

**WORLD TRADE ORGANIZATION**

**ORGANISATION MONDIALE DU COMMERCE**

**ORGANIZACIÓN MUNDIAL DEL COMERCIO**

**IP/N/1/GRC/T/1**  
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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND  
REGULATIONS NOTIFIED UNDER ARTICLE 63.2  
OF THE AGREEMENT**

Greece

The present document reproduces the text of the Trademarks Law<sup>1</sup>, as amended, as notified by Greece under Article 63.2 of the Agreement (see document IP/N/1/GRC/1).

**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES  
A LA PROPRIETE INTELLECTUELLE NOTIFIEES  
AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

Grèce

Le présent document contient le texte<sup>1</sup> de la Loi sur les marques, telle que modifiée, notifiée par la Grèce au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/GRC/1).

**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

Grecia

En el presente documento se reproduce el texto de la Ley modificada de marcas de fábrica o de comercio<sup>1</sup>, notificada por Grecia en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/GRC/1).

<sup>1</sup>English only/anglais seulement/en inglés solamente.

# HELLENIC REPUBLIC MINISTRY OF DEVELOPMENT



## GREEK TRADE MARKS LAW



**OFFICIAL GOVERNMENT GAZETTE  
OF THE HELLENIC REPUBLIC  
FIRST ISSUE**

**TRADE MARKS LAW  
No 2239/9-16-1994  
THE PRESIDENT OF THE HELLENIC REPUBLIC  
WE PUBLISH THE FOLLOWING LAW PASSED IN THE GREEK  
PARLIAMENT**

**CHAPTER A**

**Article 1  
Consisting signs of trade marks**

1. Every sign which can be represented graphically, distinguishing the goods or services of one undertaking from those of other undertakings, is regarded as a trade mark.

A trade mark may, particularly, consist of words, names of natural persons or legal entities, pseudonyms, representations, designs, letters, numerals, sounds including musical phrases, the shape of the product or its packaging.

2. The title of a newspaper or magazine is regarded as a trade mark.

**Article 2  
Acquisition of right**

Registration of the trade mark according to the provisions of present Law confers the right of exclusive use.

**Article 3  
Ground for refusal**

1. The following shall not be registered as trade marks:
  - a) signs which cannot constitute trade marks according to article 1 of the present Law.
  - b) signs which are devoid of any distinctive characteristic.
  - c) trade marks which consist exclusively of signs or indications which may serve, in transactions, to designate the kind, quality, properties, quantity, intended purpose, value, geographical origin or time of production of the goods or of rendering the service, or other characteristic of the goods or services.
  - d) trade marks which consist exclusively of signs or indications which have become customary in the current language or in bona fide and established practices of transactions.



- e) trade marks which consist exclusively of the shape which results from the nature of the product or which is necessary to obtain a technical result or the shape which gives substantial value to the product.
- f) trade marks which are contrary to public policy or to accepted principles of morality.
- g) trade marks which may deceive the public as to the nature, quality or geographical origin of the product or services.

2. A trade mark shall not be registered:

- a) if it consists of flags, emblems, symbols, escutcheons, signs and hallmarks of the Greek State or any other state which is covered by article 6ter of the Paris Convention for the Protection of Industrial Property ( Law 213/75 ) and in accordance with requirements provided for therein. Additionally, signs of great symbolic value, particularly religious symbols, representations and words shall not be registered as trade marks.
- b) if registration is made in bad faith.

3. Notwithstanding the provisions of paragraph 1b, c, and d of the present article, a trade mark may be registered, if, prior to the last hearing for its approval, it has become a distinctive character because of the use which has been made of it.

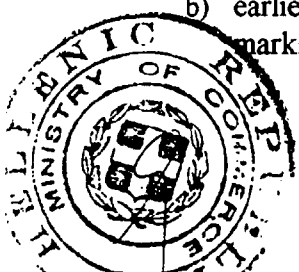
#### Article 4

1. A trade mark shall not be registered:

- a) if it is identical with an earlier trade mark and the goods or services for which the trade mark has been registered are identical with the goods or services for which the earlier trade mark is protected.
- b) if, because of its identity with the earlier trade mark and the similarity of the goods or services or the similarity with the earlier mark and the identity of the goods or services ,there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with he earlier mark.
- c) If it is identical or similar to an earlier trade mark and is designated to distinguish goods or services which are not similar to those for which the earlier mark has been registered, provided that the latter has acquired reputation and the use of any subsequent trade mark would ,without any due cause, take unfair advantage of, or would be detrimental to the distinctiveness or the reputation of it .

2. As "earlier trade mark" within the meaning of the present Law should be understood:

- a) trade marks, including community marks, which have been registered before the date of the trade mark , taking account of the priorities claimed in respect of those trade marks.
- b) earlier applications for registration of trade marks, including community trade marks, subject to their registration.



- c) trade marks which on the date of application for registration or, where appropriate, on the priority date claimed in respect of the application, are well-known, in the sense of article 6bis of the Paris Convention.

3.A trade mark shall not be registered:

- a) If it is contrary to a non-registered trade mark or to any other distinctive sign or feature used in the course of trade, conferring upon its proprietor the right to prohibit use of any subsequent trade mark and provided that these rights have been acquired prior to the date of application of the subsequent trade mark, taking into account any priorities claimed.
- b) A trade mark may be prohibited by virtue of an earlier right of personality or of intellectual or industrial property other than those referred to in the present Law.
- c) the trade mark is likely to be confused with a registered mark which was in use abroad on the filing date of the application, provided that the application was made in bad faith by the applicant.

- 4. A trade mark similar to but not identical with an earlier trade mark shall be registered, provided that the proprietor of the earlier trade mark consents to the registration; the consent can be conditional and must be submitted to the trade mark authority, except where the Committee takes the view that the consent is contrary to public interest and where there is a risk of confusion of public.

### Article 5

If the trade mark consists of the applicant's name and the same name has already been registered by another as a trade mark in order to distinguish identical or similar goods, a distinctive sign must be added for its clear distinction from the earlier trade mark.

### Article 6

- 1. For the registration of a trade mark, an application is filed with the competent department of the Ministry of Commerce.
- 2. The application is submitted in four copies and consists of:
  - a) an application for registration of trade mark.
  - b) an imprint of the trade mark.
  - c) name, residence, profession of the applicant and with respect to legal entities, the trade name and registered office.
  - d) a list of goods or services which the trade mark is designated to distinguish, graded by class with an indication of the particular class in groups of goods.
  - e) appointment of a lawyer and an authorized Attorney at Law.
- 3. date of earlier registration, if priority is claimed and the country where this has taken place.



- g) signature of the Attorney at Law.
- h) if the trade mark consist of a sound, a special notice is made on the application.
- i) if color registration is required, special mention will be taken place in the statement.
- 3. The application is accompanied by:
  - a) 10 copies of the trade mark; in the case of a color trademark, 10 color copies of the trade mark must be submitted.
  - b) 5 copies of the list of goods or services to which the trade mark is applied.
  - c) a public fee for legal rights of the trade mark.
  - d) a power of attorney for the registration of the trade mark bearing the applicant's signature.
- 4. The application is completed on a special form, the contents of which are defined by the Ministry of Commerce.
- 5. The date, time of filing and serial number are recorded in application and the latter is duly signed.
- 6. Applications which do not comply with the conditions set out in paragraphs 2 and 3 of the present article, shall not be accepted by the Committee.
- 7. If the filed application lacks some of the required elements or contains errors which were not noticed by the competent officer, the applicant is notified with a document which proves receipt or by a process server, who must correct the above within fifteen days.

If the omitted elements are not covered or the errors are not corrected within the prescribed period of time, the application will be referred to the Administrative Trade Marks Committee.
- 8. The application is bound in a special book, which is not the same in respect of domestic and foreign trade marks.

## **Article 7**

Until the hearing takes place before the Administrative Court of Appeal, the applicant may:

- a) declare that he will not claim rights arising from the nonessential elements of trademark.
- b) declare restriction of the products or services, even if these are not specifically provided for in the application.

## **CHAPTER B**

### **Article 8**

#### **Administrative Trade Marks Committee**

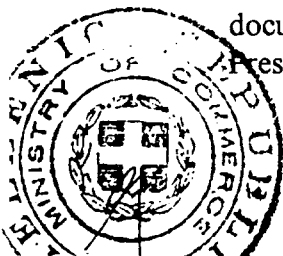
- 1. The Administration Trade Marks Committee decides whether the application for registration will be accepted or not.
- 2. The Administrative Trade Marks Committee also decides upon any dispute arising between the competent Authority and the applicants or those entitled to the trade mark in accordance with the present Law.



3. The administrative Trade Marks Committee comprises ten (10) departments each one consisting of one associate judge from the State's Legal Council as a chairman, the Director or one Head of section from the Directorate of Commercial and Industrial Property of the Ministry of Commerce of university graduate and an industrial representative, as members.
4. The members of the Administrative Committee's departments are appointed with equal in number surrogate members, following a decision of the Minister of Commerce, issued in September of every second year, after a suggestion is made by the State's Legal Council for the Committee's chairmen and by the Chamber of Commerce and Industry of Athens and Chamber of Commerce and Industry of Piraeus for the industrial representatives. High-ranking officials from the Directorate of Commercial and Industrial Property of the Ministry of Commerce are appointed as surrogate Director or Head of section of the same Directorate.
5. The secretary of each of the Administrative Trade Marks Committee is appointed together with a surrogate, following a decision of the minister of Commerce. The secretaries and their surrogates are officials of the Directorate of Commercial and Industrial Property and are all university graduates.
6. An assistant secretary is appointed by the same decision together with a surrogate for each department of the Committee. The assistants and their surrogates are all servants of the aforementioned Directorate.
7. The senior chairman determines the allocation of cases amongst the departments.

#### **Article 9 Procedure**

1. The administrative Trade Marks Committee has its seat in Athens. The Committee meets at the Ministry of Commerce, in an office determined by order of the competent Head of section; the order is put up in the latter office.
2. The meeting of the Committee are held in public and minutes are kept. The Committee meets on days and hours fixed by the director at the beginning of every year and made known by a written announcement placed on the notice board in the office of the competent Directorate. The discussion is carried out based on a list which is drawn up by the Chairman in the order of submission of statements. The list is put up on the notice board eight (8) days prior to the date of meeting in the competent's Directorate office.
3. Prior to the hearing, the parties are summoned by order of the competent authority. The summons is notified to them or to their attorneys within a period of five (5) days prior to the hearing and it is discussed also in absence of the parties. The Committee, following a request set forth by the parties or ex officio, can postpone the hearing for a fixed day. Avowal is not presumed by the absence of the parties. The Committee continues with the hearing, as if the parties were present. The parties can not file an opposition against the judgment by default.
4. The parties, appearing either themselves or represented by their Attorneys, can set forth their arguments, either in writing or orally and can submit every element or document necessary in Committee, all evidential means provided for in the Presidential Decree 341/1978 can be submitted. Affidavits are accepted before the



magistrate or a notary public, following a summons of the adverse party , 48 hours in advance . The Committee may permit the examination of witnesses.

5. Without prejudice to the provision in article 3 par. 3, the grounds for refusal of the trademarks are judged by virtue of the prevailing legislation at the time of the hearing before the Administrative Committee.
6. The decisions are taken by majority; refusals must be specifically justified. The minority's view is recorded in the decision. The decisions are publicly pronounced and signed by the president and the secretary of trademarks.
7. Summaries of the decisions accepting the trademarks are published with in one month from the date of publication of the judgment in the Commercial and Industrial Property Column of the Government Gazette. The summary consists of the trade mark, the name, profession. The applicant's residence, the goods or services intended to be distinguished by the trademark. Rejections are communicated to their parties or to their Attorneys by order of the competent authority.
8. As regards order in court, drafting of judgments and minutes, grounds and procedure for the exemption of the exemption of members of the Committee, the provisions of the Presidential Decree 341/1978 shall apply by analogy.
9. Infringement of the provision regulating the procedure results in nullity, if according to the Committee's view, the infringement has cause damage to the alleging party.

## Article 10

### Opposition

1. a third party may oppose the decision taken by the administrative Trade Marks Committee, wholly or in part accepting registration of the trademark in question, before the Committee, provided that the party has legal interest, even not financial not intervened in the hearing of the application. The same right is also granted to the Chambers but only in accordance with article 3 of the present Law.
2. The opposition against decisions of the Administrative Committee of Trademarks is drafted in the from of a legal deed which is filed with the competent department, recorded in a special book and a registration report is made.
3. The opposition may also be made with service of the legal deed to the competent department in compliance with the relevant provisions of the Civil Procedure Code and within one day following service of the deed, it is recorded in the special book of trademarks.
4. The opposition filed against a decision of the Administrative Trademarks Committee and of the courts against a decision accepting the Trademark, is made within four months, starting from the 16<sup>th</sup> of the month following publication of the judgment in the Commercial and Industrial Property Column of the Official Bulletin
5. The third party may appeal against the decision made by the Administrative trade Marks Committee.



### **Article 11**

1. The legal deeds before the Administrative Trade Marks committee consist of: a) the names and residence of the parties b) notice of the opposed decision c) grounds of opposition d) date and signature of the opposed decision of the party or its attorney.
2. Prior to any hearing of oppositions, interventions or revocation claims before the Administrative Trade Marks Committee, the fees and deposits provided for by law must be paid; in case of acceptance of the opposition, intervention or revocation, the latter are refused. The President of the Committee may allow payment of the aforementioned sums within five (5) days, upon request of the Attorney appearing at the hearing.
3. As regards the hearing of oppositions, interventions and revocation claims and the decisions made by the Administrative Trade Marks Committee thereon, the provisions in article 9 shall apply.
4. a) the serial number of the deed, b) the date and book for the registration of legal deeds, c) the name of the depositor are recorded in a special book for the registration of legal deeds.
5. The opposition, intervention and revocation before the Administrative Trade Marks Committee straight after the submission or service of the legal deed to the competent department, in the relevant registration statement.
6. Additional grounds are submitted to the Administrative Trade Marks Committee in the form of a legal deed, which is filed with the competent department and a filing statement is made fifteen (15) days prior to the agreed date of first hearing. The deed is notified to the rest parties five days before the hearing.

### **Article 12 Intervention**

1. Anyone having legal interest even not financial can intervene before the Administrative Trade Marks Committee, the Courts and the State Council. The right to intervene also belongs to every Chamber but only on the grounds provided for in article three ( 3 ) of the present Law.
2. Intervention before the Administrative Trade Marks Committee is made in the form of a legal deed which is filed with the competent department and notified by the intervening party 3 days prior to the hearing; intervention before the court is made in accordance with the relevant provisions.

### **Article 13 Appeals**

1. An appeal can be filed against the decisions of the Administrative Trade Marks Committee before the competent Administrative Court of First Instance by anyone having legal interest.
2. The appeal is filed within sixty ( 60 ) days, starting from the date after notification of the decision of the Administrative Trade Marks Committee and is completed with the submission of the recourse to the secretary's office at the Administrative Trade Marks Committee. A filing statement is made on the deed and is signed by



the receiver and the party filing the recourse. As for the rest, the provisions of article 79 par. 2 and 3 of the Tax Procedural Code shall apply. The Authority that received the recourse must act in accordance with provisions of article 82 of the same Code.

3. During the hearing before the Administrative Courts, the parties are summoned in order to intervene.
4. The summons may be submitted to the person appearing as the Attorney in the special book of trade marks before the Administrative Courts and the State Council.
5. Affidavits before the Magistrate or the notary public may be submitted to the Administrative Court of First Instance, providing the other party is summoned 48 hours in advance.

#### **Article 14 Registration**

1. The decisions of the Administrative Trade Marks Committee, the Administrative Courts and the State Council are recorded in a special book provided for in article 6 of present Law. Once the trademark is accepted by an irrevocable decision, the word "registered" and any alternations regarding the goods or services to which the trademark is applied are recorded in the special book of trademarks. The registration statement is dated and duly signed.
2. The special book of trademarks is publicly made available. Copies or extracts from the registrations are offered to anyone upon request. A copy or an extracts from the registered trademark is offered to the proprietor for free.

#### **Article 15 Date of registration**

The trade mark that is irrevocably accepted, is presumed to have been registered on the date of application.

#### **Article 16 Concurrent registration - License to use**

1. Following an agreement in writing, which is submitted together with the application, registration of an identical trade mark designated to distinguish identical or similar goods or services, wholly or in part, is permitted, provided that there is no likelihood of confusion and that this is not contrary to the public interest.
2. Following an agreement in writing which is recorded by order of the Administrative Trade Marks Committee in the trade marks Register, the exclusive or non-exclusive use of a trade mark for some or for all of the goods or services for which it has been registered and for the whole or part of the Greek State, shall be



permitted, provided that there exists no likelihood of confusion and this is not contrary to public interest.

3. It can be agreed that the licensee can further sub-license the use of the trademark in accordance with the procedure and the conditions set out in paragraph 2 of the present article.
4. The licensee can bring an lawsuit for omission or an lawsuit for damages.
5. Upon request made by the proprietor for termination of the agreement referred to in par. 1 and 2 , the trademark is ipso jure revoked for any use. Upon request made by the 3<sup>rd</sup> party, the Administrative Trade Marks Committee decides on the revocation of the trademark.

### **Article 17** **Cancellation**

1. The trademark is canceled, wholly or partly by decision of the Administrative Trade Marks Committee or of the competent courts in the following cases:
  - a) If, within a period of five years following the date of completion of the registration procedure, the proprietor has not put the trademark to genuine use in connection with the goods or services in respect of which it is registered or if such use has been suspended for an uninterrupted period of five (5) years.
  - b) If the undertaking, for the goods of which the trademark has been registered, has not been in operation for five (5) years.
  - c) If, by reason of laws or inactivity of the proprietor, the trademark has become of common use or the common name in trade for a product or service in respect of, which it has been registered.
  - d) If, by reason of the use made of it by its proprietor or with his consent, in connection with goods or services for which it has been registered, it is likely to mislead the public, particularly as to the nature, quality or geographical origin of the goods or services.
  - e) If it has been registered in violation of the provisions in articles 3 and 4 of the present Law.
2. The trademark shall not be canceled:
  - a) If, notwithstanding the existence of an earlier conflicting trademark, there exist grounds for cancellation of the earlier trademark, by reason of its non-use or of the suspended operation of the undertaking, in accordance with par. 1 a, b of the present article.
  - b) If the proprietor of the earlier trademark or of any other right entitling the proprietor to forbid use of any subsequent trademark, has tolerated use of the said mark for a period of five ( 5 ) successive years, provided that the registration of the subsequent trademark has not been made in bad faith.



3. Notwithstanding the provisions in par. 1 a, b of the present article, the trademark shall not canceled:
  - a. If the proprietor of the trademark proves that non use or suspension of the undertaking's operation is due to just cause.
  - b. If the proprietor of the trademark, during the interval between the expire of the five-years period and the filing of the cancellation petition, has started or resumed genuine use of the trademark; the commencement or resumption of use within a period of three (3) months preceding the filing of the Cancellation Petition, which began at the earliest on expire of the continuous period of five (5) years of non use, shall, however, be disregarded, where preparations for the commencement, or resumption occur only after the proprietor becomes aware of the flaw that a cancellation Petition may be filed.
4. For the purposes of the present article "use" of the trademark shall mean every law referred to in article 18 par. 2 of the present Law.
5. The cancellation petition is filed by any person who has legal interest. The Chambers are entitled to request the cancellation of the trademark only in accordance with article 3 of the present Law and par. Of the present article.
6. As regards par. 1e of the present article, the cancellation petition is submitted to the Administrative Trade Marks Committee within a period of five (5) years, starting from the registration of the trademark, unless it has been registered in bad faith. As regards par. 1c of the present article, the application for revocation shall not be submitted prior to a lapse of twenty years, following registration of the trademark.
7. In the case of cancellation for non use, the Administrative Trade Marks Committee or the competent courts may shift the burden of proof.
8. The decision ordering cancellation of the trademark comes into effect as soon as it becomes irrevocable. For the period preceding the decision, no lawsuit for damages can be brought or complaint can be lodged.
9. Upon cancellation of the trademark, the latter is recorded in the special book of trademarks together with the decision's serial number.
10. The trademark is also revoked, wholly or partly upon the proprietor's request, which is submitted to the competent department and recorded in the trademarks' books.

## CHAPTER C

### Article 18

#### Rights conferred by trademarks

1. Registration of the trademark confers upon the proprietor an exclusive right. It particularly confers the right to use, the right to affix the trademark to products or goods intended to be distinguished by it, to distinguish the rendering of services, to affix the trademark to the cover and packaging of the goods, to business papers, invoices, price lists, notifications, every kind of advertisement and all other printed material and to use it on electronic or audiovisual means.
2. 'Use' of the trademark shall also mean:



- 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 trade mark to goods intended exclusively for export purpose or to their packaging in Greece.
- c. the use of the trademark with the proprietor's consent and also the use of collective trademark by persons entitled to it.
1. The proprietor is entitled to prevent all third parties from using in the course of trade any sign constituting an alteration or imitation of the trademark in accordance with the provisions in article 4 par. 1 of the present Law.

### **Article 19** **Identical and non products**

1. The trademark shall only be used in connection with the goods or services of the proprietor, except for the special cases provided for in the present Law.
2. As ' identical ' are also regarded goods, the main part of which is constructed or prepared by the proprietor but which are assembled or completed by somebody else.
3. The non producer of an identical or similar product may use an identical trademark in connection with the sold products of another, provided that the existing trademark of the products will remain in-law. This provision also applies by analogy to service marks.
4. In any other case, use of the trademark on products, goods or services of another or in any other way, shall be prohibited, notwithstanding the proprietor's consent, except for the special provisions in the present Law.

### **Article 20** **Prevent of Protection**

1. The right conferred by the trademark shall not entitle the proprietor to prevent 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 goods or of rendering of services, or other characteristics of the goods or services, the trademark where it is necessary to indicate the intended purpose of a product or service, in particular, as regards accessories or space parts.  
The use must be made in accordance with honest practices in industrial or commercial matters and it any case not in the form of a trademark.
2. The right conferred by the trademark shall not prevent third parties from using in the course of a trade, an earlier right which only applies in a particular locality, if that right is recognized therein.
3. The trademark shall not entitle the proprietor to prohibit its use connection with goods which have been put onto the market in the Community under the trademark by the proprietor or with his consent.
4. Paragraph 1 shall not apply, where there exists legitimate reasons for the proprietor to oppose further commercialization of the goods, especially where the condition of the goods is changed or impaired after these have been put on the market.



**Article 21**  
**Duration of protection**

1. Protection of trademarks shall be for a period of ten (10) years starting from the date following registration.
  2. The duration of protection shall be extended, provided an application is made and proof of payment of the official fees is submitted to the Ministry of Commerce within the prescribed period.
  3. The aforementioned submission is made within the last year of protection.
- The filing of the application and the submission of proof of payment can also be made within an additional period of six (6) months starting the completion of a period of ten (10) years , provided that proof of payment of double the amount of the prescribed fees is submitted.
4. If proof of payment is submitted is submitted within the prescribed period in pair. 3, this is recorded in the margin of the initial registration.
  5. If proof of payment is not submitted within the prescribed period in pair. 3, the trademark shall be revoked, following the drafting of a statement.
  6. Any dispute between the applicant and the Authority as well as any challenge of the revocation made in accordance with par. 5 shall be judged by the Administrative Trade Marks Committee upon application by any interested party.

**CHAPTER D**

**Article 22**  
**Transfer**

1. The right conferred by the trade mark is transferable in life or after death, separately from any transfer of the undertaking.
2. The trademark is transferable , separately of whether the trademark consists of names natural persons or legal entities.
3. The transfer is in valid against third parties only after registration in the trademarks register. For this registration , submission of the relevant contra law and proof of payment of the officials fees are required.
4. If the transfer of the trademark is made while the case is pending before Administrative Trade Marks Committee, the Administrative Courts or the State Council, the assignee or the quasi successor may intervene. By intervening, the latter becomes main parties entitled to the assignor's rights, who is in turn dismissed.



### **Article 23**

#### **Undertakings**

Following the winding up of the undertaking and upon completion of the liquidation procedure, the trademark is revoked, provided there is no agreement to the contrary.

### **Article 24**

#### **Attachment, auction sale and bankruptcy**

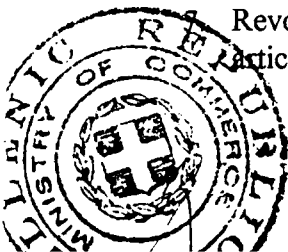
1. Attachment and auction sale of the trademark are allowed.
2. The decision which orders attachment is notified to the competent authority and is recorded in the relevant book.
3. In the case of bankruptcy, the trademark may be sold.
4. Where the trademark consists solely of the proprietor's name, no attachment or auction sale shall be permitted.

### **Article 25**

#### **Collective Trademarks**

1. Partnerships, unions or associations pursuing professional goals and which have legal entity, even though they do not run their own business, can register trademarks in the order to distinguish products, goods or services produced, sold or offered by their members (collective trademarks). Public legal entities also fall under this provision.
2. Notwithstanding the provision in article 3 of the present Law, the collective trademark can consist of indications, capable of being used in trade for the definition of the geographical origin of the products or services. A collective sign consisting of such indications does not confer upon the proprietor the right to prevent third parties from commercially using such signs or indications, in particular, third parties from using geographical names, provided that the third parties use such signs or indications in accordance with accepted principles of morality.
3. The application for registration of the collective mark must be accompanied by an affirmation comprising the title, the seat, purpose, name or legal representative, list of names of all members entitled to use and the conditions and regulations concerned with rights and obligations of the members for use of the mark by them. A similar application is required for the alteration of any such elements.
4. The right conferred by the collective mark cannot be assigned to a third party as such.
5. Rights arising from the registration of the collective mark belong to the proprietor's legal entity.
6. A special book is kept for the registrations of collective trademarks; the right of registration and extension of their duration is five times the one provided for, for the rest of trademarks.

Revocation of the collective trademarks is possible, if done in accordance with Article 17, which applies by analogy ; it is also possible where the proprietor does



not oppose the use of the mark in a way which is contrary to the purpose of the partnership, union, association e.t.a., to the conditions and regulations affirmed upon registration, or which is misleading in the course of trade.

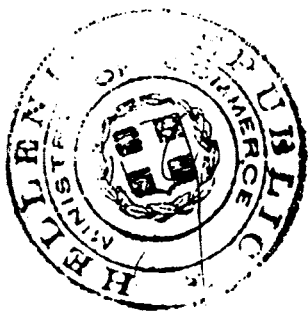
8. Foreign partnerships, unions associations or public legal entities established in accordance with the provisions of private or public law of the country in which they have their registered office, can register collective marks, provided that in their countries, Greek collective marks are registered and protected.
9. Use of a collective trademark is made with the indication ' collective mark '.
10. The provisions in the present Law apply to collective marks provided they are not contrary to the provisions of the present article.

## **CHAPTER E**

### **Article 26**

#### **lawsuit for omission or damage**

1. The lawsuit may be brought against anyone using, altering or imitating a trademark which belongs to somebody else for omission or damages or both. The same applies to anyone using a trademark which is identical or similar to another but not used in connection with similar goods or services to those for which the trademark has been registered, provided the latter has acquired reputation in Greece and that use of such a sign would, without due cause, take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trademark.
2. The lawsuit is brought before the competent court of First Instance, regardless of the amount claimed and is judged according to the usual procedure. The statute of limitation for the lawsuit for damages is three years starting from the end of the year during which, the first illegal use, alternation or imitation has taken place. Upon interruption of the statute of limitation period, a new one commences from the end of the year during which the interruption is completed.
3. If the disputes in paragraph 1 arise along with those referred to in Law 146/1914 or in article 914 of the Civil Code, these can be brought before the competent multimember courts of First Instance.
4. With respect to an identical trademark and a mark differing in elements not altering its distinctive character, the submission of a registration certificate of the altered mark provides evidence of use or alteration.



## **Article 27**

### **Provisional Measures**

1. Anyone having the right to bring an lawsuit against omission which is contrary to the present Law, can seek an provisional measures.
2. Where the claim is brought against a third party, the owner of the undertaking the products or services of which bear the infringed trademark must be summoned., if it is established from the aforementioned products or services that he is the owner.
3. The application for registration of the trademark filed by the person against whom the petition for interlocutory injunctions has been made, does not affect the above petition.
4. The court of First Instance of the district where the products or the rendering of services takes place, as well as the district where the undertaking has its registered office the products or services of which bear the trademark, is competent for granting the provisional measures.

## **Article 28**

### **Criminal Provisions**

1. With at least three ( 3 ) months in prison and a penalty amounting to 200,000 dr., or with one of these is punished:
  - a. Anyone altering a trademark or knowingly using an altered trademark.
  - b. anyone knowingly affixing to products of the undertaking or to objects of the latter' s trade, a trademark not owned by him.
  - c. anyone imitating a trade mark, wholly or in part, without altering it with a view to mislead buyers or knowingly to use such a mark.
  - d. anyone knowingly selling or exposing for sale or distribution products or goods bearing the trademark which constitutes an alteration or imitation of another trademark.
  - e. anyone using as a trademark in violation of the provisions in article 19.
  - f. anyone using as a trademark, the emblems and symbols of the Greek State and of every authority as well as the religious symbols.
2. The provisions of paragraph 1 of the present article also apply to service marks.

## **Article 29**

### **Prosecution**

As regards laws provided in article 28 par. 1a, b, c, d, and e and laws committed after registration of the prosecutor' s trademark, prosecution commences with the filing of the complaint, as regards par. 1f, prosecution is made ex officio.

## **Article 30**

### **Publication of criminal judgments**

The court orders publication of a summary of every condemning judgment at the convicted party's expense in two daily newspapers of Athens, if the offense was committed within the district of the prefecture of Attiki . If the offense was committed within the territory of another prefecture, publication is made in one daily newspaper



of Athens and in one daily local newspaper and if there is no local newspaper, in one daily newspaper of the prefecture's capital.

### **Article 31**

#### **Removal of the attached trademark and destruction of products**

1. The civil or criminal court orders in the case of alteration, the destruction of the products or goods which bear the altered trademark; in the case of imitation, the removal and destruction of the trademark or the destruction of the product.
2. The removal or destruction of the trademark can be ordered by the court even in the case of acquittal of the accused, if it takes the view that there exists a likelihood of confusion.

### **Article 32**

#### **jurisdiction of the civil courts**

The civil courts have no jurisdiction, where , in accordance with the present Law, the Administrative Trademarks Committee and the courts have jurisdiction. The judgments of the Administrative Trademarks Committee which are not subject to appeal and the irrevocable judgments of the Administrative Courts which are rendered by virtue of the present Law, are compulsory for the civil courts and for any other authority.

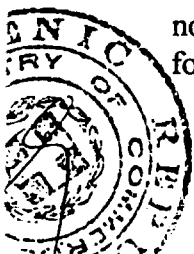
## **CHAPTER F**

### **Specific, transitional and final provisions**

### **Article 33**

#### **Foreign Trademarks**

1. Greeks or foreigners who have their registered office outside Greece can be protected by virtue of the provisions of the present Law, if their trade marks are protected therein and equivalent protection is provided for the Greek trademarks by an International Treaty or by the exchange of governmental declarations between Greece and the foreign State.
2. For protection in Greece, registration of the trademark must take place in conformity with the provisions of the present Law; Without prejudice to the requirements included in art. 6 of the present Law, the following must be also satisfied;
  - a. Proof by the competent foreign authority that, according to the legislation of the foreign State, where the registered office of the applicant lies, the trademark registration of which is applied for in Greece is registered and protected. Proof is not required, if Greek Trademarks are registered in the foreign State, without need for submission of any proof.



Variations of secondary parts of the trademark which do not alter its overall impression, do not constitute grounds for refusal.

As regards trademarks which are registered upon demand for priority within six months from the filing of the first application in the foreign State, the aforementioned proof may be submitted within a period of three ( 3 ) months starting from the submission of the trademark's application in Greece.

- b) A special power of Attorney signed by the applicant, which contains an application for submission to the jurisdiction of the courts in Athens. The application can also be made in writing by the applicant's Attorney and submitted to the competent trademarks Authority.
3. Foreign documents submitted for registration of the trademark must be accompanied by a Greek translation from person having the right to translate according to the law.
4. A foreign trademark duly registered in Greece becomes independent of a trademark in the State where the proprietor has its seat.

#### Article 34

The publications provided for in the present Law are made in a special edition of the Official Bulletin which is issued monthly under the title «Commercial and Industrial Property».

#### Article 35

The public fees for trademarks are estimated as follows:

- |   |           |
|---|-----------|
| 1. Registration of the trademark  | 20.000 dr |
| 1a. For every additional class  | 5.000 dr  |
| 2. Extension of protection  | 20.000 dr |
| 2a. For every additional class  | 5.000 dr  |
| 3. Change of name or legal form or address.   | 10.000 dr |
| 4. Limitation of products or services   | 5.000 dr  |
| 5. Assignment of trademark  | 20.000 dr |
| 6. Filing of recourse, interventions and claims with the Administrative Trademarks Committee.   | 15.000 dr |
| 7. Recourse before the Administrative Trademarks Court of second instance   | 15.000 dr |
| 8. Public fees for filing recourse with the Administrative Trademarks Committee and the Administrative Trademarks Court of 2 <sup>nd</sup> Instance | 5.000 dr  |
| 9. Copies of trademarks   | 2.00 dr   |

2. The public fees provided for in par. 1 of the present Article can be readjusted by a common decision taken by both the Ministers of Commerce and Finance and published in the Official Bulletin.



3. The presidents, members, secretaries and assistants of the Trademarks Courts are paid for every meeting by virtue of a decision of the Ministers of Commerce and Finance.

### **Article 36** **Classification of trademarks**

1. Art. 9 of the Royal Decree of 20/27-12-1939 ( Official Bulletin 553A ) for the enforcement of the trademarks Law 1998/1939, as replaced by article 4 of the Royal Decree of 26<sup>th</sup> September/6<sup>th</sup> October remains in effect.
2. The services are classified in eight (8) classes in accordance with the classes of goods or products referred to in art. 9 of the Royal Decree of 20/27-12 -1939, as follows:

Class 35:

Advertisement, management of commercial cases, administration of commercial businesses, office works.

Class 36

Insurance, financial cases, currency cases, cases concerning immovable.

Class 37

Constructions, repairs, installation services.

Class 38

Telecommunications

Class 39

Transports, packaging and storage of goods, organization of trips.

Class 40

Processing of materials.

Class 41

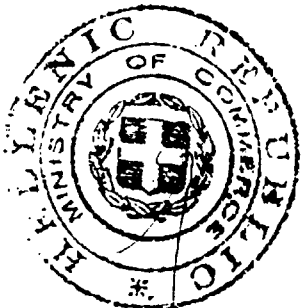
Education, training, entertainment, athletic and cultural activities.

Class 42

Nutrition, temporary catalysis, medical care, hygiene, beauty, veterinary and agricultural services, legal services, scientific and industrial research, computer programming, services cannot be otherwise classified.

### **Article 37** **Transitional provisions**

The provisions of the present Law apply by analogy also to service marks.



### Article 38

1. As regards application for the first time of the provision concerning service marks and not for a period exceeding five years from the enforcement of the present Law, their acceptance in the case of dispute , will be made by virtue of the priority use claimed proved.
2. The form of registration and control of the sound marks will be defined by the decisions of the Minister of Commerce, as published in the Official Bulletin.
3. The provisions in art. 10, 11 and 17 of the present Law apply to cases pending before the Administrative Trademark Committee and to trials pending before the Administrative Courts. The period of four ( 4 ) months for the opposition made by a third part, applies exceptionally to the publications in the Commercial and Industrial Property Column, issued after the enforcement of the present Law.
4. Provisions which are contrary to the present Law or concern issues regulated by it, are repealed. The prevailing specific provisions still remain in force with the authorization given by compulsory the Laws 1998/1939 and 3205/1955, are still effective, provided that they are not contrary of the present Law.
5. The Presidential Decree 317/1992 is repealed.
6. The books provided for in article 6 of the present Law are drafted and kept in compliance with a decision made by the Minister of Commerce and published within forty five ( 45 ) days from publication of the present Law. Until publication of the decision is completed , the provisions prevailing up to them and concerning the books for registration of the trademarks, still remain in force.
7. Trademarks, which have not been irrevocable accepted at the time of enforcement of the present Law, are determined by virtue of the previous legislation.
8. Where in the Regulation of the Council for Community Trademarks (40/94/21.12.1993) the Central Service of Industrial property is referred to, it shall be taken to mean the Service of Commercial and Industrial Property of the Ministry of Commerce.

### Article 39

The present Law will come into effect forty-five (45) days following publications in the Official Bulletin.

