

Managing Intellectual Property

The Global IP Resource

GREECE: GREECE PREPARES FOR TRADE MARK REFORM

25 February 2019

In the latest international briefing for Greece, Manolis Metaxakis evaluates upcoming reforms to trade m in the country

A new law on trademarks will soon come into effect in Greece, implementing Trademark Directive No. 2015/24. Although this is definitely good news, there are a few difficulties in parts of the relevant law, where the mere implementation of the Trademark Directive is deemed insufficient. For instance, according to Article 47 of the b is not an implementing provision, the Trademark Office (administrative authority) as well as the administrative are the competent authorities for trade mark matters, including oppositions, revocations and invalidity proceed the other hand, the civil courts have exclusive jurisdiction to rule upon infringement actions.

According to the same bill, a non-use defence will now be available to the defendant in infringement proceeding specifically, Article 40 of the bill, provides that the proprietor of a trade mark shall be entitled to prohibit the us sign, only to the extent that the proprietor's rights are not liable to be revoked on the basis of non-use at the tim the infringement action is brought. If the defendant so requests, the proprietor of the trade mark shall furnish p during the five-year period preceding the date of bringing the action, the trade mark has been put to genuine us connection with the goods or services in respect of which it is registered and which are cited as justification for t action, or that there are proper reasons for non-use, provided that the registration procedure of the trade mark l at the date of bringing the action, been completed under five years ago.

Do the Greek courts have jurisdiction to rule upon a trademark's non-use? Article 47 says "no", while Article 40 "yes, for the needs of the infringement action under consideration." Although it is true that the bill does not intr mechanism identical to the one relating to EUTMs enforced in Greece, where specialised IP courts do have juris rule upon cancellation and invalidity claims, it is equally true that it is departing from the long-lasting division mechanism applicable in Greece. In purely legal terms, departing is good, as long as you know where you want t



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