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Trademark Registration in Greece

Trademarks are designed to protect the goodwill of a business. In the modern world of “branding” this right is of essential importance to any business. Trademarks are intellectual property rights and can only be obtained by registration. It is only when a brand name is registered that it achieves the status of a trademark. A trademark is defined as: “any sign capable of being represented graphically and of distinguishing the goods or services of one undertaking from those of other undertakings”.

Once the manufacturer of a particular kind of goods, or the provider of a specific service has decided to register the brand name he uses to market its goods or services, he has to undergo a registration process to protect this mark.

Trademark rights are territorial. That is to say, trademarks grant protection only for the country in which they are registered; ie a trademark owner will be able to sue for infringement only in the country in which his trademark was granted. Protection in different jurisdictions can only be obtained if separate trademark applications are filed in each country.

However, there are other possibilities. An application for a community trademark can be filed, seeking protection throughout the European Community. It is also possible to apply for an “international trademark” under the Madrid protocol. However, an applicant has to be advised for the advantages and disadvantages of each trademark registration system before proceeding.

Community trademarks or International trademarks may not always be the appropriate solution and each case should be assessed individually.

But what is involved in trademark registration in Greece?

There is a common misconception that the first step in the registration process is to file an application to that effect. This would arguably be the biggest mistake in the process and could lead to excessive costs, thereby defeating its initial purpose which presumably was to cut down on costs.

The application must only be filed when a search has been carried out, and its results are satisfactory. The reason behind a trademark search, is to establish whether there is a conflict with an existing registered trademark (i.e. relative grounds for refusal). If there is such

conflict, and there are no apparent ways to legally tackle such conflict, the best way forward would be to devise a new mark.

Certainly before any search being conducted the owner of the mark has to be satisfied that there are not any absolute grounds for refusal (i.e. Lack of distinctiveness, descriptiveness, geographical names etc.).

Once it is established that neither relative nor absolute grounds for refusal exist in relation to the mark, an application should be filed with the General Secretariat of Commerce which is part of the Greek Ministry of Development. This application is filed in four copies and it typically contains:

- Request for registration of the mark,
- Information relating to the applicants' identity,
- Representation of the trademark,
- The classes of the goods or services for which registration is sought, as well as a list of the goods or services, and
- Appointment of a lawyer

Together with the application a number of supporting documentation must be submitted. These documents include ten copies of the mark, five copies of a list of the goods or services for which the registration is sought and a Power of Attorney appointing a lawyer to act on the applicants behalf. Certainly at this point the official fee must also be paid.

Sometimes it could be the case that applications have been previously filed in other jurisdictions. If this is the case, when filing for a Greek Trademark the applicant could claim priority from the date the previous application was filed. For this to happen, details as to any previous applications must also be submitted.

The relevant body to assess whether an application should be accepted or refused is the Administrative Committee of Trademarks, which holds a public hearing in the Ministry of Commerce in Athens. Once an application is listed for examination the applicants' lawyer is notified five days before the date of the hearing.

For a trademark to be granted, the Committee will have to be satisfied that there are not any absolute or relative grounds for refusal.

If the trademark is granted, a decision to that effect is issued and a summary of the decision is published within a month in the Commercial and Industrial Bulletin of the National Gazette. Following this, the mark is recorded in the public register of trademarks.

The trademark is protected for an initial period of ten years and can be renewed indefinitely. Protection begins from the filing date which commences retroactively.

This information is intended as a general overview of the subject dealt with. This information is not intended to be, and should not be used as, a substitute for taking legal advice in any specific situation. Neither the author, nor the law firm is responsible for any actions taken or not taken on the basis of this information.