

## Party Proceedings, Intervention & Action in Court | Greece

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The Administrative Trademark Committee

According to Article 8 of the Trademark Act, inter alia contains the following words:

For the application for registration signal decides the Administrative Trademark Committee.

The Administrative Trademark Committee also decides any dispute arises between the department and the depositors or proprietors against the implementation of this law.

### Procedure

According to Article 9, the Administrative Trademark Committee based in Athens. Meeting at the Ministry of Trade and office determined by the competent Chief of which is posted in his office.

Committee meetings are public and minutes are kept. The Committee meets in days and hours designated by the President at the beginning of each year and communicated posting in the office of the directorate. The discussion is based on the list drawn up by the president in order of submission of statements. The exhibit is posted eight (8) days before the date of the meeting in the office of the directorate.

Before discussing with custody of the department, asked the parties. The question call notified to them or to their attorneys before five (5) days, during the hearing the case discussed in the absence of the summoned parties. The Commission may, upon application of a party or of its own motion to postpone the discussion on a regular hearing. The absence of the parties cannot be presumed homology. The Commission hearing, as if the parties were present. Opposition against the default judgment is not allowed.

The parties represented by a lawyer or after, cannot develop their arguments orally and in writing before the Commission to submit any appropriate support of their case or documentation. Before the Administrative Trademark Committee accepted the evidence provided by the provisions of the Presidential / Tosh 341/1978. Accepted affidavits before a magistrate or a notary ex parte proceedings before forty-eight (48) hours. The Commission may allow the examination of witnesses.

Without prejudice to the provision of Article 3, paragraph 3, the grounds for refusal of signals considered by the regime, which exists at the hearing before the Administrative Trademark Committee.

Decisions are taken by majority, the negative declaration must be specifically justified. The minority recorded in the decision. The decisions handed down in open court and signed by the chairman and secretary.

Summaries of decisions accepting the mark shall be published within one month of publication of the decision in the Commercial and Industrial Property of the Government Gazette. The summary contains the mark, the name, occupation and address of the declarant, products or services to be distinguished by the mark is intended. Rejections notified by order of the competent authority for the parties or their Attorneys.

As to the conduct of the hearing, training decisions and practices, the reasons and the process of exemption of the members of the committee `apply mutatis mutandis of the Presidential / Tosh 341/1978.

The breach of a provision regulating the procedure renders, if in the judgment of the Commission infringement has caused damage to this party.

### Never Exercised Oppositions?

With respect of the exercise of appeal of third party proceedings, in accordance with Article 10, against the decision of the Administrative Trademark Committee, which receives all or part of the statement label, may exercise the same third-party proceedings before the Commission by any party with a legitimate interest, whether or not financial, if not intervened in the discussion of the declaration of the signal. The same right and chambers, but only in respect of Article 3 of this Law.

The opposition against the decisions of the Administrative Trademark Committee exercised document, filed with the competent service, recorded in a special book and statement is made.

Instead of filing the opposition against the decisions of the Administrative Trademark Committee may be made with the service of that notice, when on service provisions of the Code of Civil Procedure, the relevant department within the next day of the performance recorded in a special book marks.

The opposition against the decision of the Administrative Trademark Committee and the courts against a decision accepting the mark is filed within four (4) months, beginning on the 16<sup>th</sup> of the month following the publication of the decision in the Commercial and Industrial Property of the Government Gazette.

Action from the third party only against the decision of the Administrative Trademark Committee issued over the opposition.

### What Should Contain Application?

According to Article 11, the documents before the Administrative Trademark Committee include: a) The names and addresses of the parties, b) the notice of the contested decision, c) all the grounds of interference, d) date and signature of the party or its attorney.

Before any hearing before the Administrative Trademark Committee oppositions, interventions or revocation claims under penalty of inadmissibility filed the statutory provisions and late fee,

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which arranged the performance in case of admission of third-party proceedings, intervention or request deletion. At the request of appearing at the debate barrister, can be given by the Chairman of the Committee within five (5) days for the payment of those fees and fee.

As to the debate and decisions on oppositions, interventions and revocation claims before the Administrative Trademark Committee shall apply the provisions of Article 9.

The registration books and legal documents listed: a) the serial number of the application, b) the date, c) the name of the depositor.

The deeds of the opposition, the application for remission and speeches before the Administrative Trademark Committee noted immediately after filed or served the notice to competent department report filing.

Additional reasons before the Administrative Trademark Committee submitted with an application filed with the competent service and a filing statement fifteen (15) days prior to said first hearing. The application shall be notified to the other parties of five (5) days before the hearing date.

## Intervention

Referring to Article 12 of this Law, anyone who has an interest, whether or not money can intervene voluntarily, primarily or additionally, before the Administrative Trademark Committee, the Administrative Courts and the Supreme. Right to intervene and each chamber but only on the grounds for refusal in Article 3 of this Law.

The action before the Administrative Trademark Committee exercised by application filed with the competent authority and notified edited by intervening three (3) days before the hearing, before the courts is exercised by the relevant provisions.

## Appeal

In accordance with Article 13, against decisions of the Administrative Trademark Committee may appeal to the competent administrative court by anyone with a legitimate interest.

The appeal is filed within sixty (60) days, commencing on the day following the notification of the decision of the Administrative Trademark Committee and made with the filing of an application at the Registry of the Administrative Trademark Committee. In the application a filing statement is signed by the gaining and depositors. In other respects, the provisions of Article 79 paragraphs 2 and 3 of the Tax Procedure Code. The Authority received the application required to undertake the actions laid down in Article 82 of this Code.

At the hearing before the administrative courts are required in order to intervene that have become parties before the Administrative Trademark Committee.

The summons before the Administrative Courts and the State Council, may be done to him who is in the special register of trade marks as attorney.

Affidavits before a magistrate or a notary public may be submitted to the Administrative Court, where the defendant was summoned before forty-eight (48) hours.

## About Author

\*Mr. Tzikas is a lawyer and accredited-certified mediator by the Ministry of Justice, Transparency & Human Rights in Greece.