

PART THREE

TRADEMARKS

CHAPTER A'

CONCEPT AND CONDITIONS OF PROTECTION

Article 121

Signs of which a trademark may consist

A trademark can be any sign being represented graphically capable of distinguishing the goods or services of an undertaking from those of other undertakings.

Trademarks can particularly be words, names, company names, aliases, illustrations, designs, letters, numbers, colors, sounds, including musical phrases, the shape of good or of its packaging.

Article 122

Acquisition of the Right

The right to exclusive use of the trademark is obtained by its registration.

Article 123

Absolute grounds for refusal

1. The following signs shall not be registered as trademarks:
 - a. signs which do not conform to the requirements of Article 121,
 - b. trademarks 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, attributes,

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,

- d. trademarks which consist exclusively of signs or indications which have become customary in the everyday language or in the bona fide and established practices of the trade,
- e. signs which 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,
- f. signs which are contrary to public order or to principles of morality,
- g. signs which are of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the goods or service.

2. Similarly, the following signs shall not be registered as trademarks:

- a. signs which are intended to distinguish wines or spirits that contain or consist of protected by EU legislation, geographical indication, designating wines or spirits, if these wines or spirits do not have the specific origin,
- b. signs which contain or consist of a designation of origin or a geographical indication registered in accordance with the EU legislation and regarding the same type of product, on condition that the application for registration of the trade mark has been submitted after the date of filing of the application for registration of the designation of origin or geographical indication of agricultural products and foodstuffs.

3. Trademarks are not:

- a. Names of states, the flag, the emblems, the symbols, the escutcheons, the signs and the markings of the Greek State and other States, which are referred to in the Article 6 (3) of the Paris Convention for the protection of Industrial Property (Law 213/1975, A' 258) and under conditions of this article as well as the signs of great symbolic importance and specific public interest and particularly religious symbols, expressions and words.

- b. Signs the filing of which is contrary to good faith or was made in bad faith.
4. Notwithstanding the provisions of the cases b, c and d of the paragraph 1, a sign is being accepted for registration, if up to the date of its filing has acquired distinctiveness due to its use.

Article 124

Relative grounds for refusal

1. A sign shall not be registered:
 - a. If it is identical to an earlier trademark and the goods or services, for which the trademark has been registered, are identical with those for which the earlier mark is protected,
 - b. If because of the identity with the earlier trademark and the similarity of goods or services, or the similarity to the earlier trademark and the identity of goods or services, or the similarity to the earlier trademark and the similarity of goods or services, there is a risk of public confusion, which also includes the likelihood of its association with the earlier trademark.
 - c. If it is identical or similar to an earlier trademark that has a reputation and the use of the later trademark would take, without due cause, unfair advantage of the distinctive character or the repute of the earlier trademark or would damage its be detrimental to the distinctive character or its reputation, regardless if the later trademark is intended to distinguish goods or services that are similar to products or services of the earlier trademark.
2. For the purpose of this Law “earlier trademarks” means:
 - a. the trademarks, including the international ones protected in Greece and in the EU, which have been registered before the date of the trademark application filing, taking into account the priority or seniority rights claimed in respect of those trademarks,
 - b. the earlier trademarks applications, including the above international and Community ones, subject to their registration,

c. the trademarks which on the date of the trademark application filing or, where appropriate, of the priority claimed in respect of the application for registration of the trade mark, are well known, in the sense of Article 6bis of the Paris Convention.

3. A Sign is not accepted for registration:

a. If it is contrary to the right of an unregistered trademark or any other distinctive sign or feature used in trading, which gives the proprietor the right to prohibit the use of a later trademark, provided that these rights have been acquired prior to the date of this sign filing, taking into account any claimed priority rights.

b. If it is contrary to a prior right of the personality of a third party or to a prior right of intellectual or industrial property other than those regulated by this Law,

c. if it is likely to cause confusion with a trademark which has been registered and used abroad at the time of the application filing, if it was made in bad faith by the applicant.

4. A written consent, with or without conditions, of the proprietor of an earlier trademark, that has been submitted at any stage of a trademark examination by the Trademark Office, the Administrative Trademark Committee or the Administrative Courts, removes its registration obstacle, under Article 124, paragraph 1 of this Law.

CHAPTER B'

CONTENT OF A RIGHT

SCOPE OF PROTECTION

Article 125

Content of a right

1. The registration of a trademark confers on its proprietor an exclusive right. Specifically, it provides the right to use it, the right to affix it to products, which it is intended to distinguish, to characterize the provided services, to affix it to covers and packaging of goods, to writing paper, invoices, price lists, notices,

advertisements of all kinds, and to any other printed material and to use it in electronic or audiovisual media.

2. As use of the trademark is also considered:
 - a. the use of a trademark in a form differing as to its elements, which do not alter its distinctive character,
 - b. the affixing of a trademark to products or its packaging in Greece destined exclusively for export,
 - c. The use of the trademark upon the proprietor's consent, and the use of a collective trademark by persons entitled to it.
3. The proprietor of the trademark is entitled to prevent all third parties from using in trade without his/her permission:
 - a. any sign which is identical to the trademark for goods or services identical to those for which the trademark has been registered,
 - b. any sign for which, because of its identity with or similarity to the trademark and the identity or similarity of the goods or services covered by the trademark, there is a likelihood of confusion, including a likelihood of association,
 - c. any sign which is identical or similar to a trademark with a reputation and 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 whether the sign is intended to distinguish goods or services that are similar to products or services of the earlier trademark.
4. The proprietor of the trademark is entitled to prevent all third parties:
 - a. the mere passage of counterfeit or copycat products through Greek territory destined to another country or to import for re-export,
 - b. the affixing of a trademark to genuine products of the proprietor's production and which the proprietor is intended to circulate as anonymous.
 - c. the removing of the trademark from genuine products and their disposal on the market as anonymous or under another trademark.

Article 126

Limitation of protection

1. The right conferred by the trademark to the proprietor does not prevent any third parties from using in trading:

- a) their name, surname, trade name and address,
 - b) indications concerning the kind, the quality, the intended purpose, the value, the geographical origin, the production time of products or of rendering of the service or other characteristics thereof,
 - c) the trademark itself, if it is necessary to indicate the intended purpose of a product or service, in particular in case of accessories or spare parts, if such use is in accordance with honest practices in industrial or commercial matters.
2. The right conferred by the trademark does not prevent third parties from using in trade an earlier right applicable to particular localities, if that right is exercised within the territorial limits where it is recognized.

Article 127

Loss of right owing to tolerance

1. The proprietor of an earlier trademark or of another right within the meaning of the paragraphs 2 and 3 of the Article 124 respectively, has no right to prohibit the use of any subsequent registered trademark for goods or services, for which it was used, if he has knowingly tolerated the use of this trademark for five consecutive years, unless the filing of the subsequent trademark application was made in bad faith.
2. In the case of paragraph 1, the proprietor of the subsequent registered trademark cannot prohibit the use of the earlier trademark or of another right.

Article 128

Exhaustion of rights

1. The right that is conferred by the trademark does not entitle its proprietor to prohibit the use of the trademark in respect of goods that have been placed under this trademark within the European Economic Area by the same proprietor or upon his/her consent.

2. Paragraph 1 shall not apply where there exist legitimate reasons for the proprietor to oppose further commercialization of the goods, especially where the condition of the goods is changed or impaired after they have been put on the market.

Article 129

Statement of disclaimer and application for a limitation

The applicant may at any time and regardless of pending proceedings:

- a. make a statement that he disclaims any exclusive right to certain non-essential elements of the applied trademark ,
- b. make a statement that he limits the goods or services that are mentioned in the application form.

Article 130

Division of the trademark application or registration

1. The applicant or the proprietor of the trademark may divide the application or the registration respectively, by declaring that some of the goods or services included in the original application or registration will be the subject of one or more divisional applications or registrations. The goods or services in the divisional application or registration shall not overlap with the goods or services which remain in the original application or registration.

 2. The priority time of each divisional application filing or registration goes back to the date of the original application filing.
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3. The declaration of division shall not be admissible if where an application for opposition against an application filing or a declaration of invalidity or cancellation has been entered against the registration, such a divisional declaration has the effect of introducing a division amongst the goods or services against which the application for opposition or the declaration of invalidity or cancellation is directed, until the relative decision has become final or the proceedings are finally terminated otherwise.

CHAPTER C

THE TRADEMARK AS A PROPERTY

Article 131

Transfer

1. The right to a trademark or to the application filing 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.
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2. The transfer of the whole of the undertaking shall include the transfer of the trade mark except where there is agreement to the contrary or circumstances clearly dictate it.
3. A written agreement is required for the transfer and it is valid against third parties only after its enter in the register of trademarks.
4. When a trademark is transferred at the time the case is pending before the Trademark Office or the Administrative Trademark Committee or the competent Administrative Courts or the Council of State, the transferor is entitled to exercise an additional intervention.
5. Until the hearing before the Administrative Court of Appeal, the applicant may, as a result of the transfer, acquire an earlier trademark, which prevents the registration of his/her application subjected to judgment, so the registration of the transfer in the register of trademarks automatically removes the reason inhibiting the registration. The Administrative Court is bound to take account of the above transfer by the mere production of a copy of the trademark record which indicates the transfer.

Article 132

Licensing

1. A trade mark may be licensed for some or all of the goods or services for which it is registered in Greece and for the whole or part of the Greek Territory. A license may be exclusive or nonexclusive. Either the proprietor, under his/her statement, or the licensee, under the proprietor's authorization, inform the register of trademarks for the grant of a license.

2. The proprietor of a trade mark may invoke the rights conferred by that trade mark against a licensee who contravenes any provision in his licensing contract with regard to:

- (a) its duration;
- (b) the form covered by the registration in which the trade mark may be used;
- (c) the kind of the goods or services for which the license is granted;
- (d) the territory in which the trade mark may be affixed; or
- (e) the quality of the goods manufactured or of the services provided by the licensee.

3. The parties may agree that the licensee of a mark use shall be entitled to grant further sub-licenses under the procedure and conditions of paragraph 1.

4. The licensee may independently bring proceedings for infringement of a trade mark only if its proprietor consents thereto. However, unless otherwise agreed, the holder of an exclusive license may independently bring such proceedings if the proprietor of the trade mark, after formal notice, does not himself bring infringement proceedings within an appropriate period.

5. When the proprietor brings proceedings, the licensee may intervene and seek compensation for the damage he/she has suffered.

6. The expiry or amendment of the trademark license agreement is entered in the register of trademarks accordingly.

7. The statement of the trademark proprietor on the expiration of a license of use automatically results in the removal of the license that has been entered in the register.

Article 133

Rights in rem –Levy of execution Bankruptcy proceedings

1. A trademark may be given as security or be the subject of rights in rem.

2. A trademark may be levied in execution.

3. A trademark belongs to the assets available for distribution.

4. The proceedings of the above paragraph concerning the trademark are entered in the register of trademarks; in case of bankruptcy, and at the request of the trustee.

CHAPTER D

REGISTRATION PROCEDURE

Article 134

Filing an application of a trademark

For the registration of a national trademark an application is filed (ANNEX V) in the Directorate of Commercial and Industrial Property (Trademark Office of the Ministry of Development, Competitiveness and Shipping).

Article 135
Conditions for granting a filing date

1. The application filing of a trademark is accompanied by a document proving the payment of the application fee and must contain:

a. the application for registration of a trademark,

b. the printing of the trademark,

c. the applicant's surname and first name, residence, telephone number and email address. For legal persons, instead of the surname and first name and the residence, their company name and their seat are stated. For more applicants a common representative is appointed.

d. the list of goods or services which the trademark is to distinguish, sorted by class with an indication of the particular class, in groups of products or services.

2. The application filing date is the date of documents submission of the paragraph 1.

Article 136
Other formal requirements of the application filing

1. Besides the data of paragraph 1, Article 135, the application filing of a trademark must contain:

a) the signature of the applicant or occasionally that of his/her attorney-at-law,

b) if priority is claimed, the date of the earlier application filing and the country where it is in force,

c) if the applicant is represented by an attorney-at-law, his/her name, address, telephone number, and e-mail address,

d) if the application is filed by a lawyer, a written authorization is required. The mere applicant's signature to this authorization is sufficient,

e) the appointment of a representative ad litem, his/her address, telephone number and e-mail,

f) if the trademark is audible, colored, three-dimensional or collective, the indication of these characteristics,

g) if the trademark is written in characters other than those of Greek and Latin alphabet, the transliteration of these characters in Greek or Latin alphabet, in Appendix .

2. The application and the printing of the trademark are mandatory filed in electronic form by providing the relevant office with a digital audio disc or other appropriate electronic storage medium.

3. The application accompanied by the printing of the trademark may also be filed by electronic means, if it is dated and signed within the meaning of the Article 3, paragraph 1 of the Presidential Decree 150/2001 (A' 125). The application and the printing of the trademark that have been sent electronically, are deemed to have been filed, if the sender receives by the Office according to Article 134, an electronic receipt bearing an advanced electronic signature within the above meaning and contains the data that are specified in paragraph 2, of Article 135.

4. By joint decision of the Ministers of Administrative Reform and Electronic Governance, Finance and Development, Competitiveness and Shipping, are specified the terms, conditions, procedure and technical specifications, the technical management and any matter relating to the implementation of the paragraph 3.

Article 137 **Examination of the Application**

1. The application takes a number and the date and time of filing are attached on it. It is entered in the register of trademarks and is posted on the website of the General Secretariat of Commerce.

2. For each application filing an electronic record is created, the content of which is set by a decision of the Minister of Development, Competitiveness and Shipping, and which at a minimum includes the following elements: registration number, date and time of application filing, the printing of the trademark, the name of the applicant and for legal persons the name of them, and the reference, in chronological order, to decisions that are issued on the application, the oppositions, appeals, applications that are filed for cancellation or invalidity and the decisions taken thereon and the reference to the acts that are recorded on the trademark application, whose post on the website of the General Secretariat of Commerce is provided by the individual provisions.

Article 138

Examination of formal requirements

1. The Trademark Service examines:

a) if the application filing fulfills the conditions for a filing date in accordance with Article 135,

b) if the application filing fulfills the conditions of Article 136.

2. If the application filing does not fulfill the conditions of Articles 135 and 136, the Trademark Office shall invite the applicant to correct or supplement the established irregularities or deficiencies within one month of the invitation.

3. In case of irregularities or deficiencies related to the elements of Article 135, if the applicant complies with the invitation of the Office, within the deadline, the Office grants as a filing date of the application the date, on which all established irregularities or deficiencies were corrected or completed. Otherwise, the application is not considered as an application for the registration of a trademark.

4. If irregularities or deficiencies that are related to the elements of Article 136 are not corrected or supplemented, within the deadline, the Office will reject the trademark application filing and notify the relative decision to the applicant.

Article 139

Examination as to grounds for refusal

1. If there are no grounds for refusal as per Article 123 or paragraphs 1 and 3 of Article 124, the application for registration is accepted and the relevant decision is posted on the website of the General Secretariat of Commerce (GGE) within one month after receipt of the filing date.
2. If the search by the Trade Mark Office establishes that the trade mark is ineligible pursuant to Article 123 or paragraphs 1 and 3 of Article 124, for all or part of the goods or services included in the application filing, the applicant is required within one month as from the date he/she is informed, either to withdraw the application or to restrict the scope of protection for the trade mark to the extent that it is rendered

eligible or to submit his/her observations.

3. If the applicant restricts the scope of protection for the trade mark to the extent that it is rendered eligible or if his/her observations are valid, the application is accepted by a decision posted on the website of the General Secretariat of Commerce within one month from the submission of the restriction or observations of the applicant.
4. If the applicant fails to respond within the deadline set or if he/she does not withdraw his/her application or if he/she does not restrict the scope of protection for the trade mark to the extent that it is rendered eligible, or if his/her observations are not found acceptable and valid, the Trade Mark Office rejects the application. The decision for the rejection is notified to the applicant in care of the Trade Mark Office and is posted on the website of the General Secretariat of Commerce.
5. The examiner, employee of the Trade Mark Office, shall be responsible for taking decisions in relation to the examination of absolute grounds for refusal and to an application for registration or refusal.

Article 140

Opposition

1. The examiner's decision accepting the registration of application may be opposed within a three-month period as from its publication on the website of the General Secretariat of Commerce in accordance with par. 1 and 3 of Article 139, for a registration being contrary to one or more grounds of Article 123 and par. 1 and 3 of Article 124 of this law.
2. If there are absolute grounds as per Article 123, the opposition can be filed by anyone who has a legitimate interest. Chambers as well as consumers associations have a legitimate interest as per Law 2251/1994.
3. If there are absolute grounds as per Article 124 paragraphs 1 and 3, the opposition shall be filed by the proprietors of earlier trademarks or rights, as well as by licensees authorized by the proprietors of those trademarks, according to the terms and conditions of Article 132.
4. The opposition shall be filed by a document submitted to the Trademark Office and the Administrative Trademark Committee shall be responsible for taking decisions in relation to it. It shall not be treated as duly entered until the opposition fee has been paid.

5.

Article 141

Data of opposition

The opposition shall be accompanied by a document certifying the payment of the opposition fee and include the following:

- a) the number of the application against which it is addressed and the data of its proprietor,
- b) the grounds on which it is based identifying the earlier trademark or right as well as the goods and services upon which the opposition is based,
- c) a clear specification of the application goods or services against which the opposition is filed.

Article 142

Examination of the Opposition

1. The Trademark Office shall immediately inform the opponent of the receipt of opposition being submitted in due time, the registration number given to it and the date on which the Administrative Trademarks Committee will meet to examine it.
2. Additional grounds on the opposition may be submitted fifteen days before the meeting of the Administrative Trademark Committee which shall examine it.
3. For the examination of the opposition, the procedure of Article 145 is applicable.
4. The Administrative Trademark Committee decides on the opposition based on the evidence available to it.
5. If examination of the opposition reveals that the trade mark may not be registered in respect of some or all of the goods or services for which the Community trade mark application has been made, the application shall be refused in respect of those goods or services. Otherwise the opposition shall be rejected.

Article 143

Proof of use

1. If the applicant so requests, the opponent, as the proprietor of an earlier trademark in the scope of paragraph 2, Article 124, shall either furnish proof that during the five years preceding the date of publication of the trademark's registration the earlier trademark has been put to genuine use in connection with the goods or services in respect of which it is registered and which he cites as justification for his opposition or that there are proper reasons for non-use. If, at the date on which the trade mark application was published, the earlier trade mark had been registered for not less than five years.
2. The request for proof of genuine use is submitted, under penalty of inadmissibility, during the examination of the opposition in front of the Administrative Trademarks Committee. In that case, the President of the Committee shall grant for the opponent a period of at least twenty days, commencing from the date of the hearing, so that he can provide evidence for the requested use. After this period has elapsed, the applicant of the trademark shall be informed on the evidence so that he can file his observations within fifteen days. The Commission shall examine the case based on the evidence presented and arguments raised by the parties.
3. If the earlier trademark has been used only for a part of products or services for which it had been registered, for the purpose of examining the opposition, it will be deemed registered only for that part of products or services.
4. If the opponent does not prove the genuine use of his/her trademark or that there is a reasonable cause for not having used it, the opposition shall be rejected without prior examination of the substance of the case.

Article 144

Proceedings before the Administrative Trademark Committee

1. The decisions of the Trademark Office rejecting wholly or partially the trademark application are subject to an appeal within sixty days as of the date of notification of the decisions.
2. The appeal is filed before the Administrative Trademark Committee. It is considered filed only after the relevant fee has been paid.
3. The filing of the appeal is registered in the electronic file of the trademark, kept on the website of the General Secretariat of Commerce.
4. Anyone who has a legitimate interest may additionally intervene before the Administrative Trademark Committee within sixty (60) days as of the date of the appeal's registration pursuant to paragraph 3.

Article 145

Administrative Trademark Committee

1. The Administrative Trademark Committee is seated in Athens, has its meetings in the Ministry of Development, Competitiveness and Shipping at a room specified by statement of the Head of Trademarks Office.
2. It consists of three members, at least two of whom should have a law degree. It is composed of departments including one judge of the Legal Council of the State, as chairman, a graduate employee of the General Secretariat of Trade, preferably an owner of a law degree, having an experience as employee in the Trademarks Office, and a third member, having an experience of at least three years of employment in the field of the trademark law, who can be either a lawyer for whom the provision on incompatibility applies as per Article 62 of Lawyers Code (Legislative Decree 3026/1954, A 235), or in the scope of article 14 of Law 2190/1994 (A 28), a graduate civil servant owning a law degree. The Members, except the chairman, act as rapporteurs in cases examined by the Administrative Trademark Committee. The Cases are distributed to the Committee's departments by the senior chairman.

3. The Committee's meetings are public and minutes are kept. The Committee meets on days and times designated by the senior chairman at the beginning of every year and posted outside the Trademarks Office and on the website of the General Secretariat of Commerce. The hearing is based on the cases list drawn up by the Head of the Trademark Office. The cases list is posted eight days before the day of the hearing outside the Trademarks Office.
 4. The mandate of the members of the Administrative Trademark Committee is three years, once renewable. The chairman and the members of the Administrative Trademark Committee are independent in the exercise of their duties and may be dismissed by the Minister of Development, Competitiveness and Shipping on serious grounds related to the execution of their duties and especially for infringement of the principle of impartiality, unjustified absence from their duties and refusal or delay in the execution of their tasks. The members of the Administrative Trademark Committee, except the chairman, are full-time employees.
 5. Members of the Administrative Trademark Committee are not allowed to have participated in the decision making proceeded by the Trademarks Office on accepting or rejecting an application for registration.
 6. The parties concerned are represented by a lawyer, they can raise their arguments in writing before the Committee and they can submit any appropriate document in support of their case. The absence of the parties does not presume an admission. The Committee judges as if the parties were present. The Committee accepts the evidence provided by the provisions of the Administrative Procedure Code (Law 2717/1999, A 97). Statements in writing sworn are accepted before a magistrate or a notary or a consul, after issue of summons to the adversarial party to appear within forty-eight hours . The Committee may allow the hearing of witnesses before it.
1. Decisions are made by the Committee on a majority basis and they shall be specifically justified.
 2. Summaries of decisions accepting the trademark are published on the website of the General Secretariat of Commerce. Rejecting decisions are notified by the Office to the parties concerned or their attorneys.

Article 146

Proceedings before the Administrative Courts

1. The decisions of the Administrative Trademark Committee on oppositions and on appeals as per Article 144, are subject to appeals before the administrative courts within sixty days from the notification of such decisions.
2. The appeal has a suspending effect.
3. During the hearing before the administrative courts the litigants before the Administrative Trademark Committee are invited by the party which has lodged the appeal, under penalty for refusal to hearing, to apply an intervention. Those persons, once legally invited as mentioned above, do not have the right of opposition unless there are circumstances of force majeure .

Article 147

Registration - Register of Trademarks

1. The decisions of the examiner, the Administrative Trademark Committee and the Administrative Courts as well as applications data produced to the examiner and the Administrative Trademark Committee as well as legal remedies are noted in the register of trademarks and all the above decisions are posted on the website of the General Secretariat of Commerce. When the trademark is accepted by an unassailable decision of the examiner and the Administrative Trademark Committee or by a final judgment of the courts, the word 'registered' is noted in the trademark register along with any changes regarding goods or services referred to by the trademark.
2. The trademark which has been accepted is considered to have been registered as of the date of the application for registration. All legal changes of the trademark and of the right on the trademark are noted in the register of trademarks.
3. The trademark register is public. Copies or extracts of registrations are provided to anyone who applies for them.
4. The trademark register may be in electronic form (electronic trademark register). A decision of the Minister of Development, Competitiveness and Shipping sets the terms, conditions, registration procedure,

technical specifications, technical management and any other matter relevant to the establishment and maintenance of the Electronic Trademark Register. By the same decision the commencement of operation of the Electronic Trademark Register is ascertained and the trademark register is abolished.

Article 148

Duration of protection – Renewal

1. The trademark protection lasts for a decade commencing from the day after the date of application for registration.
2. The protection of the trademark can be extended every ten years by a proprietor's application and a payment of the renewal fee in due time.
3. The renewal fee is paid during the last year of protection. It can also be paid within a further period of six months after the end of the decade, provided that it is increased by half.
4. Subject to paragraphs 3 and 2 of Articles 171 and 175 respectively, the trademark is deleted if within the period specified in paragraph 3 the renewal fee set by law is not paid.
5. Any dispute concerning the extension of protection and any objection to the deletion as per paragraph 4 shall be resolved by the Administrative Trademark Committee upon request of the interested party.

Article 149

Restitutio in integrum

1. The applicant for or trademark proprietor or any litigant party to proceedings before the Trademark Office or the Administrative Trademark Committee, who, in spite of all due care required by the circumstances having been taken, was unable to comply with a time limit vis à vis the Trademark Office or the Administrative Trademark Committee due to force majeure or unforeseeable circumstances or any other great reason which was not of his responsibility, may request to have his rights re-established, if the obstacle to compliance has the direct consequence of causing the loss of any right or means of redress.

2. Paragraph 1 shall not apply to time limits for opposition, as well as to the ones for claiming priority pursuant to Article 177 Paragraph 2.
3. The application for *Restitutio in integrum* is submitted according to the case to the Trademark Office or the Administrative Trademark Committee within two months from the removal of the obstacle to compliance with the time limit and in any event not later than a year following the expiry of the unobserved time limit.
4. For the application a fee is payable.
5. Where the applicant for or proprietor of a trade mark has his rights re-established, he may not invoke his rights vis-à-vis a third party who, in good faith, has acquired a right in the course of the period between the expiry of the unobserved time limit up to the date the decision re-establishing the rights was issued by the Administrative Trademark Committee.
6. In the case of non-submission of the request for renewal, the further period of six months provided in Article 148, shall be deducted from the period of one year as per paragraph 3.

CHAPTER E

TRADEMARK INFRINGEMENT

Article 150

Claims on infringement

1. Anyone who, in infringement of Article 125 uses or otherwise affects a trademark belonging to someone else, can be sued for removal of infringement and its omission in the future and be ordered to pay compensation.
2. Along with the claim for the removal of the infringement the proprietor may ask, among others, for the following: a) the withdrawal of products which have been found to infringe the trademark's right from the market, and, if necessary, of the material principally used for the infringement, b) the removal of the offending trademark or distinctive sign, or, when this is not possible, the permanent removal of products bearing the offending sign from the market and c) their destruction. The court orders the execution of these measures at the expense of the trademark offender, unless special reasons advocate for the contrary.

3. If the court condemns for failure to act, the threatened penalty for every infringement is a fine from 3,000 to 10,000 euro in favor of the proprietor, and imprisonment for up to one year. The same applies when the sentence is in the process of injunctions. Otherwise Article 947 of the Code of Civil Procedure is applicable.
4. The proprietor also has the rights of the first subparagraph of paragraph 2 against any intermediary whose services are used by a third party to infringe rights.
5. Whoever offends someone else's trademark must pay compensation and satisfy moral damages.
6. The compensation can also be calculated based on the amount which the infringer would have paid for rights or other fees, if he had requested the license for use from the proprietor.
7. To calculate compensation the court takes into account, inter alia, the negative financial impact and profit loss incurred by the proprietor and any benefits obtained by the offender of the trademark.
8. If there is no fault of any liable person, the proprietor may claim either the amount by which this person benefited from the unauthorized exploitation of the mark, or the reimbursement of the profit obtained by him from this exploitation.
9. The action is brought before the competent Single-Member Court of First Instance, regardless of amount and is tried during the regular process. The claim for compensation is barred after five years from the end of the year in which there was the first time of infringement. Upon interruption of the limitation, a new limitation period begins to run from the expiry of the year during which the end of the interruption happens.
10. In case of other claims incoming, the claims of paragraph 1 may also be brought before the competent Many- Member Court of first instance,.
11. In case of an identical mark of identical goods or services, and of a mark that varies in elements which do not alter its distinctive character, the production of the contested mark Registration Certificate is sufficient for the full proof of infringement.

Article 151

Evidence

1. When one party has duly presented the available evidence being sufficient to support the claims of the trade mark infringement, while he invokes evidence being under the defendant's control, the judge may, upon request of a party, order the production of such evidence by the defendant. The presence of a considerable quantity of goods under the offending signal is deemed to be a valid evidence.

2. If there is any infringement of the mark on a commercial scale, the court may also, upon request of a party, order the communication of bank, financial or commercial documents being under the control of the defendant party.

3. In any case and upon request of the defendant party for information provision, the court takes the appropriate measures to ensure the protection of confidential information.

4. In case of trade mark infringement and upon a justified request of any party submitted in the same time with the action or independently in interim measures proceedings, even before the hearing day, the Court may order the defendant to provide information on the origin and distribution networks of the goods or provision of services affecting the mark. The same also applies against any other person who:

- a) was found in possession of illegal goods on a commercial scale,
- b) was found to be using the infringing services on a commercial scale,
- c) was found to provide on a commercial scale services used to infringe the mark or

d) was duly designated by a person according to three cases above as actively involved in the production, manufacture or distribution of goods or the provision of services produced or provided on a commercial scale.

5. The information referred to in paragraph 4 shall include, where appropriate:

- a) the names and addresses of the producers, manufacturers, distributors, suppliers and other previous proprietors of the product or service, as well as the recipients wholesalers and retailers,
- b) information on the quantities produced, manufactured, delivered, received or ordered, as well as the price of the said goods or services.

6. The persons referred to in Articles 401 and 402 of the Code of Civil Procedure, may refuse to provide the above requested information.

7. Paragraphs 3 and 4 apply without prejudice to other provisions which: a) provide to the proprietor the rights to receive fuller information, b) in case of civil or criminal proceedings govern the use of the information communicated under paragraphs 3 and 4, c) govern the responsibility for abusive exercise of the right to information or

d) govern the protection of confidentiality of the information sources or the processing of personal data.

8. If a party is invited and unreasonably fails to provide the evidence referred to in paragraphs 1 and 2, the corresponding for proof allegations of the other party who requested the production or disclosure of evidence are deemed to be confessed.

Whoever unjustifiably infringes the court order referred to in paragraphs 1 to 3, is also ordered to pay a fine of 50,000 to 100,000 euros, together with the court costs.

9. Where a party liable to information provision provides inaccurate information, whether intentionally or through gross negligence, is liable for the loss caused due to specific reason.

10. The information obtained pursuant to this Article may not be used for the prosecution of the person liable for information.

Article 152

Judicial costs

In the cases of the present law the general costs and fees include mandatory and any other associated costs, such as costs of witnesses, attorneys' fees, fees of experts and technical advisers of the parties and the costs for the discovery of infringers, duly paid by the successful party. In other respects, the provisions of Articles 173 to 193 of the Code of Civil Procedure apply.

Article 153

Protective measures

1. Anyone has a right to removal and omission due to infringement may apply for **protective measures**.

2. The proprietor may request the seizure or temporary return of the goods under the offending hallmark in order to prevent their entry or marketing in the distribution network.

3. In case of an infringement committed on a commercial scale and if the proprietor proves the existence of circumstances likely to jeopardize the payment of compensation requested by a regular action and duly produces the available evidence that his mark is being infringed or is threatened to be infringed, the competent court may order the conservative seizing of the defendant's assets, as well as the freezing of his bank accounts. For this purpose it requests the infringer to communicate his banking, financial or

commercial documents, or to allow an appropriate access to the relevant information provided the protection of the confidential data.

4. The **protective measures** of the preceding paragraphs may be ordered without prior hearing of the defendant, in particular where any delay would cause irreparable harm to the proprietor of the mark.

5. In order for the court to take the above measures it may require the applicant to provide any duly available evidence to conclude that the right is being infringed or that such infringement is threatened. In any case paragraphs 4 to 7 of Article 154 apply in respect of this fact.

6. The trademark application filing by the person against whom the application for **protective measures** is addressed, shall not prevent any **protective measure** against him.

7. The Single Member Court of First Instance of the district where the goods or the rendering of services are found shall have jurisdiction to grant protective measures together with the one of the district where the company of the above infringing goods or services is seated.

8. The proprietor may apply for **protective measures** against the intermediary persons whose services are used by a third party for the infringement of his mark.

Article 154

Measures to preserve evidence

1. If an infringement or threatened infringement of a trade mark is sufficiently probable according to duly available evidence and any delay would irreparably harm the proprietor of the mark or there is a real risk for the evidence to be destroyed, the Single Member First Instance Court may order as a precautionary measure the seizure of the illegal products held by the defendant and, if appropriate, the material and tools which constitute the means of committing, or any product or evidence of infringement. Instead of the seizure, the court may order the detailed inventory of such items as well as their photographing, take samples of the above products, and obtain the related documents. In these cases the court may decide on the request without summoning the person against whom the injunction is addressed according to Article 691 paragraph 2 of the Civil Procedure Code.

2. If these measures are appropriate for the applicant to prove the claims for the infringement of the mark, the court shall order the above measures along with the ensuring the protection of the confidential information.

3. The proprietor's request does not require the detailed identification of the evidence, however its identification by category is sufficient .

4. If the above measures are taken without hearing the defendant, he receives a notification for his information, which is sent not later than the first working day after the execution of the temporary **protective measures**, otherwise the procedural acts which constitute it are invalid.

5. The court may order the above measures, according to a guarantee set by itself or attached to the injunction which is given by the applicant to ensure the restoring of damages that may be suffered by the defendant due to these measures.

6. In the cases of paragraph 1, the court sets a mandatory deadline for the action of the main case, which cannot be exceeded the thirty days. If the deadline expires, the protective measure becomes automatically invalid.

7. If the above injunctions are revoked or cease to apply due to any act or omission by the applicant, or if it is retrospectively ascertained that there was no infringement or threat of infringement for the rights of the trademark proprietor, the court may order the applicant, upon application by the defendant, to pay him in full compensation for any incurred losses.

Article 155

Proportionality

Regulations, sanctions and measures as per Articles 150 to 154 are under the principle of proportionality.

Section 156

Sanctions

1. He is prosecuted by indictment and is punished by imprisonment for at least six months and a fine of at least six thousand euros: a) anyone who intentionally uses a mark in infringement of Article 125 paragraph 3 case a or b, b) anyone who uses a reputation mark, in infringement of Article 125 paragraph 3 case c with intent to exploit or harm its reputation, c) anyone who intentionally puts into circulation, owns, imports or exports goods bearing the trade mark of another proprietor or provides a service under the trade mark of another proprietor and d) anyone who intentionally commits one of the acts laid down in article 125 paragraph 4 cases a, b and c

2. If the benefit sought or damage threatened by the acts referred to in paragraph 1 is very important and there is an exploitation on a commercial scale or the defendant commits these acts professionally, there is an imprisonment of at least two years and a fine of 6,000 to 30,000 euros. This provision applies only to trade mark infringement under the same hallmark and to identity or similarity of goods.

3. Anyone who uses the symbols and signs referred to case a of paragraph 3 of Article 123 shall be prosecuted ex officio and punishable by a fine not exceeding the 2,000 €.

4. The attempt of committing the above acts is punishable by a fine deducted as per the **penalty of the above paragraphs**.

Article 157

Publication of judgments

1. The judgments of civil courts or final judgments of criminal courts relating to rights provided in Part III of this Law may, at the request of the applicant and at the expense of the offending the mark party, order the appropriate measures for the dissemination of information concerning the judgment as well as the posting of judgment, its full or partial publication in the media or on the internet. The court shall decide the appropriate means of information, respecting the principle of proportionality.

2. This claim is extinguished if the measures for the disclosure of judgment are not taken within six months from the publication of the judgment.

Article 158

Jurisdiction of Civil Courts

1. The civil courts have no jurisdiction, where, in accordance with this Act, there is a jurisdiction of the Trademark Office, the Administrative Trademark Committee and the Administrative Courts.

2. There is no right of appeal against the decisions of the Trademark Office and the Administrative Trademark Committee, and the final judgements of administrative tribunals, issued under this Law, are binding for the civil courts or any other authority

CHAPTER F

SURRENDER, INVALIDITY, CANCELLATION

Article 159

1. The right to the mark is extinguished by a statement of the proprietor waiving of all or part of the goods or services in respect of which it is registered.
2. The **surrender** shall be declared in writing to the Trademark Office by the proprietor. It takes effect only after its registration in the Office books.
3. If licenses of use have been granted, the statement of surrender is accepted only if the proprietor shows that the licensees are informed about his intention to waive his rights to the mark.

Article 160

Grounds for invalidity

1. The proprietor is deprived of his right in whole or in part:
 - A. if, within a period of five years following the registration of a trade mark, the proprietor has not put it to genuine use in connection with the goods or services in respect of which it is registered, or if he has suspended the use of the mark for five consecutive years.
 - B. if, in consequence of acts or inactivity of the proprietor, the trade mark has become the common name in the trade for a product or service in respect of which it is registered,
 - C. if, in consequence of the trade mark use made by the proprietor or with his consent in respect of the goods or services for which it is registered, the trade mark is liable to mislead the public, particularly as to the nature, quality or geographical origin of those goods or services.
2. Where the ground for invalidity exists in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.
3. Not result in invalidity:
 - A. If the proprietor shows that the non-use of the mark is due to reasonable cause,
 - B. If the proprietor of the trade mark during the interval between the expiry of the five-year period of non-use and the filing of the application for invalidity, made a commencement or resumption of genuine use. The commencement

or resumption of use within a period of three months preceding the filing of the application which began at the earliest on expiry of the continuous period of five years of non-use shall, however, be disregarded, where the preparations for the commencement or resumption took place after the proprietor becomes aware that an application for invalidity may be filed

4. The effect of the decision to remove the mark due to invalidity starts from the date where the decision becomes final.

5. The final decision regarding the invalidity of the mark enters in the register of trade marks and the mark is **removed from it**.

Article 161

Grounds for cancellation

1. The mark is invalid and is **cancelled** if registered, in infringement of the provisions of Articles 123 and 124.

2. If the ground for cancellation relates to only a part of goods or services for which it is registered, the trade mark shall be declared **cancelled** only for specific goods or services.

3. This mark is not declared **cancelled** if the ground for refusal laid down in Article 123 paragraph 1 b, c and d does not exist at the time of filing the application for **cancellation** because the mark has acquired a distinctive character through use.

4. It is also subject to **cancellation** a national mark for which an application for seniority has been accepted by the Office for Harmonization in the Internal Market pursuant to Articles 34 and 35 of Council Regulation 207/2009/EC (L 78), even if a surrender of the earlier national mark or a non-renewal of protection, is preceded .

5. The effects of the decision for the cancellation of the mark enter into force from the date it became final.

6. The final decision regarding the cancellation of mark enters in the register of trade marks and the mark **is removed** from it.

Article 162

Procedure of invalidity or cancellation

1. The application for invalidity or cancellation is filed by anyone having a legitimate interest before the Administrative Trademark Committee.

2. The chambers and consumer associations or their members can file an

application for invalidity or cancellation only in cases of articles 123 and 160 paragraph 1, subparagraph c.

3. The person who has raised the grounds of Article 124 during the registration procedure is not entitled to file a cancellation application, **whereas these grounds have been a subject of judgment before the Trade Marks Administrative Committee or the administrative tribunals according to a litigation procedure between the opponent and the mark proprietor.**

4. The application for cancellation on grounds of Article 161 is filed within five years of the registration of the mark. The application for cancellation due to an application filed contrary to the good faith or in bad faith, is filed throughout the duration of the mark protection.

CHAPTER G

Collective marks

Article 163

Requirements for Protection

1. The Cooperatives, associations of manufacturers, producers, suppliers of services, or traders which, under the law that governs them have a legal capacity, as well as legal persons governed by public law rules, can file applications for trademarks registration in order to distinguish the origin of goods or services of their members or the geographical origin, the kind, the quality or properties of such goods or services.

2. Since the collective mark consists of a geographical indication shall be provided in the statutes of the legal entity that any person whose goods or services come from the same geographic region and meets the conditions of a collective mark use, may become a member of the legal entity and make use of the collective mark.

3. A collective mark consisting of geographical indications, does not give the proprietor the right to prevent third parties from using such signs or indications, especially third parties allowed to use geographical names, provided that these third parties use them in accordance with the **honest practices of the trade.**

4. The filing of a collective mark application must be accompanied by a Regulation of use, which contains the title, the location, the purpose, the name of the legal representatives, a nominal list of members entitled to the use as well as the terms and conditions of the members rights and

obligations concerning the use of the mark. A Regulation of use is also required for any change of the above elements.

5. The claims arising from the registration of a collective mark belong, unless otherwise specified in the statute or Regulation of use, to the proprietor legal entity.

6. A particular Trade Marks Register is kept for collective marks, and the fees for the rights of application and extension filing are at any time five times more than the fees payable for rights to other marks.

7. The use of the collective mark is necessarily made under the indication "collective mark".

8. In collective marks all provisions hereof are applicable, if not contrary to the provisions of this article.

CHAPTER H INTERNATIONAL TRADEMARKS

Article 164

Madrid Protocol Ratification

1. The international trademarks filed in accordance with the Protocol concerning the Madrid Agreement for the international registration of trade marks are protected by the provisions of Law 2783/2000 (A 1).

2. The provisions of this Law for the national trade marks are also applicable to the international trade marks unless otherwise specified in this chapter

Article 165

Definitions

For the purposes of this law on international trade marks apply as:

A. "Application for Conversion ", the application of Article 173 of the present Law..

B. "basic registration" and "Basic Application", registration and application as referred to in Article 166 par. 1 item b of this Law.

c "Office of Origin", the Office of a Madrid Protocol Contracting Party which is responsible for the registration of marks on its behalf.

D. "International Application" an application to the International Bureau for registration of a trade mark in the International Register

E. "International Bureau" means the International Bureau of the World Intellectual Property Organization.

F. "International Register" the register of trade marks maintained by the International Bureau for the purposes of the Madrid Protocol.

G. "International Registration" means registration of a mark in the International Register.

H. "International Registration of seeking trademark protection in the Greek Territory", the international registration requesting the extension of the protection in the Greek Territory under Article 3 ter (1) or (2) of the Madrid Protocol.

i 'Implementing Regulation', Joint Regulation adopted pursuant to Article 10 of the Madrid Protocol, as ratified by Law 2783/2000 (A1).

j "Book of International Trade Marks" book referred to in Article 171 paragraph 2 of this Law.

Article 166

Filing of an application

1. For the international registration of Greek trade marks Greece is considered as the country of origin of the international registration, when the following conditions are met:

A. The applicant has a real and permanent industrial or commercial establishment or domicile in Greece or is a Greek national.

B. He has filed a trade mark application or he has a registered trademark in Greece.

2. An application for international registration is filed in French or English.

Article 167

Application documents

An application for international registration is filed in two copies (ANNEX VI) and must be presented on the form prescribed by the Implementing Regulation. It is signed by the applicant or his attorney in accordance with the written instructions that came with it and contains the necessary information referred

to in Article 9 of the Implementing Regulation. It shall also be filed in electronic form, by a CD-ROM or other appropriate electronic storage medium which is delivered to the competent Office

Article 168

Examination of formal requirements. Forwarding of the application

1. An application for international registration is filed in the Trademark Office, which checks whether there are the conditions of Article 166, gives for it a reference number and indicate thereon the date of receipt, and the number of accompanying documents.

2. The application for international registration with attachments is forwarded to the International Bureau within two months of receipt.

Article 169

Date of International Registration

The registration of the international application is effectuated by the International Office. The date of the international registration shall be the date on which the international application was received by the Office of trademarks, provided that within two (2) months from the date of receipt the International Bureau received it on a regular and complete form. If an application for international registration is not received within this period, the international registration shall bear as the date of registration the date on which the application was received by the International Bureau.

Article 170

Payment of fees

Fees for international registration or renewal thereof, and any variation thereon are paid directly to the International Bureau

Article 171

Procedure of international registration protection in the Greek Territory

1. The Trade Mark Office is competent to decide to provide protection of an international registration in the Greek territory.

2. The international registration as well as the expansion of international registration application in the Greek territory enter on a particular printed form and is posted on the website of the SGC.

3. If replacing a national mark by an international registration with effect in Greece, substantive rights under the international trade mark are referred to the date of registration of the national trade mark.

Article 172

Remedies

1. During the Appeal proceedings before the Trade Marks Administrative Committee (DES), in accordance with article 144, of objection, under Article 140, as well as of invalidity or cancellation under Article 162, the proprietor of an international registration, as the applicant or the defendant against whom the application for these remedies is addressed, should appoint an attorney and a lawyer established in the Greek territory where all the notifications are sent. The same applies if the examiner communicates to the applicant a provisional refusal under Rule 17.1 of the Protocol Implementing Regulation, inviting him to file observations pursuant to paragraph 2 of Article 139. For international trade marks, under paragraph 2 of Article 139, a time limit of three months is set.

2. If the applicant or the proprietor of an international registration are not represented by an attorney in the procedures of paragraph 1, an **admittance** is not presumed and DES is hearing, as the parties were present.

3. If there is an objection to an application for international registration, the Trademark Office shall notify the objection elements as a provisional refusal to the International Bureau in accordance with Article 5 of the Madrid Protocol and Rule 17 of the Implementing Regulation.

4. If the application of international registration is rejected, the Trademark Office shall notify the refusal to the International Bureau under Rule 17.1 and 17.3 of the Protocol Implementing Regulation. The notification shall be accompanied by a translation into English or French language of the relevant provisions of Greek Law providing for appeal. The appeal is filed within ninety days commencing from the day of notification of provisional refusal to the International Bureau.

Article 173

Procedure of a conversion of an international trade mark application into a national application

1. If either the basic application or the basic registration on which the application for an international trade mark with expansion in Greece is based, is no longer valid in the country of origin within five years from the date

of the international registration, the proprietor of the international registration may request the conversion into a national application (Annex VII), within three months from the date on which the expiry of the registration entered in the trademark Register of the International Bureau.

2. The provision of paragraph 1 shall also apply if the expiry occurs after the said period of five years, provided that the action for a remedy was submitted in the country of origin within the five years period.

3. In case of conversion of an international registration into a national application, the applicant shall file an application for conversion to the Trade Mark Office accompanied by the documents referred to in paragraph 1 of Articles 135 and 136, and a certificate of the International Office, from which arise the mark and the goods or services for which the international trade mark protection has been sought in Greece, before its removal from the international Register as well as the date of its removal from the international Register.

4. In accordance of Articles 135 and 136 applied proportionately to, the application is filed on a standard form and is entered in its trade mark Register.

5. The converted trade mark is registered without examination, if the time limit laid down in Article 5 paragraph 2c of the Madrid Protocol has expired and there is no action for a remedy. If this time limit has not expired or a temporary refusal has already been notified, the conversion application is examined by the Trademark Office, the articles 138 and 139 applied proportionately to. If an application for original or supervening expansion of an international trade mark protection in Greece is pending before the Trademark Office, the Administrative Trademark Committee or the competent courts, the relative procedure stops or the **trial is abolished** after the filing of the application for conversion.

6. After the filing of the application for conversion the international registration is removed from the international trade marks books by an act of the trademarks Office

7. The trade mark protection arising from a conversion of an international registration into a national trade mark application lasts for a decade, starting either from the date of the international registration or in case of an international trade mark subsequent expansion in Greece, from the date on which the application for the expansion of the international trade mark protection in Greece has been entered in the International Register. For the renewal of such trade marks the important date is the day of application filing in the Trademarks Office.

Article 174

Procedure of invalidity or cancellation of an international trade mark

1. The right granted by the international registration is extinguished by a decision of the Administrative Trademark Committee or the Administrative Tribunals on the grounds specified in Articles 160 and 161. When the decision becomes final, the Trademarks Office informs the International Bureau by a statement, stating the name of the proprietor, the number of the international registration, the judiciary authority and the procedure of invalidity, the final decision, its entry into force and the goods or services covered by the Rule 19 of the Implementing Regulation.

2. The notice of application for invalidity or cancellation against an international trademark is notified by the applicant to the international applicant or his representative, as indicated in the International Register, by all appropriate means, including fax and email, translated by the Foreign Ministry or the party seeking the injunction in the English or French language, thirty days before the date set for the first hearing. If an attorney or attorney in Greece has been appointed, the legal document shall be notified only to him, by a bailiff, without translation. The additional grounds are notified ten days before the designated first hearing in the same way as the application for invalidity or cancellation against an international trademark. The same goes for summons issued before the magistrate or notary or consul.

CHAPTER I

COMMUNITY TRADE MARK

Article 175

Protection

1. The protection granted to a community trade mark does not may fall short of the protection granted to the national trade mark.

2. If a Community trade mark seniority is based on a registered national trade mark, the substantive rights under a registered and valid Community trade mark refer to the time of registration of the national trade mark.

Article 176

CTM conversion into a national one.

1. In case of conversion of a CTM application or of a CTM into a national

application, the applicant files a conversion application to the Trademarks Office accompanied by the documents specified in paragraph 1 of Article 135, paragraphs 1 and 2 of Article 136, as well as of a translation in Greek of the conversion application and of attached documents, by an authorized for the translation person or authority according to the law.

2. The time limit for the filing of these documents is two months as from the notification by the Trademark Office to the trade mark applicant or proprietor or its lawyer attorney in Greece as he is mentioned in the conversion application, by a letter with **acknowledgment of receipt**

3. The application is filed on a standard form, the form and content of which is specified in the attached ANNEX VIII under the title APPLICATION FOR A COMMUNITY TRADE MARK CONVERSION hereof. The application is entered in the relevant register of trade marks, the Articles 137, 138 and 139 applied proportionately .

4. The mark protection arising from a conversion of a CTM application or a CTM conversion into a national application is referred to the filing date of the CTM application or the priority date of the application or of the Community trade mark and eventually to the seniority of the national mark that may be claimed. For the renewal of such trade marks the important date is the day of filing the application for conversion in the Office for Harmonization in the Internal Market.

CHAPTER I

TRADE MARKS OF FOREIGN APPLICANTS

Article 177

Protection

1The trade marks proprietors whose business establishment is outside of Greece, are protected by the provisions of this Law.

2. Concerning trademarks applications which are filed accompanied by a priority claim, under the International Paris Convention (Law 213/1975), the acknowledgment of the trademark receipt in the foreign state may be submitted not later than three months from the filing of the trademark application in Greece..

3. For protection in Greece it is also required to file an application according to the provisions of this Law.

4. The closing time for objections of foreign trademarks proprietors against the decisions of the Trademark Office or of the Administrative Trademark Committee is extended by thirty days.

5. For the application filing is sufficient to provide the written authorization as it is referred to in case D of paragraph 1 of Article 136 accompanied by a statement for submission to the jurisdiction of the courts of Athens. This statement can be replaced by a written statement of the applicant's attorney to the Trademark Office.

6. Foreign documents attached to the filing of a trade mark application shall be accompanied by a Greek translation effectuated by an authorized for the translation person or authority in accordance with the law.

CHAPTER IA

SPECIAL, TRANSITIONAL AND FINAL PROVISIONS

Article 178

Posts

The posts as they are provided by this Law, are made on the website of the General Secretariat of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks

Article 179

Fees

1. The fees payable in favor of the State for trade marks are as follows:

- A. Filing of a trade mark application 110 €
- B. For each additional class until the tenth 20 €
- C. Filing an application for conversion of a CTM or an international trademark or for division 110 €
- D. For each additional class until the tenth 20 €
- E. Extension of trademark protection 90 €
- F. For each additional class until the tenth 20 €
- G. Change of company's name or of its legal status, residence or headquarters 50 €
- H. Limitation of goods or services 20 €
- I. Trademark transfer 90 €
- j Trademark licensing 90 €
- ia. Registration of restrictions concerning the right under Article 129 and the property rights under Article 133 par.1 40 €
- I. Transmission of a CTM application 15 €
- m. Examination and transmission of an International Application 15 €
- esp. Replacing of a national trademark by an international one 110 €
- o. **Filing of appeal for** remedies and applications before the Administrative Trade marks Committee 70 €

- p. Fees for remedies and applications before the Administrative Trade marks Committee 40 €
- q. Restitutio in integrum 110 €
- r. **Trademark duplicate** 1 €

2. By joint decision of the Ministers of Finance and Development, Competitiveness, Infrastructure, Transport and Networks the charges for the State as specified in the preceding paragraph, can be readjusted.

Article 180

Classification of goods and services

The goods and services in respect of which trade marks applications are filed are classified according to the International Classification of Goods and Services of the Nice Agreement, which was ratified by the first article of Law 2505/1997 (A 118). Upon entry into force of this Law the applicable classification appears in the attached ANNEX IX «CLASSES OF GOODS AND SERVICES.»

Article 181

Authorizing provision

The Minister of Development, Competitiveness Infrastructure, Transport and Networks decides for the following issues in the Third Part of this Law: a) the number of Administrative Trademarks Committee Departments, b) the selection criteria and qualification of Trademark Office employees acting as examiners, c) the appointment of members of the Administrative Trademarks Committee Departments and their substitutes, d) conditions of keeping the trademarks electronic Register, which once completed will replace the trademarks printed Register e) the manner of filing and examination of sound and three-dimensional trademarks and f) any matter relating to the implementation of this law.

Article 182

Transitional provisions

1. Upon entry into force of this Law the outstanding cases before the Administrative Trademark Committee and the Administrative Courts, are governed by the provisions of the preceding law.
2. The decisions which are published after the entry into force of this Law and for six months are subject to appeal, intervention and third-party proceedings in accordance with the pre-existing law.

3. As to the starting of time limits, are applicable the provisions which were in force at the time when the event causing the above provisions occurred.

4. The length of time that had begun before the entry into force of this Law, shall be calculated in accordance with its provisions, only if the length provided by the said provisions is greater than the one predicted by previous versions.

5. Trademarks that have not been irrevocably accepted upon entry into force of this Law, are examined concerning the conditions of admissibility under preexisting law.

6. The possibility of *Restitutio in integrum*, in accordance with Article 149 applies only where the impediment that resulted in the loss of any right or remedy exercise period, as specified in the provision, occurred after the entry into force of this Law.

7. The possibility of division applies to trademarks filed or registered before the entry into force of this Law..

8. The possibility of submitting a written consent before the administrative courts in accordance with Article 124 paragraph 4, covers the outstanding litigations as well until the entry into force of this Law.

9. Trademarks filed or registered until the entry into force of this Law as a parallel application filing or registration of another, former trademark, are in force and protected under this law. The status of a trademark parallel filing or registration is not affected if the former mark of which it is the parallel filing or registration, is no longer in force due to a non-renewal, unless the former mark is irrevocably removed on the grounds of Articles 123 and 124.

Article 183

Repeals

Since the entry into force of Chapters D, H and I and Articles 179 and 181, the provisions of Law 2239/1994 (A 152), PD 353/1998 (A 235), Article 9 of the Royal Decree 20/27.12.1939 (A 553) are repealed as well as any other general or special provision contrary to the above chapters or concerning matters governed by them. The removal of the remaining provisions of these laws and regulations enters into force by the publication of this Law in the Government Gazette.