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## **Why Register a Trademark in Greece: Benefits in Registering**

When someone considers registering or in fact not registering a trademark in Greece, it is worth examining what a trademark is and what are the benefits in registering a mark as a trademark.

Certainly these initial questions are relevant in all legal systems. However, their respective answers may and will probably differ for a number of reasons. The most important reasons behind that, include jurisdictional variations of substantive trademark laws and the legal position of unregistered marks within a jurisdiction.

For the purposes of this briefing, we shall not delve into jurisdictional variations as this would be outside the scope of this briefing. Instead, we shall focus on the benefits of trademark registration in Greece. The article starts with a brief definition of a trademark and then goes on to discuss the benefits of registration.

### What is a Trademark?

Effectively, a trademark is a brand name. If the brand name, or a logo of a product undergo a registration process it can obtain the status of a trademark and can be protected under the trademark laws of the country in which it is registered. A trademark can either be registered for goods or for services. Its statutory definition is: “any sign capable of being represented graphically and of distinguishing the goods or services of one undertaking from those of other undertakings”.

Anyone who manufactures goods or provides a service, and uses a brand name for that particular good or service, can register this name as a trademark. In Greece, a trademark could be a word, symbol, design, name or phrase. Greek Trademark law also provides for shape marks, however these are extremely rare.

Essentially, a trademark is a commercial right obtained by registration and its main functions are:

- Indicative as to the origin: it identifies the source of the product or services to consumers
- Distinguishing in terms of quality: it indicates the quality of the goods the consumer is purchasing from those of other entities

- Distinguishing in terms of investment: that is building up goodwill in the brand through advertising for instance

### Benefits of Registration

Registration gives the owner of a mark the exclusive right to use its mark for a particular good or service. This in fact places the owner of the registered trademark in a monopoly position in relation to his mark. By registering a trademark an 'undertaking' gains access to an entirely different piece of statutory protection. This is the Greek Trademark Act.

The key benefits of Trademark registration can be summarised as follows:

- Actions in the event of infringement

Infringement occurs when someone else uses the mark of another person. In fact, most trademarks are registered for this reason. Registering a mark amongst other things provides its owner with better remedies in the event someone else attempts to use a similar or an identical mark, or in fact misuses (dilutes) the trademark.

From a litigation perspective, when a mark is registered, there are certain advantages as to the standard of proof, thereby placing the claimant – registered owner in a much stronger position. In case of a registered trademark the owner will sue on the Trademark Act and will not have to rely on the general commercial law of Unfair Competition, as would be the case for an unregistered mark.

Therefore the litigation advantages of a registered trademark are incomparable.

- Bar competitors from using an identical or similar mark

When registering a trademark, the owner obtains a monopoly right to use his mark for the goods or services for which it is registered. It is quite possible that the owner of the trademark has invested time and effort in building reputation in the mark. By registration, subject to certain exceptions the owner will be in position to prevent someone else from riding on his reputation.

- Avoid the unfortunate possibility of someone else registering your mark

The owner of an unregistered mark runs the risk that another person may take advantage of the Greek Trademark Act and attempt to register that mark, thereby obtaining unfair advantage of the goodwill the owner of an unregistered mark has worked so hard to build. Although the Trademark Act provides for this eventuality the burden of proof is on the owner of the unregistered mark and the standard of proof is very high. Furthermore the owner of the unregistered mark has to be made aware of the attempt to register.

- Get your mark on a public record

All registered trademarks, as well as applications for registered trademarks are on public record. Apart from the obvious prestige a mark achieves by being on that record, future trademark owners always consult this record before applying for their mark to be registered. If the previous trademark bears resemblance to the mark the new owner wishes to register, then the new owner will have to re-examine the possibility of using the proposed mark. Effectively this operates as a warning off mechanism.

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