

GREECE

Immediate effect/enforceability of relevant orders for parallel imports

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In a recent case relating to automotive spare parts parallel imports, an interesting issue was raised regarding immediate effect/enforceability of the Court's order on commercial information disclosure.

More specifically, the Athens Special IP Full-Bench Court, ruling on a trade mark proprietors' main infringement action against a Greek grey – importer company, ordered the latter, among others, to provide the claimants with legally certified copies of all commercial invoices by way of which, the products of trade mark proprietors, being the subject of said main action, were purchased by the defendant and sold to third parties and also to provide the claimants with a written statement containing the full particulars of any natural or legal entity, from whom products of the same nature were purchased, both covering a specific time period, and both at the defendant's own expense.

The above may be considered as standard practice/ruling, in the case that main infringement actions relating to parallel imports have been accepted, according to the IPED, the domestic trade mark law provisions and relevant case-law.

What is new, is that the aforementioned Court's order has not been declared provisionally enforceable, on the basis of the following interesting ruling: Court orders that are issued pursuant to Articles 452 and 904 par.2 of the Greek Code of Civil Procedure, like the one discussed above, are considered to be immediately enforceable/effective against the defendant; therefore, neither the Court shall declare their provisional enforceability, nor should the claimants wait until they become final and irrevocable in order to

be enforced.

Notably, it seems that said judgment sets new standards on Court's orders regarding commercial information disclosure, which are anyway frequently present in parallel imports cases, for the sake of simplification and acceleration of proceedings as well as trade mark proprietors' relief.