

## The Hellenic Trademark set to boost Greek growth

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The recent reform of Greek TM law (2012) saw the advent of the “Hellenic Trademark” (Elliniko Sima). Articles 184 – 196 of Law No. 4072/2012, as amended and in force, provide in detail for the creation, requirements and procedure of award of the Hellenic Trademark.

In a nutshell:

- ✓ The Hellenic Trademark (HT) is an ‘optional’ trademark that businesses may register to use for products and/or services of Greek origin
- ✓ The HT will be registered with WIPO under the 6ter procedure for national emblems
- ✓ The National Committee for the Hellenic Trademark (NCHT) has been set up for the purpose of administering the HT. The NCHT’s main powers are to draft Regulations for the award of the HT per product/service categories, designate the various authorities (per industry / economic sector) that will be responsible for awarding the HT and also resolve any disputes between such entities and businesses seeking to be awarded the HT.
- ✓ The law divides products and services in three (3) categories, (a) natural products, (b) processed natural products, and (c) remaining (industrial) products and services and sets out some fundamental, and rather vague, principles for the award of the HT in each category.
- ✓ The law further provides for the creation of an electronic database – registry, including info on the award, renewal, transfer and/or revocation (temporary or final) of use of the HT per each registered business.
- ✓ Moreover, the law provides for rules pertaining to the right to use the HT (essentially the same with the rights bestowed by a collective mark) and also cases where such right to use is revoked. Such cases include bankruptcy, winding up or liquidation of the registered business – user, irrevocable criminal conviction for market regulation offenses of the relevant sector or even for intellectual property offenses. The right to use the HT may also be invoked in case the registered user does not meet the qualitative criteria set forth by the relevant regulation.
- ✓ The right to use the HT will be awarded for a period of 3 years, which can be renewed.
- ✓ Unauthorized use of the mark entails fines, removal of the HT from the relevant products or destruction of such products in case removal is not feasible and even criminal sanctions.

As per the implementation of all of the above, the NCHT has indeed been set up, its internal statute drafted and ratified and it has put in motion the competition for the design of the HT, which is currently in the process of internet voting (as of last Friday 14 March 2014). Below are the three marks that have been selected for voting out of approximately 100 proposals:





Obviously, significant work lies ahead number after the selection of the mark but it appears that the Ministry of Development and Competitiveness that legislated the Hellenic Trademark and oversees the NCHT is looking to move things forward.

The Hellenic Trademark has come about mainly as a result of the crisis and the propagated need to boost Greek businesses both in the domestic market but also in their export aspirations. This has led to stronger consumer interest on the origin of the products they buy and also to the need to provide a “guarantee mark” for products and services of Greek origin. It remains to be seen whether the initiative will indeed drive developments towards this desired direction.

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Nikos spearheads "Prentoulis Lawyers&Consultants", an Athens based law boutique, specializing in all areas of IP law. He is described as “*the perfect counsel for global brand owners unsure of the best way to proceed in this challenging jurisdiction.*” (World Trademark Review 1000, 2014 edition.) Nikos acts for well known international household names and law firms and has served as Legal Counsel to the Hellenic General Secretary of Commerce as well as to the Hellenic Quality Assurance Agency for Higher Education (ADIP). Nikos practices before the Greek Supreme Court and is a contributor to MARQUES’s Class46 blog.