

Greece - Dr Helen Papaconstantinou John Filias & Associates

After five consecutive years of recession, the Greek government is still making substantial efforts to create a more flexible and competitive economic environment for businesses. Two of the few initiatives that have been welcomed by almost all concerned parties is the electronic filing of designs and trademarks, as part of the so-called 'e-Governance agenda', and the creation of the 'Hellenic trademark', along with the recent implementation of the procedure for awarding such trademarks.

The legal basis for the online filing of Greek trademark applications is Article 136 of the new Trademark Act (4072/2012, as amended by Law 4155/2013), which foresees the possibility of filing a trademark application online using an electronic signature and authorises the Ministry of Administrative Reform and e-Governance to set up the relevant procedure. Two-and-a-half years after the passing of the new trademark law, the ministerial decree implementing the online filing of trademarks was finally issued on October 16 2014 and was published in the *Government's Gazette* on October 23 2014. The electronic platform was launched in November 2014 and its creation was the successful result of the cooperation between the Greek Trademark Office and OHIM experts within the framework of the Cooperation Fund.

The e-filing system may currently be accessed only by users of the online services of the General Secretariat for Information System - the so-called TAXISNET - for verification purposes. The payment of the official fees is also effected online through the website of the General Secretariat for Information System. Applicants are guided through the process and can upload attachments, including the representation of device trademarks and powers of attorney, can make corrections, and can preview, temporarily save and print the trademark application. The filing of the trademark may be made at any time on a 24-hour basis and the official proof of receipt of the trademark application is sent to the applicant or its representative immediately after filing.

The implementation of the e-filing procedure for trademarks saves valuable time and enables the applicants and their attorneys to file trademarks on an urgent basis, thereby ensuring the trademark's priority, without depending on office hours and other factors, such as holidays and strikes.

The online filing of Greek designs with the Greek Patent Office was first foreseen by Law 4144/2013, which allows the electronic filing of all applications for patents, utility models and designs, only excluding patents concerning matters of national defence from this procedure. For the time being, only the online filing of designs and utility models is possible, and the ministerial decree implementing the relevant procedure, which was issued on November 25 2014 and was published on December 4 2014 in the *Government's Gazette*, describes only the procedure relating to designs and utility models. The relevant online system allows the uploading of PDF documents and photographs in JPG format, but still requires that the applicant or its attorney send a confirmation copy of the receipt along with the application copy issued by the system to the Patent Office by fax for verification reasons, as the online system is still in a testing phase.

While the implementation of online filing for trademarks and designs is part of the modernisation efforts of the Greek administration and the long-awaited improvement of the investment climate, the recent creation and implementation of the 'Hellenic trademark', which is an 'optional' quality trademark restricted to products and services of Greek origin, is more connected to the effort to promote Greek products on the international market, as the Hellenic trademark will serve as an indication of high quality. The products and services that will be allowed to use this mark will need to comply with specific quality requirements that will be set by selected official sector representatives and authorities.

The legal basis for the creation and use of the Hellenic trademark was the new trademark law (4072/2012), which also foresaw the formation of the National Committee of the Hellenic Trademark. The committee is competent for, among other things:

- defining the procedure and the prerequisites for awarding a Hellenic mark;
- naming the organisations that will allow or deny the granting of such marks according to the sector of products or services concerned; and
- resolving disputes that may arise from the refusal to grant a mark or its transfer.

The law divides products into three main categories - namely, natural products, processed natural products and remaining (industrial) products and services - and sets out some rather vague basic requirements for the award of Hellenic marks, authorising each competent ministry to set precise rules for the award of such marks for each category and sector of products.

Following a contest launched in July 2013 for the creation of the Hellenic trademark, a device mark bearing a heart-shaped Greek flag and the words 'Greek mark' was chosen. The ratification of the contest's results (through a ministerial decision issued on December 4 2014 and published on December 15 2014 in the *Government's Gazette*), along with the recent issuance of regulations for the award of such marks for dairy products and alcohol, put an end to a long procedure that was mostly welcomed by the public; very few sceptics have seen this process as a localism project with doubtful prospects of efficiency.

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