

**ACT No 2239/9-16-1994
OF TRADEMARKS**

CHAPTER A

**Article 1
Consisting signs of trademarks**

1. Every sign capable of being represented graphically, capable of distinguishing the goods or services of one undertaking from those of other undertakings, is regarded as a trademark. A trademark 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 a magazine is regarded as a trademark.

**Article 2
Acquisition of right**

Registration of the trademark according to the provisions of present Act confers the right of exclusive use.

**Article 3
Ground for refusal**

1. The following shall not be registered as trademarks:
 - a) signs which cannot constitute trademarks according to article 1 of the present Act,
 - b) signs which are devoid of any distinctive character,
 - c) trademarks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, properties, quantity, intended purpose, value, geographical origin or time of production of the goods or of rendering the service, or other characteristics of the good or service,
 - d) signs which consist exclusively of signs or indications which have become customary in the current language or in bona fide and established practices of trade,
 - e) signs which consist exclusively of the shape which results from the nature of the product or which is necessary to obtain a technical result or which gives substantial value to the product,
 - f) signs which are contrary to public policy or to accepted principles of morality,
 - g) signs which may deceive the public, especially as to the nature, quality or geographical origin of the product or service,
2. A trademark shall not be registered:

- a) if it is a flag, emblems, symbols, shields, 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 (Act 213/1975) and in accordance with requirements provided for therein. Additionally, signs of great symbolic value, particularly religious symbols, representations and words,
- b) if registration is made in bad faith,
- 3. Notwithstanding the provisions of paragraph 1b, c and d of the present article, a trademark may be registered, if, prior to the last hearing for its approval, it obtained a distinctive character because of its use.

Article 4

- 1. A trademark shall not be registered:
 - a) if it is identical with a prior trademark and the goods or services for which the trademark has been registered are identical with the goods or services for which the prior trademark is being protected.
 - b) if, because of its identity with the prior trademark and the similarity of the goods or services or the similarity with the prior trademark and the identity of the goods or services, or the similarity with the prior trademark and the similarity of the goods or services, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the prior trademark.
 - c) if it is identical or similar to a prior trademark and is designated to distinguish goods or services which are not similar to those for which the prior trademark has been registered, provided that the latter has acquired reputation and the use of any subsequent trademark would provide to this, without any due cause, an unfair advantage of the distinctiveness, or the reputation of the prior trademark, or would damage the distinctiveness or the reputation of it.
- 2. As prior trademarks according to the present Act shall be considered:
 - a) trademarks, including community marks, which have been registered before the date of the registration of the application of the trademark, after taking into account the priorities claimed, if any, of the trademarks who have been registered in advance.
 - b) prior applications for registration of trademarks, including community trademarks, subject to their registration.
 - c) trademarks which on the date of application for registration or, potentially, 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 sign shall not be registered:
 - a) if it is contrary to a non-registered trademark or to any other distinctive sign or feature used in the course of trade, conferring upon its proprietor the right to prohibit the use of any subsequent trademark and provided that these rights have been acquired prior to the date of application of the above mentioned sign, after taking into account any priorities claimed in advance.
 - b) if it is contrary to a prior right of personal portrayal or a prior right of intellectual or industrial property other than those settled by the present Act.

c) if it is likely to be confused with a registered trademark which is in use abroad during the filing time of the application, provided that this took place by the applicant in bad faith.

4. Written consent of the applicant of the prior trademark, which may includes terms, and it is filed at the trademark register, withdraws the obstacle of the trademark' s registration, which is similar to but not identical with the prior trademark, unless the Committee takes the view that the consent is contrary to public interest or that there is a risk of confusion of the public.

Article 5

If the trademark consists of the applicant's name, and the same name has already been registered by another as a trademark in order to distinguish identical or similar goods, a distinctive sign must be added in order to clearly distinguish it from the prior trademark.

Article 6

1. For the registration of a trademark, an application is filed with the competent department of the Ministry of Commerce.

2. The application is submitted in four (4) copies and consist of:

- a) an application for registration of trademark.
- b) an imprinting of the trademark.
- c) name, residence and profession of the applicant and, with respect to legal entities, the trade name and registered office.
- d) a list of the goods or services which the trademark is designated to distinguish, graded by class with an indication of the particular class in groups of goods.
- e) appointment of an authorized Attorney.
- f) date of the prior registration, if priority is claimed as well as the country where this has taken place.
- g) signature of the Attorney.
- h) if the trademark consists of a sound, a special notice is made on the application.
- i) if a coloured registration is required, a special notice is made on the application.

3. The application is accompanied by:

- a) 10 copies of the trademark and, in the case of a colour trade, 10 coloured copies of the trademark must be submitted.
- b) 5 copies of the list of the goods or services to which the trademark is applied.
- c) a public fee for legal rights of the trademark.
- d) a power of attorney for the registration of the trademark bearing the applicant's signature.

4. The application is completed on a special form, the form and the contents of which are defined by the Minister of Commerce.

5. On the filing of the application, the date, time of filing and serial number are recorded on it and the latter is officially 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 is being referred to the Administrative Trademarks Committee as it is.

8. The application is bound in a special book, which is not the same in respect of the domestic and foreign trademarks.

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 the declared trademark.
- b) declare the restriction of the goods or services, even if these are not specifically provided for in the application.

CHAPTER B

Article 8

Administrative Trademarks Committee

1. The Administrative Trademarks Committee decides whether the application for registration will be accepted or not.
2. The Administrative Trademarks Committee decides upon any dispute arising between the competent Authority and the applicants or those entitled to the trademark in accordance with the present Act.
3. The Administrative Trademarks 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 Department from the Commercial and Industrial Property Headquarters of the Ministry of Commerce (a university graduate) and an industrial representative, as members.
4. The members of the Administrative Committee 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 motion made by the State's Legal Council for the Committee's chairman and by the Chamber of Commerce and Industry of Athens and Pireaus for the industrial representatives. High-ranking officials of the Commercial and Industrial Property Headquarters of the Ministry of Commerce are appointed as surrogate of the director or head of department of the same Headquarters.
5. The secretary of each department of the Administrative Trademarks Committee is appointed together with his surrogate, following a decision of the minister of Commerce. The secretaries and their surrogates are officials of the Commercial and Industrial Property Headquarters and are university graduates.
6. An assistant secretary is appointed, by the same decision, together with his surrogate, for each department of the Committee. The assistants and their surrogates are officials of the above mentioned Headquarters.
7. The senior chairman determines the allocation of cases amongst the departments of the Committee.

Article 9 Procedure

1. The Administrative Trademarks Committee has its head office in Athens. The Committee meets at the Ministry of Commerce, in an office determined by order of the competent Chief of the Headquarters, which is put up in the latter's office.
2. The meetings of the Committee are held in public and records are kept. The Committee meets on days and hours fixed by the chairman at the beginning of every year and those are made known by a written announcement placed on the notice board in the office of the competent department office. The discussion takes place based on the list drawn by the Chairman, in the order of the submission of the applications. The list is put up on the notice board in the competent's office, eight (8) days before the day of the meeting.
3. Before the hearing, the parties are summoned by order of the competent authority. The summon is notified to them or to their attorneys within a period of five (5) days prior to the hearing, during the hearing the case can be discussed even in the absence of the summoned parties. The Committee can hold over the hearing until a fixed day, following a request set forth by the parties or ex officio. 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 before the Committee, and can submit every element or document necessary for the support of their case. Before the Administrative Trademarks 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. With reservation to the provision of the 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 Trademark 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 pronounced in public and signed by the Chairman and the secretary.
7. Summaries of the decisions accepting the trademarks are published within one month from the date of publication of the judgment in the Commercial and Industrial Property Column of the Official Bulletin. The summary consists of the trademark, the applicant's name, profession and residence and 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 the order in court, the constitution of the judgments and of the records, the grounds and the procedure for the exemption of the members of the Committee, the provisions of the Presidential Decree 341/1978 shall apply by analogy.
9. The infringement of the provision regulating the procedure entails nullity, if according to the Committee's view, the infringement has caused damage to the alleging party.

Article 10

Opposition

1. A third party, which has legal interest, even not financial, can oppose the decision taken by the Administrative Trademark Committee, which accepts the registration of the trademark in question wholly or in part, provided that the party has not intervened in the hearing of the application. The same right is also granted to the Chambers but only during the cases referred in the article 3 of the present Act.
2. The opposition against the decisions taken by the Administrative Trademark Committee is submitted in the form of a legal deed which is filed with the competent department, is recorded in a special book and a registration statement is made.
3. The opposition against the decisions if the Administrative Trademark Committee may also be made with the service of the legal deed to the competent department, instead of its registration, in compliance with the relevant provisions of the Civil Procedure Code and, within one day following the service of the deed, it is recorded in the special book of trademarks.
4. The opposition 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 16th of the month following the publication of the judgment in the Commercial and Industrial Property Column of the Official Bulletin.
5. An appeal can be lodged by the oppositionist only against the decision made by the Administrative Trademarks Committee which is pronounced over the opposition.

Article 11

1. The legal deeds before the Administrative Trademarks committee include:
 - a) the names and the residence of the parties.
 - b) the notice of the opposed decision.
 - c) all the grounds for the opposition.
 - d) date and signature of the opposed party or its attorney.
2. Prior to any hearing of oppositions, interventions or revocation claims before the Administrative Trademarks Committee, with penalty of inadmissible, the fees and deposits provided for by law must be paid; in case of acceptance of the opposition, intervention or revocation, the latter is reimbursed. Upon request of the attorney appearing at the hearing, a period of five (5) days can be given to the president of the Committee for the payment of the above mentioned fees and deposits.
3. As regards the hearing and the decisions of oppositions, interventions and revocation claims before the Administrative Trademarks Committee, the provisions in article 9 shall apply.
4. In the books of the registration of the legal deeds the following are entered:
 - a) the serial number of the deed,
 - b) the date,
 - c) the name of the depositor.
5. The legal deeds of the opposition, interventions and revocation claims before the Administrative Trademarks Committee are noted immediately after the submission or service of the legal deed to the competent department.
6. Additional grounds are submitted to the Administrative Trademarks 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 the 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 voluntarily, primarily or supplementarily, before the Administrative Trademarks Committee, the Courts and the State Council. The right to intervene also belongs to every Chamber but only on the grounds provided for in the article three (3) of the present Act.
2. The intervention before the Administrative Trademarks Committee is made in the form of a legal deed which is filed with the competent department and notified by the intervening party three days before the hearing; intervention before the court is made in accordance with the relevant provisions.

Article 13 Appeal

1. An appeal can be filed against the decisions of the Administrative Trademarks 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 the service of the appealed decision of the Administrative Trademarks Committee and is completed with the submission of the recourse to the secretary's office at the Administrative Trademarks Committee. A filing statement is made on the deed and is signed by the receiver and the party filing the appeal. As for the rest, the provisions of the article 79 par. 2 and 3 of the Tax Procedural Code shall apply. The Authority that received the appeal document must act in accordance with the provisions of the article 82 of the same Code.
3. During the hearing before the Courts, the parties are summoned in order to intervene before the Administrative Trademarks Committee.
4. The summons of the parties before the Administrative Courts and the State Council, may be submitted to the person appearing as the Attorney in the special book of trademarks.
5. Affidavits before the Magistrate or the notary public may be submitted to the Administrative Court of First Instance, provided that the other party is summoned 48 hours in advance.

Article 14 Registration

1. The decisions of the Administrative Trademarks Committee, the Administrative Courts and the State Council are recorded in the special book mentioned in the article 6 of the present Act. 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 available in public. Copies or extracts from the registrations are offered to anyone upon request. A copy or an extract from the registered trademark is offered to the proprietor for free.

Article 15

Date of validity of the registration

The trademark 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 trademark designated to distinguish identical or similar goods or services, wholly or in part, is permitted, provided that there is no likelihood of confusion of the public and that this is not contrary to the public interest.
2. Following an agreement in writing which is recorded with a decision issued by the Administrative Trademarks Committee in the trademarks Register, the exclusive or non-exclusive use of the trademark 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 there exists no likelihood of confusion and this is not contrary to the 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 actions of omission and damages with written consent of the applicant, has integrally the licensee of use of the trademark.
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 a 3rd party, the Administrative Trademarks Committee decides on the revocation of the trademark.

Article 17

Cancellation

1. The trademark is canceled, wholly or partly, by decision of the Administrative Trademarks 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 acts or inactivity on the part of the proprietor, the trademark has become of common use or the common trade name for the product or service in respect of which it has been registered.
 - d) If, by reason of the use by its proprietor or with his consent, in connection with the 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 of the articles 3 and 4 of the present Act.
2. The trademark shall not be canceled:
- a) If, notwithstanding the existence of a prior conflicting trademark, there exist grounds for cancellation of the prior 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 prior trademark or of any other right, entitling the proprietor to the right to forbid the use of any subsequent trademark, has tolerated, knowingly, the use of the said trademark 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 be canceled:
- a) If the proprietor of the trademark proves that the non-use of it or the suspension of the undertaking's operation is due to just cause.
 - b) If the proprietor of the trademark, during the period between the expiry of the five-year period of non-use and the filing of the cancellation petition, has started or resumed the genuine use of the trademark. The commencement or resumption of the use within a period of three (3) months before the filing of the Cancellation Petition, which does not begin earlier than the expiry of the continuous period of five (5) years of non-use, is not taken under consideration, if the preparations for the commencement, or resumption of the use occurred only after the proprietor became aware of the fact that the cancellation petition may be filed.
4. For the purposes of the present article, "use" of the trademark shall mean every act referred to in the article 18 par. 2 of the present Act.
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 the article 3 of the present Act and in the case of par. 1 d of the present article.
6. As regards par. 1 e of the present article, the cancellation petition is submitted to the Administrative Trademarks 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 the par. 1c of the present article, the application for revocation can not be submitted before the lapse of twenty years from the registration of the trademark.
7. In the case of cancellation for non-use, the Administrative Trademarks Committee or the competent courts may shift the burden of proof.
8. The results of the decision for cancellation of the trademark comes into effect as soon as it becomes irrevocable. For the period preceding the decision, no action for damages can be brought or complaint can be lodged.
9. When the cancellation of the trademark is ordered, 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 at any time, 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. The registration of the trademark confers upon the proprietor an exclusive right. Particularly confers the right to use, the right to affix the trademark to the products or goods intended to be distinguished by it, to distinguishing the rendering services, to affix the trademark to the covers and packages 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. the use of the trademark in a form differing in elements, which do not alter the distinctive character of the trademark.
 - b. affixing the trademark 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.
3. 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 Act.

Article 19

1. The trademark is allowed to be used only in connection with the goods or services of the proprietor, except for the special cases provided for in the present Act.
2. As "proprietor's goods" are also regarded the goods, the main part of which is manufactured or prepared by the proprietor, but they are not assembled or completed by somebody else.
3. The non producer of the identical or similar product may use his own trademark in connection with the sold products of another, provided that the existing trademark of their producer will remain intact. This provision also applies by analogy to the service trademarks.
4. In any other case, not even with the consent of the proprietor use of the trademark will be allowed on products, goods or services of another or in any other way, except for the special provisions provided for in the present Act.

Article 20 Limitation of protection

1. The right conferred by the trademark to its proprietor does not prevent a third party from using, in the course of trade, his own name and address, as well as indications concerning the kind, quality, intended purpose, value, geographical origin, time of production of the good or of the rendering of a service, or other characteristics of the goods or services, as well as the

trademark itself, where it is necessary to indicate the intended purpose of a product or service, particularly, as regards the accessories or space parts.

This use must be made in accordance with honest practices in industrial or commercial matters and certainly not in the form of a trademark.

2. The right conferred by the trademark shall not prevent any third parties from using, in the course of a trade, a prior right which only applies in a particular locality, if this rights is recognized therein.

3. The right conferred by the trademark does not entitle the proprietor to prohibit its use in connection with goods which have been put onto the market in the European Community under that trademark by the proprietor or with his consent.

The prior section shall not apply where there exists a legitimate reason for the proprietor to oppose to the subsequent commercialization of the goods, especially when the condition of the goods changes or is alters after their disposal in the market.

Article 21 **Duration of protection**

1. The protection of the trademark endures for a period of ten (10) years starting from the date following the registration.

2. The duration of the protection can be extended for a period of ten (10) years, provided that an application is made by the proprietor and with the submission of a proof of payment of the official fees to the Ministry of Commerce within the prescribed period.

3. The submission of the proof of payment of the official fees is made within the last year of protection.

The filing of the application and the submission of the proof of payment of the official fees can also be made within an additional period of six (6) months, starting after the completion of the ten-year (10) period, provided that the proof of payment of the official fees is submitted increased by 50%.

4. If proof of payment of the official fees is submitted within the prescribed period, this is recorded into the margin of the initial registration.

5. If the proof of payment of the official fees is not submitted within the prescribed period in par. 3 of this article, the trademark shall be revoked, following the drafting of a deed.

6. Any dispute between the applicant, who applied for the extension of the protection, and the Authority, as well as any objection of the revocation made in accordance with par. 5 shall be judged by the Administrative Trademarks Committee upon application by any interested party.

CHAPTER D

Article 22 **Transfer**

1. The right conferred by the trademark is transferable in life or after death, regardless of the transfer of the undertaking.

2. The transfer can be effected if the trademark consists of names of natural persons or legal entities.
3. The transfer is in valid against any third parties, only after its registration in the trademarks book. For this registration, submission of the relevant contract 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 the Administrative Trademarks Committee or the Administrative Courts or the State Council, the assignee or the quasi-successor may intervene. By intervening, the latter becomes main party entitled to exercise the assignor's rights, who is in turn dismissed.

Article 23 Undertakings

Following the winding up of the undertaking and after the completion of the liquidation procedure, if there is no different agreement during the liquidation, the trademark is revoked.

Article 24 Attachment, auction sale and bankruptcy

1. Compulsory attachment and auction sale of the trademark is allowed.
2. In case of attachment, the decision which orders attachment is notified to competent authority and is recorded in the relevant book.
3. In case of bankruptcy of the proprietor of the trademark, the latter can be auction sold even integrally.
4. When the trademark consists 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 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 provisions in the article 3 of the present Act, 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 to third parties the commercial use of such signs or indications, particularly, to third parties who are allowed to use geographical names, provided that these third parties use such signs or indications in accordance with accepted principles of morality.

3. The application for the registration of the collective trademark must be accompanied by an affirmation comprising the title, the head office, the purpose, the name of the legal representatives, the list of names of all the members entitled to the use as well as the conditions and the regulations concerning the rights and the obligations of the members for the use of the mark by them.

A similar application is required for any alteration of these elements.

4. The right conferred by the collective mark cannot be assigned to a third party as such.

5. The exercise of the rights arising from the registration of the collective mark belongs at any case only to the legal entity of the owning partnership, union or association.

6. A special book is kept for the registration of collective trademarks; the rights of registration and extension of their duration are five times the ones applied for the rest of trademarks.

7. Revocation of the collective trademark is possible for all the cases of the article 17, which apply by analogy, just like when the proprietor accepts the use of the trademark in a way that is contrary to the purposes of the partnership, union, association e.t.c., to the conditions and regulations affirmed upon the 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 trademarks provided that Greek collective trademarks are registered and protected in their countries

9. The use of the collective trademark is necessarily made with the indication "collective trademark".

10. For the collective trademarks, all the provisions of the present Act apply, provided that they are not contrary to the provisions of the present article.

CHAPTER E

Article 26

Legal action for omission and damages

1. Anyone using, altering or imitating a trademark which belongs to somebody else can be sued for omission or damages or both. The same applies for anyone using a sign which is identical or similar with a trademark, but does not distinguish similar goods or services to those distinguished by the trademark, provided that the latter has acquired reputation in Greece and that the use of such a sign would, without due cause, take unfair advantage of or damage the distinctive character or the reputation of the trademark.

2. The action is brought before the one-membered competent court of First Instance, regardless of the amount claimed, and is judged according the usual procedure. The claim for damage is statute-barrred after 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-barring, a new statute-barring commences from the end of the year during which the interruption is completed.

3. If the disputes of the paragraph 1 arise along with those referred in Act 146/1914 or in article 914 of the Civil Code, these can be brought before the competent courts of First Instance.

4. With reference to an identical trademark as well as a trademark differing in elements that do not alter its distinctive character, the submission of a registration certificate of the altered trademark provides full evidence of use or alteration.

Article 27

Provisional Measures

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

Article 28

Criminal Provisions

1. With at least three (3) months imprisonment and a fine of at least two thousands (200,000) drachmas or one of the above mentioned penalties is penalized:
 - a) anyone altering a trademark or knowingly uses an altered trademark.
 - b) anyone knowingly affixing to products of his undertaking or to objects of his trade, a trademark not owned by him.
 - c) anyone imitating a trademark, wholly or in part, without altering it, with a view to mislead buyers or knowingly using such a trademark.
 - 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 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 trademarks.

Article 29

Prosecution

The prosecution for the cases a, b, c, d and e of the paragraph 1 of the article 28 commences by indictment and for the acts committed after the registration of the trademark, for the case of prosecution is made ex officio.

Article 30

Publication of criminal judgments

The court orders the publication of a summary of every condemning judgment for a trademark 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, the 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 trademarks, in the case of imitation the removal and destruction of the trademarks or the destruction of the products.
2. The removal or destruction of the trademarks can be ordered by the court even in the case of acquittal of the accused, if it decided 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 Act, the Administrative Trademarks Committee and the Administrative Courts have jurisdiction. The judgments of the Administrative Trademarks Committee which are not subjected to an appeal and the irrevocable judgments of the Administrative Courts, which are rendered by virtue of the present Act, are compulsory for the civil courts and for any other authority.

CHAPTER F

Specific, interim 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 Act, if their trademarks are protected within the state where they are officially registered and if there is mutual and equivalent protection for the Greek trademarks, established by an International Treaty or by the exchange of governmental declarations between Greece and the foreign State.
2. For the protection in Greece, the registration of the trademark is required according to the provisions of the present Act, for which, except for the provisions of the article 6 of the present Act, the following are also required:

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, of which the registration is applied for in Greece, is registered and protected. This proof is not required, provided that the 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 ground for refusal.

As regards trademarks which are registered upon demand for priority within six (6) months from the filing of the first application in the foreign state, the above mentioned proof may be submitted within a period of three (3) months starting from the date of 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. This 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 a person having the right to translate according to the law.

4. A foreign trademark duly registered in Greece becomes independent from a trademark of the state where the proprietor has its head office.

Article 34

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

Article 35

1. The public fees for the trademarks are estimated as follows:

1.	Registration of a trademark	20.000 dr
1a.	For every additional class	5.000 dr
2.	Extension of protection of a trademark	20.000 dr
2a.	For every additional class	5.000 dr
3.	Change of name or legal form or directorship	10.000 dr
4.	Limitation of products or services	5.000 dr
5.	Assignment of trademark	20.000 dr
6.	Filing of appeal, interventions and claims with the Administrative Trademarks Committee	15.000 dr
7.	Filing of appeal 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 second instance	5.000 dr
9.	Copies of trademarks	200 dr

2. By common decision of the Ministers of Finance and Commerce, which is published in the Official Bulletin, the public fees, provided for in par.1 of the present Article, can be readjusted.

3. The chairmen, 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. The art. 9 of the Royal Decree of 20/27-12-1939 (Official Bulletin 553 A') for the enforcement of the trademarks Act 1998/1939, as replaced by the article 4 of the Royal Decree of 26th September/6th October 1955, remains in effect.

2. The services are classified in eight (8) classes in accordance with the classes of goods or products referred to in the prior paragraph of the art. 9 of the Royal Decree of 20/27-12-1939, as it applies, as follows:

Class 35:

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

Class 36:

Insurances, 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 and beauty, veterinary and agricultural services, legal services, scientific and industrial research, computer programming, services that cannot be otherwise classified.

Article 37 **Transitional provisions**

1. The provisions of the present Act apply by analogy also to the services trademarks.

Article 38

1. During the first enforcement of the provisions regarding the services trademarks and not for a period exceeding five (5) years from the enforcement of the present Act, their acceptance, in case of dispute, will be made based on the priority use claimed and proved.

2. The form of registration and control of the sound trademarks will be defined by the decisions of the Minister of Commerce, which are published in the Official Bulletin.

3. The provisions of the articles 10, 11 and 17 of the present Act apply to cases pending before the Administrative Trademarks 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 Act.

4. Provisions which are contrary to the present Act or concern issues regulated by it, are repealed.

The prevailing specific provisions still remain in force.

Any issued provisions by authorization given by the Acts 1998/1939 and 3205/1955 are still effective, provided that they are not contrary to the provisions of the present Act.

5. The Presidential Decree 317/1992 is repealed.

6. The books provided for in article 6 of the present Act are drafted and kept in compliance with a decision made by the Minister of Commerce, which is published in the Official Bulletin.

During the first enforcement of the Act this decision is issued within forty five (45) days from the date of publication of the present Act. Until the publication of the Minister's decision, the provisions prevailing up to then and concerning the books of registration of the trademarks, still remain in force.

7. Trademarks, which have not been irrevocable accepted at the time of enforcement of the present Act, are determined by virtue of the previous legislation.

8. Where in the Regulation of the Council for Community Trademarks (40/94/20.12.1993) the Central Service of Industrial Property is mentioned, Service of Commercial and Industrial Property of the Ministry of Commerce is meant.

Article 39

The enforcement of the present Act will start forty-five (45) days after its publication in the Official Bulletin.