interest is not a financial interest, and that has not been raised during the hearing of the application. Such right shall also belong to the Chambers, but only for the grounds set out in Article 3 of this Law.

(2) Opposition to decisions by the Administrative Trademark Committee shall be set out in the form of a legal submission to be filed with the competent department, recorded in a special register and a report of registration shall be produced.

(3) Opposition may also be lodged by means of the service of the legal deed to the competent department in accordance with the relevant provisions of the Code of Civil Procedure and opposition shall be recorded in the special trademark register within one day of service of the deed.

(4) Opposition against a decision of the Administrative Trademark Committee to accept a trademark shall be lodged within four months of the sixteenth day of the month following publication of the decision in the Commercial and Industrial Property Section of the Government Gazette.

(5) Any person may appeal against a decision by the Administrative Trademark Committee.

Art. 11.—(1) The legal submissions to the Administrative Trademark Committee shall contain: (a) the names and addresses of the parties, (b) a notice of the decision opposed, (c) the grounds of opposition, (d) the date of the decision opposed and the signature of the opponent or his representative.

(2) Prior to the hearing of an opposition, intervention or revocation claim before the Administrative Trademark Committee, the fees and deposits required by law must be paid; where the opposition, intervention or revocation claim are admitted, the deposits shall be refunded. The President of the Committee may permit the above mentioned amounts to be paid within five days, at the request of the representative present at the hearing.

(3) The provisions of Article 9 shall apply to the hearing of oppositions, interventions and revocation claims and to the relevant decisions taken by the Administrative Trademark Committee.

(4) (a) The serial number of the submission, (b) the date of legal submissions and (c) the name of the person making the submissions shall be recorded in a special register of legal submissions.

(5) Oppositions, interventions and revocation claims submitted to the Administrative Trademark Committee shall be entered in the appropriate register immediately after communication or service of the legal submission to the competent department.

(6) Additional grounds shall be communicated to the Administrative Trademark Committee in the form of a legal submission to be filed with the competent department and an entry of filing shall be made 15 days prior to the agreed date of the first hearing. The submission shall be notified to the other parties five days before the hearing.

Intervention

Art. 12.—(1) Any person having a legitimate interest therein, even if such interest is not a financial interest, may intervene before the Administrative Trademark Committee, the Courts and the State Council. The right to intervene shall also belong to each Chamber, but only for the grounds set out in Article 3 of this Law.

(2) Intervention before the Administrative Trademark Committee shall take the form of a legal submission to be filed with the competent department and to be notified by the intervening party three days prior to the hearing; interventions before the Committee shall be made in accordance with the relevant provisions.

Appeals

Art. 13.—(1) An appeal shall lie from decisions of the Administrative Trademark Committee to the competent Administrative Court of First Instance and shall be available to any one having a legitimate interest.

(2) An appeal shall be filed within 60 days from the day following notification of the decision taken by the Administrative Trademark Committee and shall be effected by the submission of the petition to the office of the Secretary to the Administrative Trademark Committee. A declaration of filing shall be made on the instrument and shall be signed by the recipient and by the party making the petition. Where not otherwise stipulated, the provisions of Article 79(2) and (3) of the Code of Fiscal Procedure shall apply. The authority that receives the petition shall act in accordance with the provisions of Article 82 of the aforementioned code.

(3) The intervening parties shall be cited to appear before the Administrative Courts.

(4) The summons may be served on the person shown in the trademark register as the representative before the Administrative Courts and the State Council.

(5) Affidavits taken before a magistrate or notary public may be submitted to the Administrative Court of First Instance on condition that the other party be summoned 48 hours beforehand.

Registration

Art. 14.—(1) The decisions of the Administrative Trademark Committee, the Administrative Courts and the State Council shall be entered in the register referred to in Article 6 of this

Law. Once a trademark has been accepted by means of a final decision, the word "registered" and any amendments with regard to the goods or services to which the trademark is applied shall be entered in the trademark register. The entry in the register shall be dated and duly signed.

(2) The trademark register shall be accessible to the public. Copies or extracts of registrations may be obtained by any person on request. A copy of the trademark registration or an extract therefrom shall be supplied to the owner free of charge.

Registration Date

Art. 15. A trademark that has been given final acceptance shall be deemed to have been registered on the filing date of the application.

Concurrent Registration, License to Use

Art. 16—(1) If a written agreement is filed together with the application, it shall be admissible to register an identical trademark intended to distinguish identical or similar goods or services, in whole or in part, provided that there is no likelihood of confusion and that it is not contrary to the public interest.

(2) If a written agreement is entered by order of the Administrative Trademark Committee in the trademark register, the exclusive or non-exclusive use of a trademark for some or all of the goods or services for which it has been registered and for the whole or a part of the Greek State shall be permitted, provided there is no likelihood of confusion and that it is not contrary to the public interest.

(3) A licensee may be permitted to sublicense the use of a trademark under the procedure and conditions set out in paragraph (2) of this Article.

(4) A licensee may institute proceedings for omission or proceedings for damages.

(5) On submission by the owner of a request for termination of an agreement as referred to in paragraphs (1) and (2), the trademark shall be revoked ipso jure with respect to any use. At the request of the third party, the Administrative Trademark Committee shall decide on the revocation of the trademark.

Cancellation

Art. 17.—(1) A trademark shall be cancelled, in whole or in part, by a decision of the Administrative Trademark Committee or of the competent courts in the following cases:

(a) if, within a period of five years following the date on which the registration procedure is completed, the owner has not put his trademark to genuine use in connection with the goods or services in respect of which it is registered or such use has been interrupted for a continuous period of five years;

(b) if the undertaking for whose goods the trademark is registered has been inactive for a period of five years;

(c) if, in consequence of acts or inactivity of the owner, the trademark has entered into common usage or has become the common name in the trade for a product or service in respect of which it is registered;

(d) if, in consequence of the use made of it by the owner or with his consent in respect of the goods or services for which it is registered, the trademark is liable to mislead the public, particularly as to the nature, quality or geographical origin of the goods or services;

(e) if it has been registered contrary to the provisions of Articles 3 and 4 of this Law.

(2) A trademark shall not be cancelled:

(a) if, notwithstanding the existence of an earlier conflicting trademark, there exist grounds for cancellation of the earlier trademark in consequence of failure to use or of the interrupted activities of the undertaking, in accordance with paragraph (1)(a) and (b) of this Article;

(b) the owner of the earlier trademark or of any other right entitling the owner to prohibit the use of a subsequent trademark, has acquiesced in the use of the later trademark for a period of five successive years, unless registration of the later trademark was applied for in bad faith.

(3) Notwithstanding the provisions of paragraph (1)(a) and (b) of this Article, a trademark shall not be cancelled:

(a) if the owner of the trademark is able to give good reason for failure to use or for the interruption of the undertaking's activities;

(b) if, during the interval between the expiry of the five-year period and the filing of a request for cancellation, the owner of the trademark has started or resumed genuine use of the trademark; the commencement or resumption of use within a period of three months preceding the filing of the request for cancellation which began at the earliest on expiry of the continuous period of five years of non-use 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.

(4) For the purposes of this Article, "use" of a trademark means any use referred to in Article 18(2) of this Law.

(5) A request for cancellation may be filed by any person who can show a legitimate interest therein. The Chambers shall be entitled to request the cancellation of a trademark exclusively in accordance with Article 3 of this Law and paragraph (1) of this Article.

(6) In the case of paragraph (1)(e) of this Article, the request for cancellation shall be filed with the Administrative Trademark Committee within a period of five years starting with the registration of the trademark unless the trademark has been registered in bad faith. In the case of paragraph (1)(c) of this Article, a request for cancellation may not be filed until 20 years have elapsed following the registration of the trademark.

(7) In the case of cancellation for failure to use, the Administrative Trademark Committee or the competent courts may reverse the burden of proof.

(8) The decision to cancel a trademark shall take effect as soon as it is final. During the period preceding the decision, no proceedings for damages may be instituted and no complaint may be lodged.

(9) The cancellation of a trademark shall be recorded in the trademark register together with

the serial number of the decision.

(10) A trademark may also be cancelled, in whole or in part, at the request of the owner, to be filed with the competent department and recorded in the trademark register.

Chapter C. Rights Conferred by a Trademark ➡

Art. 18.—(1) Registration of a trademark shall confer on the owner exclusive rights therein. Those rights shall include the right of use, the right to affix the trademark to the goods it is intended to distinguish, to use the trademark to distinguish the rendering of services, to affix the trademark to the get-up and packaging of the goods, to use the trademark on business papers, invoices, price lists, notifications, any kind of advertising and any other printed matter and to use the trademark on electronic or audiovisual media.

(2) “Use” of a trademark shall also be constituted by:

(a) use of the trademark in a form differing in elements which do not alter the distinctive character of the mark in the form in which it has been registered;

(b) affixing the trademark to goods intended exclusively for export, or to their packaging, in Greece;

(c) use of the trademark with the owner’s consent and use of a collective trademark by the persons entitled thereto.

(3) The owner of a trademark shall be entitled to prevent all third parties from using in the course of trade any sign constituting an alteration or imitation of his trademark in accordance with the provisions of Article 4(1) of this Law.

Identical and Similar Products

Art. 19.—(1) A trademark may only be used in connection with the goods or services of its owner, with the exception of the special cases as provided in this Law.

(2) Goods shall also be deemed identical where they are mainly fabricated or prepared by the trademark owner but assembled or completed by another person.

(3) The manufacturer of goods that are not identical or similar may use an identical trademark in connection with the sale of another person’s goods provided that the original trademark of the goods remains in force. The same shall apply mutatis mutandis to service marks.

(4) In all other cases, the use of a trademark on the goods or services of another person or in any other way shall be prohibited failing the owner’s consent except as specially provided in this Law.

Limitation of Protection

Art. 20.—(1) The rights conferred by a trademark shall not entitle the owner to prohibit a third party from using, in the course of trade, his own name and address, indications concerning the kind, quality, intended purpose, value, geographical origin, time of

production of the goods or of rendering of the service, or other characteristics of the goods or service or from using the trademark where it is necessary to indicate the intended purpose of a product or service, in particular as accessories or spare parts.

The use must be made in accordance with honest practices in industrial and commercial matters and, in no event, in the form of a trademark.

(2) The rights conferred by a trademark shall not prevent third parties from using in the course of trade an earlier right which applies only in a particular locality, if that right is recognized therein.

(3) A trademark shall not entitle its owner to prohibit its use in relation to goods which have been put on the market in the European Union under that trademark by the owner or with his consent.

(4) Paragraph (1) shall not apply where there exist legitimate reasons for the owner to oppose further commercialization of the goods, especially where the condition of the goods is changed or impaired after they have been put on the market.

Term of Protection

Art. 21.—(1) Trademark protection shall subsist for ten years from the day following the date of application.

(2) The term of protection may be renewed if a request and proof of payment of the official fees is filed with the Ministry of Commerce within the prescribed period.

(3) The aforementioned request shall be made during the final year of protection. The filing of the request and of proof of payment may also be made within a further period of six months starting on completion of a ten-year period provided that proof of payment of twice the amount of the prescribed fees is filed.

(4) If proof of payment is filed within the period laid down in paragraph (3), the fact shall be recorded in the margin of the initial registration.

(5) If no proof of payment is filed within the period prescribed in paragraph (3), the trademark shall be cancelled by the issue of a decision.

(6) Any dispute between the person making the request and the authority and any challenge of the cancellation in accordance with paragraph (5) shall be heard by the Administrative Trademark Committee at the request of any interested party.

Chapter D. Transfer ➡

Art. 22.—(1) The rights conferred by a trademark may be transferred during the owner's lifetime or after his death, separately from any transfer of the undertaking.

(2) A trademark may be transferred irrespective of whether it consists of the names of natural persons or of legal persons.

(3) A transfer shall be invokable against third parties only if it has been entered in the Trademark Register. Such registration shall require the filing of the relevant contract and of

proof of payment of the official fees.

(4) If a trademark is transferred during an action pending before the Administrative Trademark Committee, the Administrative Courts or the State Council, the assignee or the successor in title may intervene. On intervention, the latter shall become the main party and shall be entitled to the rights of the assignor who shall then be discharged.

Undertakings

Art. 23. Following the winding-up of an undertaking and on completion of the liquidation procedure, any trademark shall be cancelled, unless otherwise agreed.

Attachment, Sale by Auction and Bankruptcy

Art. 24.—(1) A trademark may be attached and sold by auction.

(2) The decision ordering attachment shall be notified to the competent authority and shall be recorded in the appropriate register.

(3) In the event of bankruptcy, a trademark may be sold.

(4) Where a trademark consists solely of the owner's name, no attachment or sale by auction shall be permissible.

Collective Trademarks

Art. 25.—(1) Partnerships, unions or associations pursuing professional goals and which have legal personality, even if they do not themselves operate a business, shall be entitled to register trademarks to distinguish the goods or services manufactured, sold or provided by their members (collective trademarks). This provision shall also apply to legal persons governed by public law.

(2) In derogation from Article 3 of this Law, indications which may serve, in trade, to designate the geographical origin of the goods or services may constitute collective trademarks. A collective mark consisting of such indications shall not entitle the owner to prohibit third parties from using in the course of trade such signs or indications, in particular where the third parties are entitled to use geographical names, provided that they use the signs or indications in accordance with the accepted principles of morality.

(3) An application for registration of a collective mark shall be accompanied by a statement containing the title, seat, and purpose of the applicant, the name of its legal representative, a list of all the members entitled to use the collective mark and the conditions and regulations setting out the rights and obligations of the members for the use of the mark. Such application shall be required for any amendment of any of the above elements.

(4) The rights conferred by a collective mark may not be assigned to a third party.

(5) Rights arising from the registration of a collective mark shall belong to the legal person of the owner.

(6) A special register of collective trademarks shall be kept; the term of registration and any renewal shall be five times that provided for other trademarks.

(7) It shall be possible to cancel a collective mark in accordance mutatis mutandis with Article 17; it shall also be possible if the owner fails to oppose use of the mark in a way that is contrary to the purpose of the partnership, union, association, etc., is contrary to the conditions and regulations deposited on registration or which is misleading in the course of trade.

(8) Foreign partnerships, unions, associations or legal persons governed by public law established in accordance with the provisions of private or public law in the country in which they have their registered offices may register collective marks provided that Greek collective marks may be registered and protected in their respective countries.

(9) A collective mark shall be used in conjunction with the words "collective mark."

(10) The provisions of this Law shall apply to collective marks except where they are contrary to the provisions in this Article.

Chapter E. Proceedings for Omission or Damages ➡

Art. 26.—(1) Proceedings may be instituted against any person who uses, alters or imitates a trademark that is the property of another for omission or damages or for both. The same shall apply to any person using a trademark that is identical with or similar to another trademark but is not used with regard to goods or services similar to those for which the trademark is registered, where the latter has acquired a reputation in Greece and where use of that sign without due cause would take unfair advantage of or be detrimental to the distinctive character or the repute of the earlier trademark.

(2) Proceedings shall be instituted before the competent Court of First Instance irrespective of the amount in dispute and shall be heard in accordance with the usual procedure. Proceedings for damages shall be statute-barred after three years starting with the end of the year during which the first illegal use, alteration or imitation has taken place. Where the limitation period is interrupted, a new period shall begin as from the end of the year during which the interruption is terminated.

(3) Where disputes under paragraph (1) arise in conjunction with the disputes referred to in Law 146/1914 or in Article 914 of the Civil Code, they may be heard by the competent multiple member Courts of First Instance.

(4) The submission of a registration certificate for an altered mark shall constitute evidence of use or alteration with respect to an identical trademark or a mark differing in elements that do not alter its distinctive character.

Provisional Measures

Art. 27.—(1) Any person entitled to institute proceedings for omission contrary to this Law may seek provisional measures.

(2) If a claim is brought against a third party, the owner of the undertaking whose goods or services bear the infringing trademark shall be summoned if it is established from those goods or services that he is the owner.

(3) The filing of an application for trademark registration by a person against whom an interlocutory injunction has been sought shall not affect such petition.

The Court of First Instance of the district in which the goods are produced or the services are provided or the district in which the undertaking whose goods or services bear the trademark has its registered offices shall be competent to grant provisional measures.

Criminal Provisions

Art. 28.—(1) Any person who

- (a) alters a trademark or knowingly uses an altered trademark;
- (b) knowingly affixes to the undertaking's goods or to articles of the undertaking's trade a trademark of which he is not the owner;
- (c) imitates a trademark, in whole or in part, without alteration, with a view to misleading purchasers or knowingly uses such mark;
- (d) knowingly sells or offers for sale or disseminates goods bearing a trademark that constitutes an alteration or imitation of another trademark;
- (e) uses a trademark contrary to the provisions of Article 19;
- (f) uses as a trademark the emblems and symbols of the Greek State or of any authority or religious symbols;

shall be liable to a minimum of three months imprisonment or a fine of up to 200,000 Drachma or to both.

(2) The provisions of paragraph (1) of this Article shall also apply to service marks.

Prosecution

Art. 29. For the offenses referred to in Article 28(1)(a), (b), (c), (d) and (e) and offenses committed after registration of the plaintiff's trademark, prosecution shall begin with the filing of the complaint; in the case of paragraph (1)(f), prosecution shall be ex officio.

Publication of Sentences

Art. 30. The court shall order publication of a summary of each sentence to be made at the convicted party's expense in two daily newspapers of Athens if the offense was committed within the Prefecture of Attica. If the offense was committed in another Prefecture, publication shall be made in one daily newspaper in Athens and in one local daily newspaper or, if there is no local newspaper, in one daily newspaper of the capital of the Prefecture.

Removal of Trademark and Destruction of Goods

Art. 31.—(1) In cases of alteration, the civil or criminal court shall order the destruction of the goods that bear the altered trademark; in the case of imitation, the removal and destruction of the trademark or the destruction of the goods shall be ordered.

(2) The removal or destruction of a trademark may also be ordered by the court in cases where the accused person is acquitted if it considers that there exists a likelihood of

confusion.

Jurisdiction of the Civil Courts

Art. 32. The civil courts shall have no jurisdiction in those cases where this Law affords jurisdiction to the Administrative Trademark Committee and the Administrative Courts. The decisions of the Administrative Trademark Committee not subject to appeal and the final decisions of the Administrative Courts given under this Law shall be binding on the civil courts and on any other authority.

Chapter F. Specific, Transitional and Final Provisions ➡

Foreign Trademarks

Art. 33.—(1) Greek or foreign persons who have their registered offices outside Greece may enjoy protection under the provisions of this Law if their trademarks are protected in such State and equivalent protection is afforded to Greek trademarks under an international treaty or by the exchange of governmental declarations between Greece and the foreign State.

(2) To obtain protection in Greece, a trademark must be registered in accordance with the provisions of this Law; without prejudice to the requirements of Article 6 of this Law, the following conditions shall also be satisfied:

(a) proof issued by the competent foreign authority that the trademark for which registration is sought in Greece is registered and protected under the legislation of the foreign State in which the applicant has his registered offices. Proof shall not be required if Greek trademarks may be registered in that foreign State without the requirement that proof be submitted.

Variations in secondary elements of a trademark which do not alter its overall aspect shall not constitute grounds for refusal.

In the case of trademarks registered with a claim for priority within six months of the filing of the first application in a foreign State, the above mentioned proof may be submitted within a period of three months of the filing of the trademark application in Greece;

(b) special powers of attorney signed by the applicant containing an application for submission to the jurisdiction of the Athens courts. The application may also be submitted in writing by the applicant's representative and filed with the competent trademark authority.

(3) Foreign documents filed with respect to registration of a trademark shall be accompanied by a Greek translation made by a legally authorized translator.

(4) A foreign trademark duly registered in Greece shall become independent of a trademark in the State in which its owner has his registered offices.

Art. 34. The publications referred to in this Law shall be made in a special edition of the Government Gazette issued monthly under the title "Commercial and Industrial Property."

Art. 35.—(1) The public fees in relation to trademarks are established as follows:

1. registration of a trademark 20,000 Drachma
 - 1a. for each additional Class 5,000 Drachma
 2. renewal of protection 20,000 Drachma
 - 2a. for each additional Class 5,000 Drachma
 3. change of name or legal form or address 10,000 Drachma
 4. limitation of goods or services 5,000 Drachma
 5. assignment of trademark 20,000 Drachma
 6. filing of appeals, interventions and claims with the Administrative Trademark Committee 15,000 Drachma
 7. filing of appeals to the Administrative Trademark Court of Second Instance 15,000 Drachma
 8. public fees for filing of appeals and claims with the Administrative Trademark Committee and the Administrative Trademark Court of Second Instance 5,000 Drachma
 9. copies of trademarks 200 Drachma
- (2) The public fees established in paragraph (1) of this Article may be adjusted by a joint decision of the Minister for Commerce and the Minister for Finance and shall be published in the Government Gazette.
- (3) The Presidents, members, secretaries and assistants of the trademark courts shall be paid for each meeting on the basis of a decision by the Minister for Commerce and the Minister for Finance.

Trademark Classification

Art. 36.—(1) Article 9 of Royal Decree 20/27.12.1939 (Government Gazette 553A) implementing the Trademark Law 1998/1939, as amended by Article 4 of the Royal Decree of 26 September/6 October 1955 shall continue to apply.

(2) Services shall be classified in eight Classes in accordance with the Classes of goods referred to in Article 9 of the Royal Decree of 20/27.12.1939, as follows:

Class 35: Advertising, business management, business administration, office functions.

Class 36: Insurance, financial affairs, monetary affairs, real estate affairs.

Class 37: Building construction, repair, installation services.

Class 38: Telecommunications.

Class 39: Transport, packaging and storage of goods, travel arrangement.

Class 40: Treatment of materials.

Class 41: Education, providing of training, entertainment, sporting and cultural activities.

Class 42: Providing of food and drink, temporary accommodation, medical, hygienic and beauty care, veterinary and agricultural services, legal services, scientific and industrial research, computer programming, services that cannot be classified in other classes.

Transitional Provisions

Art. 37. The provisions of this Law shall also apply mutatis mutandis to service marks.

Art. 38.—(1) Where the provisions on service marks are applied for the first time, and for a period not exceeding five years as from the entry into force of this Law, acceptance of such marks in the event of a dispute shall be based on a proven claim to priority use.

(2) The form of registration and control for sound marks shall be established by decisions of the Minister for Commerce to be published in the Government Gazette.

(3) The provisions of Articles 10, 11 and 17 of this Law shall apply to proceedings pending before the Administrative Trademark Committee and proceedings pending before the Administrative Courts. The four-month period for filing opposition by a third party shall apply exceptionally to publications made in the Commercial and Industrial Property Section that appear subsequent to the entry into force of this Law.

(4) Any provisions contrary to this Law or which concern matters governed by this Law are hereby repealed. The current ad hoc provisions shall remain in force subject to the compulsory authorization. Laws 1998/1939 and 3205/1955 shall remain in force where they are not contrary to this Law.

(5) Presidential Decree 317/1992 is hereby repealed.

(6) The registers referred to in Article 6 of this Law shall be established and kept in accordance with a decision by the Minister for Commerce to be published within 45 days of publication of this Law. Until the decision is published, the currently applicable provisions on trademark registers shall remain in force.

(7) Trademarks that have not yet obtained final acceptance at the time of entry into force of this Law shall be governed by the preceding legislation.

(8) Where the Council Regulation on the Community Trade Mark (40/94/20.12.1993) refers to the central industrial property office, that shall mean the Commercial and Industrial Property Directorate of the Ministry of Commerce.

Art. 39. This Law shall enter into force 45 days after publication in the Government Gazette.