

**L.4155/2013 (Publication 29-5-2013)**

**CHAPTER THREE  
AMENDMENTS OF LAW 4072/2012  
FOR TRADEMARKS**

**Article 14**

**Amendment of article 121**

The second subparagraph of article 121 of law 4072/2012 is replaced as follows:  
“Trademarks can particularly be words, names, company names, aliases, illustrations, designs, letters, numbers, colors, sounds, including musical phrases, the shape of a good or of its packaging, and slogans.”

**Article 15**

**Amendment of article 131**

Paragraph 4 of article 131 of law 4072/2012 is replaced as follows:  
“When a trademark is transferred during the period that the case is pending before the Trademark Office or the Administrative Trademark Committee or the competent Administrative Courts or the Council of State, the special or universal successor is entitled to carry out an intervention.”

**Article 16**

**Amendment of article 132**

Paragraph 1 of article 132 of law 4072/2012 is replaced as follows:  
“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. The agreement for the license must be in writing. Either the proprietor, under his/her statement, or the licensee, under the proprietor’s authorization, request the registration of the license in the register of trademarks.”

**Article 17**

**Amendment of article 136**

Cases c and d of par. 1 of article 136 of law 4072/2012 are replaced as follows:  
“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 applicant’s signature to this authorization is sufficient, no confirmation of its authenticity is required.”

**Article 18**

**Amendment of article 138**

The last passage of par. 3 of article 138 of law 4072/2012 is replaced as follows:  
“Otherwise the examination of the application for registration is not completed and with an act of the Office the case is filed.”

**Article 19**

**Amendment of article 139**

1. Paragraph 1 of article 139 of law 4072/2012 is replaced as follows:  
“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 communicated to the applicant or his attorney upon responsibility of the Trademarks

Office, via any appropriate means, preferably email or fax, while, in the same time, 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. The second subparagraph of par. 4 of article 139 of law 4072/2012 is amended as follows:

“The decision of refusal is communicated to the applicant or his attorney upon responsibility of the Trademarks Office, via any appropriate means, preferably email or fax, while, in the same time, the relevant decision is posted on the website of the General Secretariat of Commerce (GGE).”

#### **Article 20**

##### **Amendment of article 140**

The second subparagraph of par. 4 of article 140 of law 4072/2012 is abolished.

#### **Article 21**

##### **Amendment of article 142**

1. At the end of par. 1 of article 142 of law 4072/2012 a second subparagraph is added as follows:

“A certified copy of the opposition with an act setting a discussion and convocation to it, is communicated to the applicant or his attorney, as the case may be, by a bailiff, ten (10) full days before the meeting of the Administrative Trademark Committee, upon responsibility of the opponent.”

2. At the end of par. 2 of article 142 of law 4072/2012 a new subparagraph is added as follows:

“Upon responsibility of the opponent, a certified copy with the additional grounds is communicated to the applicant or his attorney, as the case may be, by a bailiff, five (5) days before the meeting of the Administrative Trademark Committee.”

#### **Article 22**

##### **Amendment of article 144**

1. The first subparagraph of par. 2 of article 144 of law 4072/2012 is replaced as follows:

“2. The appeal is filed with a document submitted to the Trademarks Office and it is examined by the Administrative Trademark Committee.”

2. The second subparagraph of par. 2 of article 144 of law 4072/2012 is abolished.

3. Paragraph 3 of article 144 of law 4072/2012 is replaced as follows:

“3. The Trademarks Office shall immediately notify the applicant for an appeal of the timely receipt of the appeal, of its protocol number and of the date of the meeting of the Administrative Trademark Committee which will examine it.”

4. Paragraph 4 of article 144 of law 4072/2012 is replaced as follows:

“4. Additional grounds on an appeal may be submitted fifteen (15) days before the meeting of the Administrative Trademark Committee which will examine it.”

5. In article 144 of law 4072/2012 paragraph 5 is added as follows:

“5. For the examination of the appeal the procedure of Article 145 is applicable.”

### **Article 23** **Amendment of article 145**

1. In paragraph 1 of article 145 of law 4072/2012 the following subparagraph is added:

“The Administrative Trademark Committee is responsible for accepting or rejecting the opposition, the appeal under Article 144 of this Law, the application for invalidity or cancellation, the intervention, as well as for any dispute arising between the Office of Trademarks and the applicants or proprietors in the course of implementation of this law.”

2. The first three subparagraphs of par. 2 of article 145 of law 4072/2012 are replaced as follows:

“2. The Administrative Trademark Committee operates in three-members divisions consisting of one judge of the Legal Council of State, as chairman, a graduate of the General Secretariat of Commerce with a university degree, preferably an owner of a law degree, or of a technical college degree, having working experience in the Trademarks Office, and a third member, owner of a law degree, who is a civil servant in the scope of article 14 of law 2190/1994 outside the General Secretariat of Commerce. With an act the chairman appoints the person who will introduce the cases to be examined by the divisions of the Administrative Trademark Committee.”

3. The first subparagraph of par. 4 of article 145 of law 4072/2012 is replaced as follows:

“4. The term for members of the Administrative Trademark Committee is two years and can be renewed once.”

4. The last subparagraph of par. 4 of article 145 of law 4072/2012 is abolished.

5. In article 145 of law 4072/2012 paragraph 9 is added as follows:

“9. Anyone who has a legitimate interest may intervene before the Administrative Trademark Committee. An intervention is carried out with a document submitted to the Trademarks Office and communicated upon responsibility of the intervenor to the disputing parties by a bailiff five (5) days before the meeting of the Committee.”

### **Article 24** **Amendment of article 146**

Paragraph 1 of article 146 of law 4072/2012 is replaced as follows:

“1. The decisions of the Administrative Trademark Committee can be subject to an appeal before the administrative courts within sixty (60) days after they have been announced.”

**Article 25**

**Amendment of article 147**

In paragraph 1 of article 147 of law 4072/2012 the following subparagraph is added:  
“Legal documents relating to any kind of opposition against a registered trademark shall be recorded to the trademarks book or the registry upon responsibility of the disputing parties.”

**Article 26**

**Amendment of article 156**

Paragraph 4 of article 156 of law 4072/2012 is abolished.

**Article 27**

**Amendment of article 159**

The title of article 159 of law 4072/2012 is replaced as follows:  
“Waiver of the right”

**Article 28**

**Amendment of article 160**

The title of article 160 of law 4072/2012 is replaced as follows:

Cancellation of the right

**Article 29**

**Amendment of article 161**

The title of article 161 of law 4072/2012 is replaced as follows:  
Invalidity of a trademark

**Article 30**

**Amendment of article 162**

The article 162 of law 4072/2012 is replaced as follows:

1. The application for cancellation or invalidity is submitted in a document which is registered at the Trademark Office by anyone who has legitimate interest and it is examined by the Administrative Trademark Committee.
2. The Trademark Office immediately informs the applicant of receipt of the application for cancellation, the file number given to it and the meeting date of the Administrative Trademark Committee that will examine it.
3. No person is entitled to apply for an invalidity on the grounds of the Article 124, since he/she had raised these grounds during the registration process, 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. Chambers and consumer associations or their members may submit an application for cancellation or invalidity only in the cases of the Articles 123 and 160, paragraph 1, subparagraph C'.

5. To examine the application for cancellation or invalidity the procedure of the Article 145 is applied.

6. At the request of the trademark proprietor for the invalidity of a trademark, the proprietor of an earlier trademark who requests the invalidity must prove that during the five (5) years preceding the date of filing the application for invalidity, the earlier trademark had been in effective use for the products or services that had been registered and which he/she invokes to justify the application for invalidity or that there is due cause for not using it, since at this date the earlier trademark was at least five years registered. If the above can not be proved, the application for invalidity is rejected. If the earlier trademark had been used only for part of goods or services for which it had been registered, then, for the purposes of the examination of the application for cancellation, is deemed to be registered only for this part of goods or services. Concerning the process for submitting the request to prove the use of an earlier trademark and the deadlines set by the President of the Administrative Trademark Committee, the paragraph 2 of the Article 143 of this Law shall apply by analogy. Application for cancellation due to registration that was made contrary to good faith or in bad faith, is filed throughout the duration of the trademark protection.

**Article 31**  
**Amendment of article 177**

The par. 4 of article 177 of law 4072/2012 is replaced as follows:

4. The period for lodging an appeal of foreign trademark applicants or trademark proprietors against the decisions of the Trademark Office or the Administrative Trademark Committee is extended for thirty (30) days. This extension also applies to time limits set out to those, according to the Articles 138, 139, 143 paragraph 2 and 162 paragraph 8 of this Law.

**Article 32**  
**Amendment of article 179**

1. Case Ia of par. 1 of article 179 of law 4072/2012 is replaced as follows:

ia. Registration of restrictions on the right under the Article 129, rights in rem under the Article 133, paragraph 1 and registration of judicial deeds under the Article 147, paragraph 1, subparagraph b', 40 euros.

2. Case If of par. 1 of article 179 of law 4072/2012 is replaced as follows:

If. Hearing fees of judicial remedies, interventions and applications are submitted to the Administrative Trademark Committee, 40 euros.

3. In article 179 of law 4072/2012 is added the paragraph 2 as follows and the subsisting paragraph 2 takes the number 3:

2. Non-payment of relevant fees in case of the previous paragraph constitutes grounds for refusal.

### **Article 33**

#### **Amendment of article 182**

1. Par. 1 of article 182 of law 4072/2012 is replaced as follows:

1. Pending cases, upon entry into force of Chapters Δ', H' and Θ' of the Part III of this Law, before the Administrative Trademark Committee and Administrative Courts are governed by the provisions of the preceding law.

2. Par. 2 of article 182 of law 4072/2012 is replaced as follows:

2. The decisions that are published after the publication of this law and for six (6) months are subjected to the right of lodging an appeal, intervention and third-party proceedings, in accordance with the provisions of the preceding law. The decisions of the Administrative Trademark Committee that are published after the expiry of six (6) months and reject wholly or partly applications for a trademark registration, during the discussion of which the applicant attended and supported the acceptance of his/her application by a written statement of case, are not subjected to appeal under the Article 144 of this Law.

3. Par. 4 of article 182 of law 4072/2012 is replaced as follows:

4. The duration of time limits that had begun before the entry into force of the Chapters Δ', H' and Θ' of the Part III of this Law, shall be calculated in accordance with its provisions, only if the expected duration of these is greater than that provided for by the preceding provisions.

### **Article 34**

#### **Amendment of article 185**

1. Case B of par. 2 of article 185 of law 4072/2012 is replaced as follows:

b) Three representatives of the Directorate General of Internal Trade of the General Secretariat of Commerce with their alternates, of whom, one representative of the Directorate of Commercial and Industrial Property and one representative of the Directorate of Food and Beverages Prices of the General Secretariat of Commerce.

2. Par. 6 of article 185 of law 4072/2012 is replaced as follows:

6. Any member who unduly fails to attend three (3) consecutive meetings of the Committee of National Trade mark (EES), although legally called, in accordance with paragraph three (3), is dismissed by decision of the Minister of Development,

Competitiveness, Infrastructure, Transport and Networks. In each case, the provision of the paragraph 6 of the Article 13 of the Administrative Procedure Code is applied and a new member is appointed, in accordance with the paragraph 4 for the remainder of his/her predecessor's term of office.

3. Third subparagraph of par. 8 of article 185 of law 4072/2012 is replaced as follows: Tasks of rapporteurs perform, where appropriate, officials of relevant Departments, indicatively of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks, the Ministry of Rural Development and Food, the Hellenic Food Authority (EFET), the Hellenic Organization for Standardization (ELOT) and the General Chemical State Laboratory or representatives of private bodies and individual scientists - experts who are appointed by decision of the EES.

4. Paragraph 12 of article 185 is abolished.

## **Article 35**

### **Amendment of article 186**

1. The subparagraph a of par.1 of article 186 of Law 4072/2012 is replaced as follows:

a) Following a public consultation, delivers an opinion to the Minister of Development, Competitiveness, Infrastructure, Transport and Networks on the content of regulations, regarding:

2. Par. 2 of article 186 of Law 4072/2012 is replaced as follows:

2. For the performance of its responsibilities, the EES may request the technical and scientific support of the public sector Services, the ELOT, the EFET, the General Chemical State Laboratory, the Ministry of Rural Development and Food or private bodies and individual domestic or foreign experts.

## **Article 36**

### **Amendment of article 187**

The first subparagraph of article 187 of Law 4072/2012 is replaced as follows:

By decision of the Minister of Development, Competitiveness, Infrastructure, Transport and Networks and the relevant Minister, after consulting the EES, the Regulations for Awarding of Greek Trademark are issued by product and service category.

## **Article 37**

### **Amendment of article 192**

Par. 8 of article 192 of Law 4072/2012 is replaced as follows:

8. The right of a Trademark use is awarded for an indefinite period. The proprietor must throughout the duration of its use to comply with the conditions for its granting, as applicable. Compliance with the conditions of a Trademark use is ensured by

unscheduled audits carried out by the Body awarding a Trademark. The proprietor pays each year license fee otherwise his/her right is automatically revoked. By decision of the Minister of Development, Competitiveness, Infrastructure, Transport and Networks any matter related to the implementation of this paragraph and the amount of license fee are regulated.

### **Article 38**

#### **Amendment of article 193**

Case c of article 193 of Law 4072/2012 is abolished and cases from d to f take the numbers from c to e correspondingly.