



## **TRADEMARKS IN GREECE**

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## **A. GENERAL INFORMATION ABOUT GREECE**

### **COUNTRY FACTS**

**Location** Southern Europe, bordering the Mediterranean Sea

**Capital City** Athens

**Government** Presidential parliamentary republic

**Legal System** Civil law Jurisdiction

**Official Language** Greek

**Population** 11.19 million (2010 estimate)

**Currency** Euro

**Est. GDP** US \$312.042 billion (nominal, 2011 est.)

### **Trade and Regulatory Environment of the Country**

Greece is a member of the European Union, the Euro zone, the OECD, the World Trade Organization and the Black Sea Economic Cooperation Organization. The country has a capitalist economy, where the public sector accounts for about half of GDP.

The economy went into recession in 2009 as a result of the world financial crisis and Greece embarked on a tight adjustment program to deal with the economic crisis by restoring public finances and competitiveness. The economic adjustment plan is being implemented with the technical and financial support of the IMF, the European Union and the participation of Greece's private sector.

Greece's trade policy is the same as that of other members of the European Union, adapting the regulations and customs administration, as implemented among EU members for imports and market access.

Although the Greek economy faces problems such as an inefficient public sector and bureaucracy, which constitute barriers to the growth of productivity, efforts have been made and reforms have been carried out for reducing and/or eliminating the restrictions still imposed to the market access for some services and to the competition, in order to create an environment favourable for investments. However, investments are restricted to several financial sectors (such as transport), where investors must obtain licenses, as defined by the provisions of the relevant

## Greek Laws.

The registration of a trademark grants its beneficiary the exclusive right of its use and constitutes an active asset of significant trade value<sup>1</sup>. The beneficiary can be protected under the Greek law from third parties or competitors, exercising the corresponding legal actions and prohibiting the registration and/or the use of an identical or confusingly similar trademark

An unregistered mark may be protected only as a "distinguishing feature" according the Law on Unfair Competition<sup>2</sup> and under the conditions set by the Greek jurisprudence.

### **Further developments**

- The Greek Law 3900/2010 was published in the Government Gazette on December 2010 and aims to simplify the administrative court proceedings. The administrative courts handle the matters of validity of a trademark and its conflict with prior registered trademarks, where the civil courts handle the matters of infringement. Due to the fact that Greece does not have courts specialized in intellectual property's law, the cases were pending to the courts for many years. The new law regulates the direct recourse to the Council of State, which is the highest administrative court.
- On December 2010, in conformity with the EU directive 2008/52/EC, the Greek Law 3898/2010 was published in the Government Gazette, regulating the mediation in civil and commercial case. Additionally the Supreme Court has issued decisions favorable to alternative dispute resolution.

These developments constitute positive factors, which shall improve and further develop the IP practice in Greece.

### **International Intellectual Property Agreements**

- Paris Convention
- *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)*
- Nice Agreement
- Madrid Protocol 1989, as amended in 2006 and in 2007
- WIPO Copyright Treaty
- Trademark law treaty

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<sup>1</sup> Apart from the assignment, the attachment and the auction of the trademark are also allowed according the provisions of Trademarks Law 4072/2012, article 133

<sup>2</sup> Greek Law 146/1914

**Applicable Laws and Regulations**

1. Greek Trademarks Law 2239/1994, as amended and substituted by the Law 4072/2012, which shall enter into force on 11/10/2012
2. Law on Unfair Competition 146/1914
3. Paris Convention for the Protection of Industrial Property (as ratified by the Greek Law 213/1975)
4. WIPO Copyright Treaty (as ratified by the Greek Law 3184/2003)
5. Madrid Protocol 1989, as amended in 2006 and in 2007(Greek Law 2783/2000)
6. Nice Agreement (as ratified by the Greek Law 2505/1997)
7. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (Greek Law 2290/1995)

**B. TRADEMARK TYPES ACCEPTED FOR REGISTRATION IN GREECE**

**1. Definition of the trademark- what is protected as a trademark?**

Every sign which can be represented graphically is considered as a sign registrable as trademark. A trademark may 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<sup>3</sup>, three-dimensional shapes, composite sign consist of both a depiction and a word element. Slogans can be also registered, if they have distinctive power and can be formed as trademarks.

The title of a newspaper or a magazine was regarded as trademark according the formerly applicable Law 2239/1994<sup>4</sup>. However this provision was omitted in the new Law 4072/2012.

According to the Greek Trademark Law 4072/2012 a registered trademark is considered a commercial property of its beneficial.

**Requirement of Distinctiveness**

The trademark must be distinctive in order to be accepted for registration<sup>5</sup>. Trademarks that are devoid of any distinctive characteristics cannot be registered.

**2. Applicable Classification**

- i. International Classification of Goods and Services (Nice)<sup>6</sup>
- ii. Multi-class registration is available (Trademarks Law 4072/2012, art. 121, 124)

**3. Trademarks' types accepted for registration**

**i. Trademark for Goods**

Any mark which can be represented graphically and which distinguishes the goods of one undertaking from those of other undertakings.<sup>7</sup>

<sup>3</sup> Trademarks Law 4072/2012, article 121

<sup>4</sup> Trademarks Law 2239/1994, article 1§2, Trademarks Law 4072/2012, article 121

<sup>5</sup> Trademarks Law 4072/2012, article 123§ 1, b

<sup>6</sup> Trademarks Law 4072/2012, article 180

<sup>7</sup> Trademarks Law 4072/2012, article 121



## **ii. Trademark for Services**

Any mark which can be represented graphically and which distinguishes the services of one undertaking from those of other undertakings<sup>8</sup>.

## **iii. Collective Trademarks**

The collective trademark is registered by a partnership, union, association, or public entity which pursues professional goals and is recognized as a legal body, regardless of whether it operates its own business. The mark may be used by any of the members of the registered beneficiary to distinguish products, goods, or services they produce, sell or offer for sale<sup>9</sup>.

The previous Law 2239/1994 had specifically regulated the registration of collective trademarks by foreign partnerships, unions, associations or public entities established under the public or private law provisions of the country in which they have their registered offices. The registration was permitted on the condition that in their country Greek collective trademarks are registered and protected.

The new law makes no special reference to the above. However the rest of the regulations are applicable to this type of collective trademarks and therefore protection can be sought with priority registration<sup>10</sup>.

## **iv. Colored Trademarks**

No special provision is made. However the trademarks can consist of colorful patterns.

## **v. Defensive Trademarks**

These are trademarks, which their beneficiary does not intend to use but their registration aims to protect a basic trademark, to which they are similar. No special provision is made to the Greek Law.

However according the scope of the Greek Law for Unfair Competition, a defensive trademark violates its regulations and therefore is prohibited. However, the Trademarks Committee can not verify the intention of the applicant and in practice it accepts similar trademarks filed by the same applicant.

## **vi. Trademarks registered for sounds**

These marks protect a musical phrase and can be represented graphically in the form of a pentagram with musical notes.

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<sup>8</sup> Trademarks Law 4072/2012, article 121

<sup>9</sup> Trademarks Law 4072/2012, article 163

<sup>10</sup> Trademarks Law 2239/1994, article 25 §8, Trademarks Law 4072/2012, article 163 §8 and 177

**vii. Trademarks consist of the applicant's name<sup>11</sup>**

The name of the applicant can be registered as trademark. If the same name has been already registered by another as trademark, the applicant must add a distinctive sign, which shall render the new trademark clearly distinctive from the earlier one.

**Pantone Color Matching System**

The Pantone Color Matching System is a standardized colour reproduction system. When the colour of a trademark is considered the most important and crucial element, the applicant is able to define the exact tone of it by making reference to the Pantone system.

**4. Non registrable signs**

According the Greek Trademarks Law, the following marks cannot be registered as trademarks:

**I. Identical or confusingly similar Trademarks<sup>12</sup>**

- A) Trademarks identical or confusingly similar to an earlier registered or pending for registration trademark, which distinguishes identical or similar goods or services, provided that, due to this identity and/or the similarity of the trademarks and/or the products or services, exists a likelihood of confusion on the part of the public, which includes the likelihood of association of the products and of the association of the two beneficiaries, falsely suggesting a commercial connection between them.
- B) Trademark identical with or similar to an earlier trademark and intended to distinguish goods or services which are not similar to those for which the earlier mark is registered, provided that the latter has a reputation and the use of the later mark would take, without reasonable cause, unfair advantage of the distinctive character or the repute of the earlier mark or be detrimental to the distinctive character or the repute of that.
- C) Trademarks in conflict with an unregistered mark already used in the course of trade that has conferred on its user the right to prohibit use of any subsequent identical or similar trademark.
- D) Trademarks contrary to a prior right of personality or a prior intellectual or industrial property right other than those governed by this Law
- E) Trademarks likely to cause confusion with a mark which is registered and used abroad at the time of the filing of the application for the registration, provided that the application was made in bad faith by the applicant

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<sup>11</sup> Trademarks Law 4072/2012, article 121

<sup>12</sup> Trademarks Law 4072/2012, article 124

➤ **Registration of a similar mark**

This registration may be permitted if the applicant has been authorized to file the application by the proprietor of the earlier mark, provided that the latter provides the Trademarks Committee with a written consent.<sup>13</sup> The said consent can be also provided at the hearing to the Administrative courts.

The previous Law 2239/1994 (article 4, §4) had imposed two additional requirements, which were omitted in the new law:

- i) The trademark could be similar but not identical with the earlier
- ii) The Greek Trademark Committee should not rule that the registration is contrary to the public interest or there is the possibility of misleading the public

The second requirement, although not expressly indicated in the new law for this case, must be taken into consideration as it is still applicable; according the Law 4072/2012, article 123 § 1 s 6, the trademarks must not be contrary to the public policy or misleading.

The applicant may acquire an earlier trademark which is opposed against his application: such assignment, which can be executed even after the examination of the application, results to the acceptance of the trademark for registration<sup>14</sup>.

## **II. Trademarks which have been opposed**

A trademark that has been successfully opposed according the provisions of Greek Trademarks Law 4072/2012 art. 140-142, 146, 150-158

## **III. Nominative / Non distinctive Trademarks<sup>15</sup>**

1. Trademarks consist solely of the shape which results from the nature of the product or it is necessary in order to obtain a technical result or it gives substantial value to the product
2. Trademarks consist exclusively of signs or indications which may serve in trade to designate the kind, quality, properties, quantity, intended purpose, value, geographical origin or time of production or provision of service or other characteristics of the product or service
3. Trademarks consist exclusively of signs or indications which have become customary in current language or in bona fide and in established practices of trade

A mark that is initially non distinctive may be registered if due to its use as of the date of registration and prior to the last hearing to the Greek Trademarks Committee, has become distinctive of the goods or services for which it has been filed<sup>16</sup>.

<sup>13</sup> Trademarks Law 4072/2012, article 124, §4

<sup>14</sup> Trademarks Law 4072/2012, article 131 §5

<sup>15</sup> Trademarks Law 4072/2012, article 123§1 s a,b,c,d and e

<sup>16</sup> Trademarks Law 4072/2012, article 123 §4

#### IV. Trademarks with Prohibited Content, Prohibited Words or Representations<sup>17</sup>

Marks consisting, including, are similar to or containing any of the following:

1. Signs that are devoid of distinctive power or cannot be presented graphically
2. Matters that are of such a nature as to deceive the public in any way, but especially as to the nature, quality, properties, value or geographical origin<sup>18</sup> of the goods or services.
3. Trademarks that are contrary to public policy or to accepted principles of morality.
4. Trademarks the registration of which is in contrast with good faith
5. Flags, emblems, symbols, coats of arms, signs and markings of the Greek state and other states<sup>19</sup>, the signs of great symbolic importance and in particular religious symbols and images
6. Trademarks intended to distinguish wine or wine products and consist of indication of geographical origin already protected by the EE legislation
7. Trademarks consist of indication of geographical origin regarding agricultural products.

#### 5. The Applicant

The application for the registration of a trademark is filed either directly by the applicant or by an authorized attorney-at-law.

A power of attorney notarized and/or legalized via apostille is required only for specific cases, such as the assignment of the trademark, change of beneficiary's address etc. In any other case simple signature of the beneficiary (along with the stamp of the legal entity, if the beneficiary is not a natural person) is sufficient.

The beneficiary is obliged to appoint an attorney-in-law in case an appeal is filed against the trademark registration.

Natural persons of Greek nationality or legal entities of all corporate forms with registered office in Greece may apply for the registration of a trademark, which they use or intend to use. Foreign applicants<sup>20</sup> may apply for the registration of a trademark, on the condition that they have a commercial establishment in Greece or they are nationals of a contracting to Paris Convention state.

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<sup>17</sup> Trademarks Law 4072/2012, article 123 §1 s f,g, §2 and §3

<sup>18</sup> However, the name of the place can be registered as a trademark, if there is no possibility that the public shall be confused for the origin of the product

<sup>19</sup> Paris Convention for the Protection of Industrial Property (Greek Law 213/1975), article 6

<sup>20</sup> Trademarks Law 4072/2012, article 177 §1

➤ **Claiming Priority**<sup>21</sup>

Applicants who have their commercial establishment abroad may register a trademark if the same is registered in the country where the business is located, provided that country extends reciprocal protection to Greek trademarks by virtue of an international agreement or by a governmental declaration between Greece and that country. The requirement of home registration is waived if the country where the business is located waives home registration requirements for Greek nationals.

Priority registration pursuant to the Paris Convention may be claimed within six months of the date an application was filed in the first Convention country. Proof of the earlier application must be filed within three months of the Greek application date.

## **6. The Hellenic Trademarks**<sup>22</sup>

The Law 4072/2012 introduces a new type of trademark for products produced and services rendered within the territory of Greece.

The said goods and services must meet specific technical requirements and incorporate Greek added value.

Any registered Hellenic Trademark is further registered by WIPO as official trademark of the Hellenic Republic.

### **I. Competent Authority**<sup>23</sup>

The Competent Authority shall be the “National Committee for the Hellenic Trademark” (EES), whose members shall be appointed by Ministerial Decision for two years term.

The EES shall be represented both judicially and extra judicially by the Minister of Finance.

### **II. Products and Services**<sup>24</sup>

The products and services are divided in three main categories:

#### **1. Natural Products (agricultural, animal feeds, raw materials)**

The production, breeding or the collection must take place in Greece.

#### **2. Processed Products**

Part of the final products or their raw materials must be produced in Greece<sup>25</sup>.

<sup>21</sup> Trademarks Law 4072/2012, article 177 § 2-6

<sup>22</sup> Trademarks Law 4072/2012, articles 184-196

<sup>23</sup> The exact powers of the EES are described in the articles 185 and 186 of Trademarks Law 4072/2012

<sup>24</sup> Trademarks Law 4072/2012, article 188

<sup>25</sup> The law introduces some exceptions for raw materials which cannot be produced in Greece due to their nature or for products Greek character of which is due to the method they are produced Trademarks Law 4072/2012, article

### 3. Other industrial Products and Services

A percentage of the total cost paid for their production must have occurred in Greece<sup>26</sup>.

### **III. Registry of Hellenic Trademarks**<sup>27</sup>

- All decisions, renewals and alterations relating to the Hellenic Trademarks shall be entered in an e- Registry, kept at the Ministry of Development Competitiveness, Infrastructure, Transportation and Networks.

The said e-Registry shall be open to the public.

### **IV. Right to Use**<sup>28</sup>

The registration of a Hellenic Trademark confers upon its beneficiary the exclusive right to use that trademark in connection to the goods or services for which the latter is registered.

The Ministry shall issue upon request of the beneficiary Certificate of Registration, which shall certify the registration of the trademark in question and the subsequent legal rights of its beneficiary.

### **v. Revocation-Penalties**<sup>29</sup>

The Hellenic Trademark registration is wholly cancelled or revoked by the EES permanently in the following cases:

1. The beneficiary becomes insolvent
2. No renewal application is filed in due time
3. The beneficiary applies for the withdrawal of the trademark
4. The production of the product or the rendering of the service is terminated

The ESS shall be able to impose the following penalties on the beneficiary in case the latter infringes the provisions of the law<sup>30</sup>:

1. A written notice is served to the beneficiary granting him a deadline for complying with the relevant regulations
2. The registration of the trademark is permanently or temporarily revoked. In the latter case the penalty is revoked, if the beneficiary complies with the instructions received by the

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#### 188 § 5

<sup>26</sup> Further Ministerial Decisions shall define the Rules applicable for the determination of the parts/ percentages.

<sup>27</sup> Trademarks Law 4072/2012, article 190

<sup>28</sup> Trademarks Law 4072/2012, article 191

<sup>29</sup> Trademarks Law 4072/2012, articles 193 and 194

<sup>30</sup> Trademarks Law 4072/2012, article 194§2: a) misleading use of the trademark, b) the product/service does not meet the requirements as set in the article 188 of the same law and c) the beneficiary provides ESS with misleading data

competent authority.

## **VI. Appeals**<sup>31</sup>

The beneficiary of the trademark and anyone having legal interest can file an opposition against the decision of the ESS within 30 days from the day the trademark was registered/ the opposed decision was duly served.

The enforcement of the penalties is suspended until the decision upon the opposition is published. Anyone having legal interest can file an appeal against this decision of the ESS to the Administrative Court of Athens.

## **VII. Publications**<sup>32</sup>

All the decisions of the ESS are published to the webpage of the Ministry of Development, Competitiveness and Shipping.

# **C. DURATION OF THE PROTECTION AND RENEWAL OF THE TRADEMARKS**

<sup>33</sup>

The trademarks are protected for initial time period of ten years (10) starting from the filling date of the application and provided that the trademark is accepted for registration.

The duration of the protection is extended for additional ten years upon the expiration of the initial registration and upon applicant's written application submitted to the Trademarks Office and simultaneous payment of the official fees. The applicant may extend the 10 year protection as many times as he wishes.

The renewal application is filed within the last year of the protection.

### **➤ Renewal After Expiration**

If the renewal application is not filed until the last day, renewal may still be validly effected within six months following the expiration of the registration, subject to payment of double the amount of the prescribed fee.

<sup>31</sup> Trademarks Law 4072/2012, article 195

<sup>32</sup> Trademarks Law 4072/2012, article 196

<sup>33</sup> Trademarks Law 4072/2012, article 148

➤ **Re-establishment**<sup>34</sup>

The beneficiary of a trademark may file a request to re-established its registration in case he failed to meet a deadline due to force majeure.

The relevant application is filed to the competent authority within two months from the date the force majeure was ceased and no later than one year from the date the deadline has expired.

This provision is not applied in the case where the beneficiary did not meet a deadline set for the filling of an opposition or an appeal and where the international conventional priority is not timely claimed.

<p><b><u>D. ALTERATION AND MODIFICATION OF THE TRADEMARKS</u></b></p>
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➤ **Alteration/ modification of a registered trademark**

The particulars of the trademark (depiction and word elements) cannot be altered or amended after its registration.

The beneficiary can apply for the restriction of the goods and services of the trademark<sup>35</sup>.

➤ **Alteration/ modification of the Name or the Address of the beneficiary or of the authorized attorney**

In case a change in the name or the address of the trademark's beneficiary or in the authorized attorney occurs, the same must be recorder to the Trademarks Office.

The beneficiary or the authorized attorney files respective application along with the required documentation, which proves the change and the new details.

<sup>34</sup> Trademarks Law 4072/2012, article 149

<sup>35</sup> Trademarks Law 4072/2012, article 129 s b



## **E. TRADEMARKS REGISTER-COMPETENT AUTHORITY**

### **1. Trademarks Committee**<sup>36</sup>

The Trademarks Committee is the competent authority of the Ministry of Development Competitiveness, Infrastructure, Transportation and Networks for all matters in relation to the trademarks.

The hearings are held in public and its decisions are published to the website of the Ministry.

### **2. Trademarks Register**<sup>37</sup>

Every application for the registration of a trademark is bound in a special book (the Registry) kept by the Trademarks Office, which keeps different Registries for domestic, foreign and international trademarks. The Registry is open to the public and copies or extracts of the registered trademarks are offered to anyone upon request.

All decisions and alterations relating to the trademark are entered in the Registry. The Trademark Office can issue special certificates upon request; however an official copy of the registered trademark, bearing the registration/ alterations in its pages, is considered as sufficient proof for the status of the registered trademark in Greece.

The trademarks are registered under irrevocable decision of the Committee. In this case, the word "registered" is recorded and the trademark is presumed to have been registered from the date of the application<sup>38</sup>.

## **F. APPLYING FOR AN INTERNATIONAL TRADEMARK IN GREECE**<sup>39</sup>

The new law encompasses the provisions of the Madrid Protocol, as ratified by the Greek Law 2783/2000.

### **1. Applicant**

In order to apply for international registration of a trademark, the applicant must have residency/

<sup>36</sup> Trademarks Law 4072/2012, article 145

<sup>37</sup> Trademarks Law 4072/2012, article 147

<sup>38</sup> Trademarks Law 4072/2012, article 147§ 2

<sup>39</sup> Trademarks Law 4072/2012, articles 164-174

establishment in Greece and be beneficiary of a validly registered national trademark.

## **2. Filing of the respective application**

The application is filed to the Trademarks Office along with the supporting documents and payment of the applicable fees. The Office grants an official filling number (protocol number) and the application is considered filed upon that date.

## **3. Appeals**

Anyone having legal interest can file an opposition against the international registration of a trademark<sup>40</sup>, appointing an authorized attorney to handle the proceedings. All relevant documents and the decision are communicated to WIPO.

## **4. Conversion of an international trademark to domestic**

If the validly filed basic application or the basic valid registration, upon which the registration of an international trademark is based, expires within 5 years from the date of the international registration and Greece is one of the designated countries, the beneficiary is able to file within 3 months from the date of the expiration application for converting his trademark to a domestic one.

# **G. COMMUNITY TRADEMARKS IN GREECE**

The new law encompasses the European Directives, the Council Regulation 207/2009 and the European Case Law for the protection of the community trademarks in Greece

### **➤ National Search Reports for community trademarks**

The issuance of search reports by the central industrial property offices of the Member States has become optional for the applicant. Only at his request the Office will ask the national services involved to prepare and return, within a period of two months, standard national search reports for the registration. The Office will forward the national search reports received within that period and the Community search report without any delay to the applicant. If the applicant does not apply for national search reports only the Community search report will be forwarded by the Office. The publication of the application cannot be concluded until the reports have been

<sup>40</sup> We shall extensively analyse the opposition procedure in the next chapters.

completed and forwarded by the Office to the applicant.

### **1. Applicant**

In order to apply for international registration of a trademark, the applicant must have residency/ establishment in Greece and be beneficiary of a validly registered domestic trademark.

### **2. Filing of the respective application**

The application is filed to the Trademarks Office along with the supporting documents and payment of the applicable fees. The Office grants an official filing number (protocol number) and the application is considered filed upon that date.

### **3. Protection of the community trademarks in Greece**<sup>41</sup>

The protection of a validly registered community trademark must be equal to the protection of a domestic one.

### **4. Conversion of a community trademark to domestic**<sup>42</sup>

The Community Trademarks are valid across the European Union upon their registration. If an appeal against the registration of such trademark is filed and accepted to any of the contracting parties, the trademark cannot be accepted.

However the applicant can apply for converting the same to a domestic one to the contracting states where the appeal was not filed or was not accepted. The deadline is two months from the date the refusal was notified to the beneficiary and the trademarks is protected from the date it was filed as a community trademark.

### **➤ Cooperation between OHIM and the General Secretariat of Commerce (Ministry of Development Competitiveness, Infrastructure, Transportation and Networks, Greece)**

According an agreement executed between the Greek General Secretariat of Commerce and OHIM, the Directorate of Commercial and Industrial Property of the Greek Ministry is, from 15/5/2012 to the end of the year 2012, responsible for providing information to all interested parties on Community trademarks procedures.

<sup>41</sup> Trademarks Law 4072/2012, article 175

<sup>42</sup> Trademarks Law 4072/2012, article 176

## **H. TRADEMARK AS AN ASSET**

### **1. Exclusive Use Rights**

The registration of the trademark confers upon the beneficiary the exclusive right to use the trademark in connection to the goods or services for which it is registered and which are owned by the proprietor<sup>43</sup>.

The proprietor is entitled<sup>44</sup>:

- i. To prohibit third parties from using, in the course of trade, without his consent, any sign that is a minor alteration or imitation of the registered mark<sup>45</sup> in connection to similar or identical goods or services.
- ii. To prohibit third parties from removing and/or altering the trademark of the original goods before trading them
- iii. To prohibit third parties from the importing in Greece identical or similar goods in order to further export them to a third country

The proprietor is entitled to file at any time to the competent authority a declaration, that he shall not pursue his legal rights in connection to non essential elements of the trademark to be registered<sup>46</sup>.

➤ **The right of using a trademark**<sup>47</sup>

The proprietor is entitled to:

- i. Affix the trademark to the products, which are to be distinguished, to affix it to the packaging, business papers, invoices, notifications, advertisements and generally to use it on electronic or audiovisual means.
- ii. To use the trademark in a form which differs in respect of its elements. However, the distinctive character, as it is registered, must not be altered.

### **2. Limitation on Exclusive Use Rights**

The proprietor is not entitled<sup>48</sup>:

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<sup>43</sup> Trademarks Law 4072/2012, article 125 § 1

<sup>44</sup> Trademarks Law 4072/2012, article 125 § 4

<sup>45</sup> Trademarks Law 4072/2012, article 125 § 3

<sup>46</sup> Trademarks Law 4072/2012, article 129 § 1

<sup>47</sup> Trademarks Law 4072/2012, article 125 § 2

<sup>48</sup> Trademarks Law 4072/2012, article 126

- i. to prohibit third parties from using an earlier local right in the territory where this right is already recognized
- ii. to prohibit third parties from using in the course of trade their names or addresses or signs indicating characteristics or properties of goods or services to the extent that such are necessary to indicate the intended purpose of the products or services. In this case the use of the sign in commercial transactions must be made with bona mares and not in a form of a trademark.
- iii. To prohibit the use of the trademark in connection to products, which are already traded in the EU. In this case the beneficiary may oppose the commercial exploitation of the products<sup>49</sup>.

The beneficiary of an earlier right or an earlier trademark is not entitled to prohibit the use of a trademark, if he has tolerated the use of the later for five or more successive years, provided that the registration of the subsequent trademark has not been made in bad faith.<sup>50</sup>

### 3. Assignment<sup>51</sup>

The rights conferred by trademarks are transferable in life or after death (as an asset of the inheritance) in respect to all or part of the goods or services for which the trademark was registered.

The assignment may be made independently from or together with the transfer of the enterprise. In case of the transfer of the later, the trademark is considered to be also assigned an asset, unless there is an agreement for the contrary.

The assignment can be concluded at any time. In case of a pending registration, the assignee is entitled to intervene in the proceedings to the Trademarks Committee.

#### ➤ Recordation of the assignment

The assignment of a trademark must be executed in writing and it is valid against third persons if it is properly recorded to the Trademarks Office.

### 4. License to use<sup>52</sup>

The legal rights granted upon the registration to the proprietor of the trademark, can be licensed to a third party.

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<sup>49</sup> Trademarks Law 4072/2012, article 128

<sup>50</sup> Trademarks Law 4072/2012, article 127

<sup>51</sup> Trademarks Law 4072/2012, article 131

<sup>52</sup> Trademarks Law 4072/2012, article 132

➤ **Types of licenses**

- a) Exclusive and non exclusive
- b) For all or part of the goods and services

➤ **Legal rights of the licensee**

- i. Unless otherwise agreed in writing, the licensee can claim legal protection for infringement
- ii. Unless otherwise agreed in writing, the licensee can sub-license the use of the trademark according the provisions of the Trademarks Law
- iii. The licensee can intervene in court proceedings pending for infringement and file a claim for compensation

In case the licensee violates the provisions of the license agreement<sup>53</sup>, the proprietor of the trademark is entitled to exercise his legal rights against him.

The license agreement needs no previous submission and examination of the Committee.

➤ **Recordation of License**

The license, its alterations and its expiration must be recorded to the Trademarks Office in order to be effective against third parties.

## **5. Bankruptcy- Enforcement Proceedings- Real Rights<sup>54</sup>**

- A pledge or any other real right can be established on the trademark.
- The attachment and the auction of the trademark during the enforcement proceedings are allowed
- The trademark can be sold in case of bankruptcy

All the above must be duly recorded to the Trademarks Office.

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<sup>53</sup> These provisions are related to the duration of the license, the goods or services protected and their quality, the depiction of the trademark.

<sup>54</sup> Trademarks Law 4072/2012, article 133

## **I. PROTECTION OF A TRADEMARK**<sup>55</sup>

In case a third party uses, alters or imitates a registered trademark without the proprietor's consent, the following actions can be taken;

### **1. Administrative protection**

The proprietor may file a claim to the custom authorities, requesting the confiscation of all the products bearing the altered trademark<sup>56</sup>. The custom authorities can act also ex officio.

### **2. Protection according the civil law**<sup>57</sup>

The proprietor may file a civil action before the competent court of First Instance cumulatively requesting:

- 1) A judgment declaratory of his right,
- 2) The lifting of the infringement and prohibition of the infringement action
- 3) Monetary compensation
- 4) Reparation for moral damage
- 5) The removal of the products, which bear the altered trademark, from the market and their destruction. In this case the defendant must settle the relevant cost, unless there are special reasons.

The claim can be filed also against a third party (intermediary), when the defendant uses the services of the latter in connection to the infringement.

The claim must be brought within five years, starting from the end of the year during which the first illegal use, alteration or imitation has taken place. The proprietor may also file an application for injunction.

#### ➤ **Calculation of the monetary compensation**<sup>58</sup>

The calculation of the monetary compensation is based on the relevant license fees, which should have been settled by the defendant if a license to use agreement had been executed. The court takes additionally into consideration the profit loss of the proprietor and the profit gained by the

<sup>55</sup> Trademarks Law 4072/2012, articles 150-157

<sup>56</sup> According the regulations of the Trademarks Law 4072/2012, the Greek Intellectual Property Law 2121/1993 and the European Directives 1383/2003 and 1891/2004.

<sup>57</sup> Trademarks Law 4072/2012, article 150, Civil Law protection may be also granted according Greek Law 146/1914 for Unfair Competition

<sup>58</sup> Trademarks Law 4072/2012, article 150 § 6,7, 8

defendant due to the unauthorized use of the trademark.

➤ **Evidence**<sup>59</sup>

- i. In case of imitation of the trademark, an official copy of its registration is sufficient proof for the infringement.
- ii. In case the court alleges from the evidence already provided, that the facts of the claim are true and that the defendant is in possession of substantial evidence (such as products, invoices, commercial correspondence, financial statements etc), can order their submission.
- iii. In accordance to the provisions of the law, the court can order the defendant to provide the judge with information in relation to the origin of the products and the commercial networks which distribute them to the market.

➤ **Provisional remedies**<sup>60</sup>

The claimant may file an application to the One Member Court of First Instance in order to seek provisional relief and to secure the preservation of the evidence.

The interim order may be granted without summoning the defendant to the hearing, if the applicant proves that the delay shall cause irreparable harm to him and that the defendant shall destroy the available evidence.

The claimant is entitled to file an application also against the third parties (intermediaries).

### **3. Protection according the criminal law**

Criminal action can be taken following a suit filed by the proprietor and in this case the penalties defined in the law shall be imposed

The criminal court can also order the removal and the destruction of the products bearing the altered trademark.

In the new law the criminal sanctions against infringements are stricter to at least six months to two years imprisonment and at least Euro 6.000 to 30.000.

### **4. Publication of the decisions**

The decisions of the civil courts and the irrevocable decisions of the penal courts can order the publication of the actions taken in case of an infringement.

- The irrevocable decisions of the Trademarks Committee and the final of the Administrative courts are precedents for the civil court.<sup>61</sup>

<sup>59</sup> Trademarks Law 4072/2012, article 151

<sup>60</sup> Trademarks Law 4072/2012, articles 153 and 154

<sup>61</sup> Trademarks Law 4072/2012, article 158 § 2



## **J. REGISTRATION OF A TRADEMARK**

### ➤ **Right to the trademark**

First to file (Trademarks Law 4072/2012, art. 122, 124). Home registration is not required.

### ➤ **Registration Priority**

Priority registration is available under Trademarks Law 4072/2012, article 177

### **1. Search**

The applicant may at his discretion

- i. request in writing a preliminary advice on the distinctiveness of a mark. If the preliminary search, as issued by the Trademarks Office reveals no impediment to registration, the applicant must file the registration within two months. In case the application is refused due to the trademark not being distinctive, the application filing fee may be refunded. To obtain a refund, the applicant must file a written notice of withdrawal of the application within six months from the date of the notice of rejection of the application.
- ii. and/ or conduct a preliminary search for similar marks and any pending applications in the National Register and in the databases for Community and International Trademarks.

### **2. Application**

#### ➤ **Division of the application and of the registration**<sup>62</sup>

The applicant is able to divide the goods/ services in an application for the registration a trademark, declaring that part of them shall be included in divided applications, which shall be filed at a later time. In this case the priority is claimed upon the filling of the initial application.

This simplifies the registration of a trademark in case the protection is claimed for more goods/

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<sup>62</sup> Trademarks Law 4072/2012, article 130

services and part of them is not accepted by the Committee for registration

➤ **Filing of the application**<sup>63</sup>

The applicant files the registration form duly completed along with the supporting documentation as defined in the provisions and settles the government fees. E format of the application must be also submitted in any suitable means (for example cd).

Upon the filling of the application, the trademark receives an official number, which varies depending on the trademark (Domestic, Foreign, and International). A certified copy of the application bearing both the official number and the date of the hearing are submitted to the applicant

The new law introduces the e- filling of the trademarks<sup>64</sup>, to be realized in the near future according provisions, which are to be set by joint ministerial decisions.

The Trademarks Registry shall be also available on line.

### **3. Initial Examination**

The new law introduces the institution of the Examiner, an officer who shall decide upon the absolute and relative grounds of refusal<sup>65</sup> within one month from the date of the filling<sup>66</sup>.

If the application meets the requirements and there are no grounds of refusal, the trademark is accepted for registration.

If the application filed lacks some of the required elements, a notification is served to the applicant, summoning him to proceed with the corrections within one month<sup>67</sup>. If the applicant does not comply, the Examiner shall reject the application.

If the registration of the trademark is not wholly or partially permissible, the applicant shall be summoned to withdraw the application or to file an application for the limitation of the goods/ services within one month from the date he was properly summoned. Unless he complies with the notification, the applications shall be rejected by the Examiner<sup>68</sup>.

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<sup>63</sup> Trademarks Law 4072/2012, articles 134, 135 and 136

<sup>64</sup> Trademarks Law 4072/2012, article 136 § 3,4

<sup>65</sup> Trademarks Law 4072/2012, article 138§ 1, 139§ 5

<sup>66</sup> Trademarks Law 4072/2012, article 139§ 1

<sup>67</sup> Trademarks Law 4072/2012, article 138§ 2,3,4

<sup>68</sup> Trademarks Law 4072/2012, article 139§ 2-4

#### **4. Oppositions**

Any third party having legal interest<sup>69</sup>, the beneficiaries of earlier, registered trademarks and the licensees are entitled to file an opposition, in form of a legal deed<sup>70</sup>, against the decision of the Examiner, which accepts the registration of a trademark.

The opposition must be filed within 3 months from the date the registration of the trademark was published. The Trademarks Office notifies the defendant, summoning him immediately with a decree to the respective hearing<sup>71</sup>.

The Administrative Trademarks Committee is the competent body for deciding upon the oppositions based on the evidence provided by both parties. The hearings of the Committee are held in public and minutes are kept.

##### **Additional grounds**<sup>72</sup>

Additional grounds are submitted to the Committee in form of a legal deed 15 days prior the date of the hearing. The deed must be served to the other parties

The Committee shall take one of the following actions;

- i. accept the trademark and publish the registration
- ii. Reject the application wholly or partially (for some of the goods or services which the trademark intends to protect)

##### ➤ **Evidence of genuine use**<sup>73</sup>

The opposing party, as beneficiary of an earlier trademark, may be requested, following an application filed by the applicant orally at the hearing, to produce evidence of genuine use of the same during the last five years or to provide the Committee with reasonable grounds which have prevented him from doing so.

Failure to comply to that request, leads to the rejection of the opposition without its substantial examination.

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<sup>69</sup> Such us the chambers or the consumers' unions

<sup>70</sup> Trademarks Law 4072/2012, article 140, 141

<sup>71</sup> Trademarks Law 4072/2012, article 140 § 1-2

<sup>72</sup> Trademarks Law 4072/2012, article 142 § 2

<sup>73</sup> Trademarks Law 4072/2012, article 15

## 5. Appeals

- Any party having a legal interest, even if not pecuniary, may file, in form of a legal deed, an appeal<sup>74</sup> against the Examiner's decision which rejects wholly or partially the registration of a trademark.

The appeal must be filed within 60 days from the date the decision was served. Any party having a legal interest may also intervene in the proceedings within 60 days from the date the appeal was filed. The respective deed of the intervention must be duly served to the applicant by the intervening party prior to hearing.

- Any party having legal interest may file an appeal against the final decisions of the Trademarks Committee to the competent Administrative Courts<sup>75</sup>.

The appeal must be filed within 60 days from the date the appealed decisions are notified. The

## 6. Publication

The Committee's decisions are published within one month from the date of their publication to the Commercial and Industrial Property Column of the Government Gazette.

## 7. Registration

Once the trademark is accepted for registration by an irrevocable decision, it is registered in the Registry and the registration statement is dated and duly signed.

It is considered to have been accepted on the date of the application

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<sup>74</sup> Trademarks Law 4072/2012, article 144

<sup>75</sup> Trademarks Law 4072/2012, article 146

**K. CANCELLATION AND REVOKATION OF THE  
REGISTRATION**

The trademark registration is cancelled or revoked by the Trademarks Committee or the competent Administrative Courts, wholly or partially<sup>76</sup> in the following cases.

In every case a decision for the revocation of the trademark is effective as soon as it becomes irrevocable. Until then no lawsuit can be brought<sup>77</sup>.

The decision ordering the revocation is always registered to the Trademarks Office.<sup>78</sup>

**1. Renunciation by the proprietor**<sup>79</sup>

The beneficiary of the trademark can, at any in time and in respect to some or all of the goods and/or services for which the trademark is registered, apply to the Trademarks Office for its revocation. The renunciation is properly recorded in the trademarks registry.

In case the beneficiary has licensed the trademark, the renunciation is not effective unless he proves that the licensees have been duly notified.

**2. Non-Use**<sup>80</sup>

Any third party<sup>81</sup>, who has a legal interest, may apply to the Trademarks Office requesting the revocation of the trademark, if, within five years of the completion of the registration, the beneficiary failed to put the trademark to genuine use<sup>82</sup> (or suspended the use) for the goods/ and or services, for which it was registered.

The trademark is not revoked if the beneficiary proves that the non-use is due to reasonable cause or he put the trademark in use before the filing of application for its revocation.<sup>83</sup>

**3. Generic Usage**<sup>84</sup>

Any third party, who has a legal interest, may apply to the Trademarks Office requesting the revocation of the trademark, if, regardless of the proprietor's activity or inactivity, the trademark has become of common use or the common name, for the goods and/or services for which it is registered.

<sup>76</sup> Trademarks Law 4072/2012 , article 160 § 2, 161 § 2

<sup>77</sup> Trademarks Law 4072/2012 , article 161 § 5, 160 § 4

<sup>78</sup> Trademarks Law 4072/2012 , article 161 § 6, 160 § 5

<sup>79</sup> Trademarks Law 4072/2012, article 159

<sup>80</sup> Trademarks Law 4072/2012, article 160§1 s a

<sup>81</sup> As a third parties having a legal interest are considered also the chambers and the associations for the protections of the consumers. Anyone who intervened during the hearing to the Trademarks Committee is not entitled to apply for its revocation. Trademarks Law 4072/2012 article 162

<sup>82</sup> As "use" is considered every action that is referred to article 125 of Trademarks Law 4072/2012

<sup>83</sup> Trademarks Law 4072/2012, article 160 § 3

<sup>84</sup> Trademarks Law 4072/2012, article 160§1 s b

#### **4. Deception of the public**<sup>85</sup>

Any third party, who has a legal interest, may apply to the Trademarks Office requesting the revocation of the trademark, if, because of the use made of the trademark by the proprietor or with his consent, the trademark is likely to mislead the public, particularly as to the nature, quality, or geographical origin of the goods or services.

#### **5. Violation of the provisions of the Trademarks Law**<sup>86</sup>

Any third party, who has a legal interest, may apply to the Trademarks Office requesting the revocation of the trademark, if it was not registrable.

The application must be submitted within five (5) years following the registration, unless the trademark has been registered in bad faith<sup>87</sup>.

#### **6. Conflict with earlier trademarks**

Any third party, who has a legal interest, may apply to the Trademarks Office requesting the revocation of the trademark, if the registration prejudices an earlier right or an earlier trademark as in the following cases:

1. The trademark is identical or similar to an earlier trademark registered for identical or similar goods or services.
2. The trademark is identical or similar to an earlier trademark registered for different goods or services, provided that its use would likely cause confusion to the public.
3. The trademark is identical or similar to a trademark which is well-known in Greece

However registration will not be cancelled if:

1. The beneficiary of the earlier right or the earlier trademark has tolerated the use of the trademark for five or more successive years, provided that the registration of the subsequent trademark has not been made in bad faith.<sup>88</sup>
2. There are grounds for cancellation of the earlier trademark.

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<sup>85</sup> Trademarks Law 4072/2012, article 160§1 s c

<sup>86</sup> Trademarks Law 4072/2012, article 161

<sup>87</sup> Trademarks Law 4072/2012, article 162 § 4

<sup>88</sup> Trademarks Law 4072/2012, article 127

## **L. FORMS**

### **1. The Applicant**

- In case of a natural person: Full name of the applicant, full address and profession
- In case of a legal entity: Full legal name, registered office and the full name of its legal representative

#### ➤ **The Trademark**

- An imprint of the mark
- The list of goods and services which the mark shall distinguish graded by a class
- If the trademark consists of a color pattern or it is a sound, a special notice is made to the application
- In case the applicant claims priority, the countries where the registration of the trademark is completed or pending.

#### ➤ **Common requirements**

- The forms must be both in printed and electronic format<sup>89</sup>.
- The forms must be in Geek language. Foreign documents are accompanied by their certified translation.

### **Power of Attorney**

The Power of Attorney needs no legalization<sup>90</sup>; simple signature by the applicant (in case of a natural person)/ the legal representative of the company along with the stamp (in case of a legal entity) is sufficient.

A single Power of Attorney may be used for more than one application, even if applications are filed at different times.

The applicant may authorize more than one attorney.

The following information/ clauses must be included in the authorization in order for the same to be accepted by the Committee:

- Full name and address of the authorized attorney along with the Athens Bar Association Registration Number
- Specific powers granted to the attorney
- Service address in Greece and appointment of process agent (in practice the authorized attorney and the process agent are the same person)
- The authorization must include a clause, according to which the Greek Court are competent for any litigation.

<sup>89</sup> Trademarks Law 4072/2012, article 136 § 2

<sup>90</sup> Legalisation is required for special applications, such as the assignment

## Power of Attorney form

### POWER OF ATTORNEY

We/I, the undersigned, **(In the case of natural person, please write the name and address. In the case of a Corporate Entity write the same for the legal representative of the Corporate Entity, his capacity and state its registered address)** hereby constitute and appoint:

#### Information for the appointed attorney (s)

or any other person he/they will appoint, to be our/my real and lawful Attorney(s) -in -Fact with full power to file / submit for us/me and in our/my name Applications for Trademarks in Greece.

Therefore, he/they will be authorized to sign and file / submit all the necessary documents and applications for the registration of a trademark in Greece, to appear before the Trademarks Committee as well as before any judicial Authorities, to file/ submit renewals, changes of names/ addresses/ legal forms, transfers, mergers, to apply for the deletion or the registration of a License, to receive the results of the Official Examination, to submit and withdraw documents, to pay the official dues, to waive an Application and to be reimbursed for the dues paid, if any, to represent us/me before the Council of State and the Supreme Courts in Athens and generally to do whatever is required with respect to the registration of the Trademarks as well as with respect to any judicial disputes which might arise there from.

I/We hereby declare that the powers delegated to our/my Attorney(s)- In -Fact shall be interpreted as broadly as possible and shall be regarded as constituting an express authority to him/them to act both fully and effectively as we/I ourselves would have acted personally.

We/I hereby agree that we/I recognize and ratify whatever is done or caused to be done by our Attorney(s) -In - Fact by virtue of this power of attorney.

Finally we/I appoint **(name)** to be our/my process agent Athens and we/I hereby declare that we/I submit ourselves/myself to the jurisdiction of the Athens Courts and the Supreme Court (Arios Pagos.)

In witness thereof; we/I sign the present document in **(PLACE & DATE )**

**FOR THE COMPANY SIGNATURE & SEAL**

Or

**SIMPLE SIGNATURE (in case of natural person)**

### ΠΛΗΡΕΞΟΥΣΙΟ

Εμείς/Εγώ οι υπογράφωντες/ ο υπογράφων, **(πλήρη στοιχεία του φυσικού προσώπου/ του νομικού προσώπου και του νόμιμου εκπροσώπου του)**

διά του παρόντος διορίζουμε/ζω και αποκαθιστούμε/στώ τον

**(στοιχεία εξουσιοδοτούμενου δικηγόρου)**

ή οποιονδήποτε άλλον διορίσει/σουν εκείνος/νοι, ως πραγματικό/ούς και νόμιμο/μους Πληρεξουσιό/σιους μας με πλήρη εξουσία να καταθέτει/τουν για εμάς/εμένα και επ' ονόματί μας/ου Αιτήσεις Σημάτων στην Ελλάδα.

Συνεπώς, να συντάσσει/σουν, υπογράψει/ουν και καταθέτει/ουν όλα τα απαραίτητα έγγραφα και Αιτήσεις για την καταχώρηση ενός Σήματος στην Ελλάδα, να παρίσταται/στανται ενώπιον των εν λόγω Επιτροπής Σημάτων καθώς και ενώπιον των εν λόγω Δικαστικών Αρχών, να καταχωρεί/ουν Ανανεώσεις, Αλλαγές Επωνυμίας / Διευθύνσεως / Νομικής μορφής, Μεταβιβάσεις, Συγχωνεύσεις, να αιτείται/τουνται τη Διαγραφή ή την καταχώρηση Παραχώρησης Αδείας Χρήσεως, να λαμβάνει/νουν τα αποτελέσματα της Επισήμου Εξετάσεως, να υποβάλλει/λλουν και αποσύρει/ρουν έγγραφα, να καταβάλλει/λλουν τα επίσημα τέλη, να παραιτείται/τουνται μίας Αιτήσεως και να της επιστρέφονται τα τυχόν καταβληθέντα τέλη, να μας/με εκπροσωπεί/πουν ενώπιον του Συμβουλίου της Επικρατείας και των Ανωτάτων Δικαστηρίων της Αθήνας και γενικώς, να εκτελεί/λουν όλες τις απαραίτητες ενέργειες σχετικά με την καταχώρηση των Σημάτων καθώς και σχετικά με κάθε δικαστική διαφορά που ενδέχεται να προκύψει σχετικά με αυτά.

Διά του παρόντος δηλώνουμε/νω ότι οι εξουσίες που εκχωρούνται στον/στους Πληρεξουσιό/σιους μας/μου θα ερμηνεύονται κατά τον ευρύτερο τρόπο και θα εκλαμβάνονται ως ρητή εξουσιοδότηση προς αυτόν/τους να ενεργεί/ργουν τόσο πλήρως και αποτελεσματικά όσο εμείς/εγώ οι ίδιοι/ο ίδιος.

Διά του παρόντος συμφωνούμε/νώ ότι αναγνωρίζουμε/ζω και επικυρώνουμε/νω ό, τι πράξει/ξουν ο/οι πληρεξουσιός/σοι μας αυτοπροσώπως ή διά ετέρου προσώπου, δυνάμει του παρόντος πληρεξουσιού.

Τέλος διορίζουμε/ζω τον **(στοιχεία προσώπου)** Αντίκλητο μας/μου στην Αθήνα και διά του παρόντος δηλώνουμε /νω ότι υποβαλλόμαστε /μαι στη δικαιοδοσία των Δικαστηρίων της Αθήνας και του Αρείου Πάγου.

Εις μαρτυρία των ανωτέρω, υπογράφουμε/φω ΤΟ παρόν έγγραφο στην **(ημερομηνία και τόπος)**

**Για την εταιρία Υπογραφή – ΣΦΡΑΓΙΔΑ**

**Για φυσικό πρόσωπο απλή υπογραφή**



The contents of the form are specified by the Ministry.

The form is submitted in 6 copies and in electronic format and the following information must be completed:

- The full name/trade name and the full address/ registered office of the applicant.
- The full name and address of the authorized attorney.
- The full name and address of the process agent.
- Description of the mark (word, depiction, number, sound, shape, color or collective)
- Classes of goods and services (the application may include more than one class)
- Specification of the goods and services, which the trademark shall distinguish.

The specification should follow the International Classification of Goods and Services (Nice Classification) and shall be precise enough, as the Registrar may refuse to accept the application, if the specification is too vague or broad.

- If the applicant qualifies for priority treatment, Convention country where prior application was filed, number of the application, and date of priority claimed.

A priority filing is permitted if the applicant has previously filed an application in another Paris Convention country, provided the date of filing in the first Convention country is within 6 months of the date of filing in Greece.

Upon the filling of the application the officer of the Ministry specifies also in writing on the form:

- The official number granted to the trademark<sup>92</sup>
- The date the application is filed
- The date of the hearing

**The application is accompanied by the following documents:**

1. 10 black and white copies of the trademark. In case the trademark is colourful, additional 10 colourful copies are required. The copies must have such dimensions, so as to fit in the special block in the application form.
2. Stamp duty of Euro 110,00 for one class and additional stamp duty of Euro 20,00 for each additional class.
3. The Bar Association Payment Slip, concerning the payment of the authorized attorney for the hearing.
4. The Power of Attorney form
5. Proof of priority claim: Certified copy of the prior application along with its certified translation. The applicant can in this case submit the priority documents within 3 months after the application is filed.

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<sup>92</sup> Trademarks Law 4072/2012, article 137

Volume \_\_\_\_\_

**Hellenic Republic**  
**Ministry of Development**  
**Competitiveness, Infrastructure, Transportation and Networks**  
**Department of Trademarks**

**APPLICATION FOR DOMESTIC TRADEMARK**

No \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Beneficiary :

Registered Office/ Address

Authorized Attorney

Process Agent

Date of the hearing to the Trademarks Committee \_\_\_\_\_

- word
- depiction
- number
- sound
- shape
- with colour
- collective

Goods and Services (graded by class)

Class:

Serial Number of the stamp duties:

Decision of the Trademarks Committee \_\_\_\_\_

*The authorized attorney*

*The officer*

Volume \_\_\_\_\_

**Hellenic Republic**  
**Ministry of Development**  
**Competitiveness, Infrastructure, Transportation and Networks**  
**Department of Trademarks**

## APPLICATION FOR FOREIGN TRADEMARK

No \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Contractual Priority

Date \_\_\_\_\_ Filing Number \_\_\_\_\_ Country \_\_\_\_\_

Beneficiary :

Registered Office/ Address

Authorized Attorney

Process Agent

Date of the hearing to the Trademarks Committee \_\_\_\_\_

- word
- depiction
- number
- sound
- shape
- with colour
- collective

Volume \_\_\_\_\_

**Hellenic Republic  
Ministry of Development  
Competitiveness, Infrastructure, Transportation and Networks**

**Department of Trademarks**

**APPLICATION FOR CONVERSION OF A COMMUNITY  
TRADEMARK**

CTM No \_\_\_\_\_ Date \_\_\_\_\_

No \_\_\_\_\_

Date \_\_\_\_\_

Contractual Priority

Beneficiary :

Registered Office/ Address

Authorized Attorney

Process Agent

Date of the hearing to the Trademarks Committee \_\_\_\_\_

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Volume \_\_\_\_\_

**Hellenic Republic  
Ministry of Development  
Competitiveness, Infrastructure, Transportation and Networks**

**Department of Trademarks**

**APPLICATION FOR CONVERSION OF AN INTERNATIONAL  
TRADEMARK**

WIPO No \_\_\_\_\_ Date \_\_\_\_\_

No Granted by the national tm office \_\_\_\_\_

Contractual Priority \_\_\_\_\_ Date of conversion \_\_\_\_\_

Date \_\_\_\_\_ Application

No \_\_\_\_\_ Country \_\_\_\_\_

Beneficiary :

Registered Office/ Address

Authorized Attorney

Process Agent

Date of the hearing to the Trademarks Committee \_\_\_\_\_

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**Affix with an Apostille****ASSIGNMENT OF TRADEMARK AGREEMENT**

BETWEEN THE UNDERSIGNED:

1. .....(Name).....  
with registered office (in case of body  
corporate)/residence (in case of a natural person) of  
...(Address).....

on the one hand, and

2. .....(Name).....  
with registered office (in case of body  
corporate)/residence (in case of a natural person) of  
.....(Address).....

on the other hand, it has been agreed to and decided that the first  
of the aforesaid parties does hereby assign and transfer to the  
second party, in accordance with the Greek Law, all its rights,  
titles and interests in and to the Greek Trademark

....., No. ...., for goods of the classes

.....  
(data of the trademark)

The second party does hereby declare that it accepts the  
assignment in question and both parties do hereby make,  
constitute and appoint (name of the authorized attorney), as  
their special attorney, with power to file with the Greek  
Trademark Office, either personally or by a substitute, the  
application(s) required for the recordal of the present  
assignment.

The latter party also appoints Mr. Christos Vardikos to accept  
notification of documents in Athens and declares hereby that, in  
case of litigation involving the trademark concerned, it submits  
itself to the jurisdiction of the Courts of Athens.

In witness thereof the parties have hereunto set their name

At.....on.....

(Location)

(Date)

THE ASSIGNOR

THE ASSIGNEE

**ΜΕΤΑΒΙΒΑΣΗ ΣΗΜΑΤΟΣ**

ΜΕΤΑΞΥ ΤΩΝ ΥΠΟΓΕΓΡΑΜΜΕΝΩΝ:

1. (Όνοματεπώνυμο/Επωνυμία) με διεύθυνση.....

Από το ένα μέρος και

2. (Όνοματεπώνυμο/Επωνυμία) με διεύθυνση.....

Από το άλλο μέρος

Συμφωνήθηκε και αποφασίστηκε ότι ο πρώτος των  
συμβαλλομένων δια του παρόντος εκχωρεί και μεταβιβάζει στον  
δεύτερο των συμβαλλομένων, σύμφωνα με τον Ελληνικό Νόμο,  
όλα τα δικαιώματα, τίτλους και συμφέροντα του εμπορικού  
σήματος

....., No. ...., για τις κλάσεις .....  
(στοιχεία σήματος)

Ο δεύτερος των συμβαλλομένων δια του παρόντος δηλώνει ότι  
αποδέχεται την εν λόγω μεταβίβαση και δια του παρόντος και οι  
δύο συμβαλλόμενοι διορίζουν και αποκαθιστούν τον

(Στοιχεία πληρεξουσίου) ειδικό πληρεξούσιο και αντίκλητο  
αυτών με την εντολή όπως υποβάλει στον έφορο Εμπορικών  
Σημάτων είτε αυτοπροσώπως είτε δια αντιπροσώπου, την  
απαιτούμενη αίτηση για την καταχώρηση της παρούσης  
μεταβίβασης.

Ο δεύτερος των συμβαλλομένων επίσης διορίζει τον εν λόγω  
πληρεξούσιο αντίκλητο στην Ελλάδα και δηλώνει δια του  
παρόντος ότι σε περίπτωση δίκης αφορούσης το εν λόγω σήμα  
υποβάλλεται στη δικαιοδοσία των ελληνικών Δικαστηρίων και  
ελληνικών Ανωτάτων Δικαστηρίων.

**Σε μαρτυρία των ανωτέρω, τα μέρη υπέγραψαν το παρόν στην  
...(τόπος)....την .....ημερομηνία**

Υπογραφές:

## **SOURCES**

### **Government Offices**

1. **Industrial Property Organization (OBI)**  
Artemidos & Epidavrou st.  
151 25, Paradissos Amaroussiou  
Athens
2. **Ministry of Development Competitiveness, Infrastructure, Transportation and Networks**  
Kaniggos Square, Athens, 10189  
<http://gge.gov.gr>

### **Publications**

Government Gazette

### **Websites**

- WIPO Guide To Intellectual Property Worldwide  
<http://www.wipo.int/trademarks/en>
- Industrial Property Organization (OBI)  
[www.obt.gr](http://www.obt.gr)
- Ministry of Development Competitiveness, Infrastructure, Transportation and Networks  
<http://gge.gov.gr>
- Office for the Harmonization in the Internal Market  
<http://oami.europa.eu/ows/rw/pages/index.en.do>