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Trademarks in Greece

Alexandra Botsiou, Attorney at law, of Vardikos & Vardikos provides an overview of trademarks in Greece covering types and scope of protection, registration, and enforcement.

The Greek Trademarks Law 4679/2020 implemented the Directive 2015/2436/EC (approximation of the laws of the Member States relating to trademarks) and the Directive 2004/48/C (enforcement of intellectual property rights), replacing the previous Greek Trademark Law 4072/2012.

1. Types of Trademarks

Any sign can be considered registrable as a trademark. It can be words, names, illustrations, designs, letters, numbers, colors, position, sound, shape, pattern, motion, multimedia, and hologram, on the premises that: i. it distinguishes the goods of one undertaking from those of other undertakings ii. it is represented in the registry in a manner enabling the competent authorities and the public to determine precisely the protection afforded to its proprietor.

The law provides also for guarantee and certification trademarks.

They can't be registered as trademarks signs that:

- (I) Cannot constitute a trademark;
- (II) Are devoid of distinctive character;
- (III) Consist exclusively of signs or indications which may serve in trade to designate the kind, quality, quantity, destination, value, geographical origin or the time of the goods production or of the service rendering or other characteristics of the goods or service;
- (IV) Consist exclusively of signs or indications which have become customary

in the everyday language or in the established practices of the trade;

(V) Consist exclusively of the shape imposed by the nature of the product or it is necessary to obtain a technical result or gives substantial value to the product;

(VI) Are contrary to public order or to principles of morality;

(VII) Are deceiving;

(VIII) Are contrary to applicable legislation.

2. Scope of protection

The registration of a trademark confers on its proprietor the exclusive right to use it, to affix it to the products intended to distinguish, to use it for characterization of the provided services, to affix it to covers and packaging of goods and to any other printed material, and to use it in electronic or audiovisual media.

The proprietor is entitled to prohibit any third party from using:

(I) A sign identical to the registered trademark for goods or services identical to those for which the trademark has been registered;

(II) A sign identical with or similar to the registered trademark, when due to the simultaneous identity or similarity of the goods or services there is a likelihood of confusion, including the likelihood of association;

(III) A sign which is identical or similar to a trademark with a reputation, where use of that sign without due cause would take unfair advantage of, or would be detrimental to the distinctive character or its reputation, regardless of whether the sign is intended to distinguish goods or services that are similar to products or services of the earlier trademark.

The Law introduces a special provision that empowers the proprietor to prevent third parties from bringing goods in the course of trade into Greece, when such goods, packaging



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included, come from third party countries and bear without authorization a trademark which is identical to the trademark registered for such goods or which cannot be distinguished in its essential aspects from that trademark. This applies regardless of the Customs status of the infringing products.



The proprietor can request that the reproduction of the trademark in a dictionary, encyclopedia or similar reference work is accompanied by an indication that it is a registered trademark.

The right to a trademark can be transferred, in life or after death, for all or part of the goods or services for which an application for a trademark has been filed or registered, regardless of the transfer of the undertaking.

The proprietor can grant a license, exclusive or not, for the use of a national or international trademark or trademark declaration valid in Greece, for part or all of the products or services and for all or part of the Greek Territory. The trademark license agreement must be in writing.

3. Registration

The trademark application is filed before the competent Greek Trademarks Authority. The examiner reviews the application on procedural and substantive grounds. The *ex officio* examination of relative grounds for refusal is abolished; the publication of the approval decision to the designated website serves as notification for third parties which could have an interest to oppose the application.

The examiner's decision accepting the registration of a trademark's application can be opposed within a three-month deadline

commencing from the day after its publication on the designated website of the Ministry.

The proprietor of the trademark may divide the trademark application or registration, stating that part of the products or services contained in the original declaration or registration will be the subject of one or more partial declarations or registrations.

4. Enforcement

The registration of a trademark confers on its proprietor the exclusive right to use it, to affix it to the products intended to distinguish, to use it for characterization of the provided services, to affix it to covers and packaging of goods and to any other printed material, and to use it in electronic or audiovisual media.

Administrative Courts

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Civil Courts

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- (I) Disputes regarding trademark infringement;
- (II) Oppositions of article 583 of Civil Procedure Code against the Trademark Committee's decisions on the applications of trademark's revocation or invalidity;
- (III) Claims and counterclaims of restraining orders on trademark's revocation or invalidity;
- (IV) Claims related to trademark assignments;
- (V) Actions on the right to information.

The new law abolishes the provision according to which civil courts were bound by the final decisions of the Trademarks Committee and the Administrative Courts, i.e., they have the jurisdiction to adjudicate on the validity of the registered national and European Union trademarks, provided that the proprietor of the trademark is entitled to counterclaim for the declaration of invalidity of the trademark or revocation.

The claim for revocation or invalidity can only be brought as a counterclaim and the defendant has to notify the Trademarks Registry at the latest by the date of the court hearing, otherwise the action is inadmissible. Additionally, once the infringement action has been filed by the claimant, the defendant can no longer challenge the validity of the trademark by filing a separate action before the Trademarks Registry. If the action has been filed before the filing of the civil claim, the court has the discretion to suspend the proceedings brought before it, ordering provisional measures. The defendant has the same right in interim injunction proceedings.

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expired in order to evaluate the proof material and submit a writ. Within three calendar days following the expiration of the second deadline, both parties submit their rebuttals. The Administrative Trademark Committee can rely on facts that are so well-known, that no doubt remains that they are true.

The burden of proof in revocation proceedings is put on the proprietor of the contested trademark.

The proprietor can request to have the full court decision or parts thereof published on social media.

Interim measures are filed by the individual who has the trademark registered in their name.

Penal Proceedings

The Greek Law provides for criminal offenses, such as imprisonment and fine, in case of trademarks infringement for those who:

- (I) Use a trademark without having such right;
- (II) Launch, possess, import or export products or offers services using another's trademark;
- (III) Intentionally use a reputation mark to exploit or damage its reputation;
- (IV) Intentionally use symbols and signs of public interest.

Mediation

In light of the Mediation Law 4640/2019, the trademark disputes can be submitted to mediation.

Contact

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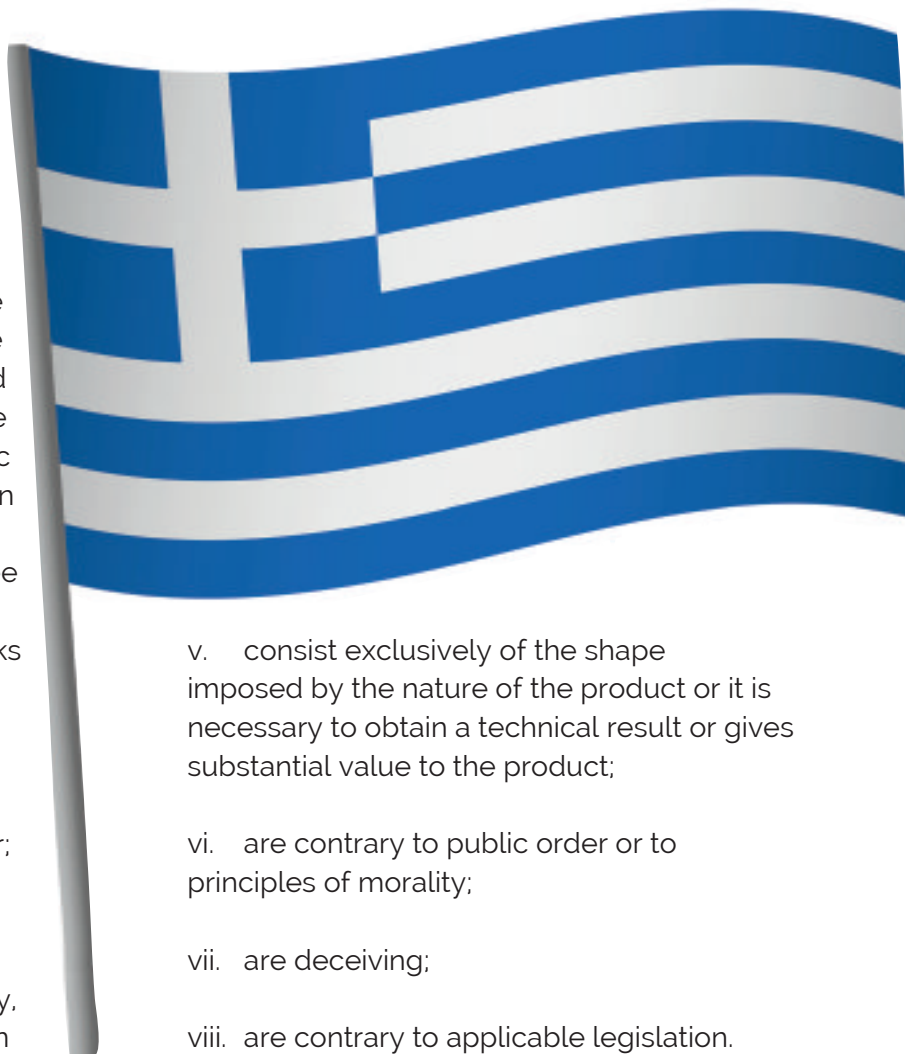
iv. consist exclusively of signs or indications which have become customary in the everyday language or in the established practices of the trade;

v. consist exclusively of the shape imposed by the nature of the product or it is necessary to obtain a technical result or gives substantial value to the product;

vi. are contrary to public order or to principles of morality;

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The Law introduces a special provision that empowers the proprietor to prevent third parties from bringing goods in the course of trade into Greece, when such goods, packaging included, come from third countries and bear without authorization a trademark which is identical to the trademark registered for such goods or which cannot be distinguished in its essential aspects from that trademark. This applies regardless of the Customs status of the infringing products.

The proprietor can request that the reproduction of the trademark in a dictionary, encyclopedia or similar reference work is accompanied by an indication that it is a registered trademark.

The right to a trademark can be transferred, in life or after death, for all or part of the goods or services for which an application for a trademark has been filed or registered, regardless of the transfer of the undertaking.

The proprietor can grant a license, exclusive or not, for the use of a national or international trademark or trademark declaration valid in Greece, for part or all of the products or services and for all or part of the Greek Territory. The trademark license agreement must be in writing.

The protection of the trademark is dependent on its use: if the proprietor fails to continuously use the trademark within five years from the date of its initial registration ("grace period"),

they may be faced with an application for cancellation or proof of use of their mark filed by a new applicant. The proof of use by the proprietor must include all the goods and services for which it is registered, otherwise the protection of the trademark will be limited to those which actually make use of the trademark.

3. Registration

The trademark application is filed before the competent Greek Trademarks Authority. By virtue of the Joint Ministerial Decision No 48793/2022, the competent Authority from May 2022 is the Greek Patent Office.

The examiner reviews the application on procedural and substantive grounds. The *ex officio* examination of relative grounds for refusal is abolished; the publication of the approval decision to the designated website serves as notification for third parties which could have an interest to oppose the application.

The examiner's decision accepting the registration of a trademark's application can be opposed within a three-month deadline commencing from the day after its publication on the designated website.

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The burden of proof in revocation proceedings is put on the proprietor of the contested trademark.

The proprietor can request to have the full court decision or parts thereof published on social media.

Interim measures are filed by the individual who has the trademark registered in their name.

The intervening right defense in infringement proceedings in favor of the proprietor of a later mark is introduced; the proprietor of the earlier trademark cannot prohibit the use of a later mark if that later one is not declared invalid.

Penal Proceedings

The Greek Law provides for criminal offenses, such as imprisonment and fine, in case of trademarks infringement for those who:

- i. use a trademark without having such right;
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Mediation

In light of the Mediation Law 4640/2019, the trademark disputes can be submitted to mediation.

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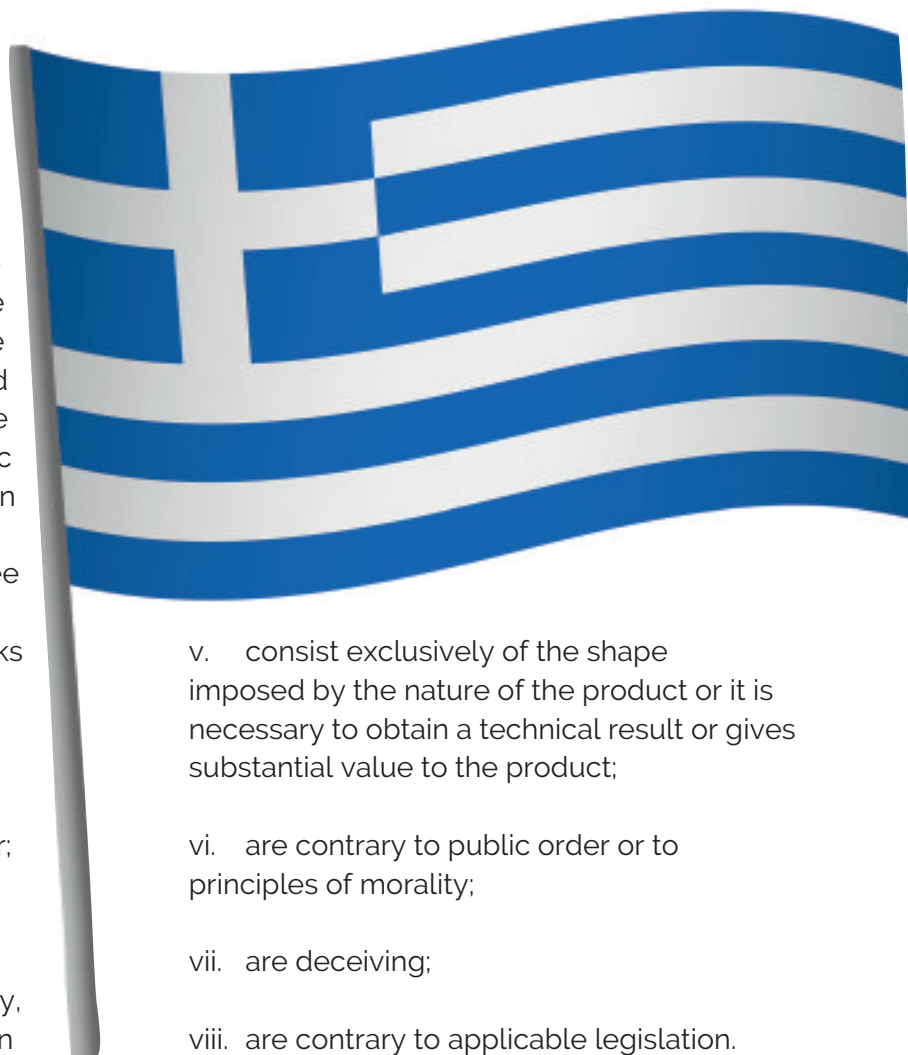
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Trademarks in Greece

Vardikos & Vardikos provide an overview of the current trademark legislation in Greece, outlining types of trademarks and the scope of their protection, the registration process, and key considerations for rights holders under Law 4679/2020 and subsequent amendments.

The current legislation for trademarks in Greece is covered by Law 4679/2020, which implemented Directive 2015/2436/EC (approximation of the laws of the Member States relating to trademarks) and Directive 2004/48/C (enforcement of intellectual property rights). Law 4982/2022 introduced further amendments, which primarily concern the organization of the Trademarks Committee.

Types of trademarks

Any sign, even one with no graphical representation, can be considered registrable as a trademark – i.e., words, names, illustrations, designs, letters, numbers, colors, position, sound, shape, pattern, motion, multimedia and hologram – on the premises that: 1) it distinguishes the goods of one undertaking from those of other undertakings, and 2) it is represented in the registry in a manner enabling the competent authorities and the public to determine precisely the protection afforded to its proprietor. The law also provides a guarantee and certification for trademarks.

Signs cannot be registered as trademarks if the mark:

- Does not constitute a trademark;
- Is devoid of distinctive character;
- Consists exclusively of signs or indications which may serve in trade to designate the kind, quality, quantity, destination, value, geographical origin, the time of the goods production, the service rendering, or other characteristics of the goods or service;
- Consists exclusively of signs or indications which have become customary in the everyday language or the established practices of the trade;
- Consists exclusively of the shape imposed by the nature of the product, is necessary to obtain a technical



result, or gives substantial value to the product;

- Is contrary to public order or principles of morality;
- Is deceiving;
- Is contrary to applicable legislation.

Scope of protection

Registering a trademark gives the rights holder exclusive rights to use it. This includes affixing it to products to distinguish them from other goods, to characterize the provided services, and use on any printed, digital, or audiovisual media. The proprietor is entitled to prohibit any third party from using;

- 1) A sign identical to the registered trademark for goods or services identical to those for which the trademark has been registered;
- 2) A sign identical or similar to the registered trademark when, due to the simultaneous identity or similarity of the goods or services, there is a likelihood of confusion, including the likelihood of association;
- 3) A sign which is identical or similar to a trademark where use of that sign without due cause would take unfair advantage of or would be detrimental to the distinctive character or the brand owner's reputation, regardless of whether the sign is intended to

distinguish goods or services that are similar to products or services of the registered trademark.

The Law introduces a special provision that empowers the proprietor to prevent third parties from bringing goods into Greece in the course of trade when such goods, including the packaging, come from third countries and bear, without authorization, a trademark which is identical to the trademark registered for such goods, or which cannot be distinguished in its essential aspects from the registered trademark. This applies regardless of the Customs status of the infringing products.

The proprietor can request that the reproduction of their trademark in a dictionary, encyclopedia, or similar reference work is accompanied by an indication that it is a registered trademark.

The right to a trademark can be transferred, in life or after death, for all or part of the goods or services for which an application for a trademark has been filed or registered, regardless of the transfer of the undertaking.

The proprietor can grant a license, exclusive or not, for the use of a national or international trademark or trademark declaration valid in Greece, for part or all of the products or services, and for all or part of the Greek Territory. The trademark license agreement must be in writing.

The protection of the trademark is dependent on its use: if the proprietor fails to continuously use the trademark within five years from the date of its initial registration ("grace period"), they may face an application for cancellation or proof of use of their mark filed by a new applicant. The proof of use by the proprietor must include all the goods and services for



which it is registered, otherwise the protection of the trademark will be limited to those which actually make use of the trademark.

Registration

Trademark applications are filed before the competent Greek Trademarks Authority. By virtue of the Joint Ministerial Decision No 48793/2022, the competent Authority, since May 2022, is the Greek Patent Office.

The examiner reviews the application on procedural and substantive grounds. The *ex officio* examination of relative grounds for refusal is abolished; the publication of the approval decision to the designated website serves as notification to third parties, who could have an interest to oppose the application.

The examiner's decision to accept a trademark application registration can be opposed within a three-month deadline, commencing from the day after its publication on the designated website.

The proprietor of the trademark may divide the trademark application or registration, stating that part of the products or services contained in the original declaration or registration will be the subject of one or more partial declarations or registrations.

Enforcement

Administrative Courts

The Administrative Courts are competent to adjudicate appeals against the Trademark Committee's decisions that rule on the decisions of the examiners regarding objections or applications for dispute resolution. Appeals are required to be filed within 60 days from the day of the publication of the decision.

Civil Courts

The Civil Courts are competent to adjudicate the following;

1. Disputes regarding trademark infringement;
2. Oppositions of article 583 of Civil Procedure Code against the Trademark Committee's decisions on the applications of trademark revocation or invalidity;

3. Claims and counterclaims of restraining orders on trademark's revocation or invalidity;
4. Claims related to trademark assignments;
5. Actions on the right to information.

The law abolishes the provision that required civil courts to be bound by the final decisions of the Trademarks Committee and the Administrative Courts i.e., they have the jurisdiction to adjudicate on the validity of registered national and European Union trademarks, provided that the proprietor of the trademark is entitled to counterclaim for the declaration of invalidity of the trademark or revocation.

The claim for revocation or invalidity can only be brought as a counterclaim, and the defendant must notify the Trademarks Registry by the date of the court hearing at the latest, otherwise the action is inadmissible. Additionally, once the infringement action has been filed by the claimant, the defendant can no longer challenge the validity of the trademark by filing a separate action before the Trademarks Registry. If the action has been filed before the filing of the civil claim, the court has the discretion to suspend the proceedings brought before it, ordering provisional measures. The defendant has the same right in interim injunction proceedings.

The objection to the proof of use has to be raised at the hearing of the opposition, otherwise it will be inadmissible. The claimant is granted at least 30 calendar days to submit materials proving the use of the earlier mark along with a supporting writ. The defendant is granted at least 25 calendar days, starting the day after the aforementioned deadline expires, to evaluate the proof material and submit a writ. Within three calendar days following the expiration of the second deadline, both parties submit their rebuttals. The Administrative Trademark Committee can rely on facts that are so well known that no doubt remains that they are true.

The burden of proof in revocation proceedings is put on the proprietor of the contested trademark. The proprietor can request to have the full court decision, or parts thereof, published



on social media. Interim measures are filed by the individual who has the trademark registered in their name.

The intervening right defense in infringement proceedings in favor of the proprietor of a later mark is introduced; the proprietor of the earlier trademark cannot prohibit the use of a later mark if that later one is not declared invalid.

Penal proceedings

Greek Law enforces criminal offenses, such as imprisonment and fines, in the case of trademark infringement when:

- A trademark is used without having such right;
- Launching, possessing, importing, or exporting products or offering services using another's trademark;
- Intentionally using a reputed mark for the purpose of exploiting or damaging its reputation;
- Intentionally using symbols and signs of public interest.

Mediation

In light of the current Mediation Law 4640/2019, trademark disputes can be submitted to mediation.

Contact

About Vardikos & Vardikos

Vardikos & Vardikos is a fully-fledged law firm headquartered in Athens, with offices in Cyprus, the Caribbean Islands of Dominica, and St Lucia, providing intellectual property services. In addition, the firm offers ship/yacht registration and is a government-approved service provider for respective Citizenship by Investment programs of both Caribbean Islands.

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