

Greece - Dr Helen Papaconstantinou John Filias & Associates

The Athens Three-Member Administrative Court of First Instance, Division 18, has reversed a decision of the Administrative Trademark Committee in which the latter had refused to register the mark COMPAGNIA DELL' ARABICA (Decision 2848/2013).

In April 2005 Italian company Corsino Corsini SpA applied for the extension to Greece of the international word mark COMPAGNIA DELL' ARABICA to cover coffee in Class 30 of the Nice Classification.

The Administrative Trademark Committee rejected the application on the grounds that the mark applied for:

- consisted only of the words '*compagnia dell' Arabica*', without the addition of any other name or indication which would assist consumers in associating the covered goods with the company of origin;
- did not determine that it originated from a specific company.

The Trademark Committee thus concluded that the mark was totally devoid of distinctive character.

In June 2006 Corsino filed a recourse against the decision of the committee before the Administrative Court of First Instance, arguing that its international trademark was sufficiently specialised and possessed the necessary distinctive character, as the words '*compagnia dell' Arabica*' had absolutely no meaning for the Greek public.

Upon ruling on the recourse, the court held as follows:

- The trademark at issue consisted of the foreign expression '*compagnia dell' Arabica*', which, according to common knowledge, had not been used extensively in Greece. Therefore, it was not widely known among the average Greek consumers and its meaning in the Greek language was irrelevant.
- The global aural impression given by these three foreign words was that of an original formulation, which was sufficiently specialised and the meaning

of which had not been established in the common vocabulary of Greek consumers in relation to the goods at issue.

- In light of the above, the expression '*compagnia dell' Arabica*' was capable of distinguishing the product that it intended to cover, namely coffee, and of specifying its origin.

Taking all of the above into consideration, the court concluded that the trademark did not lack distinctive character. It reversed the decision of the Administrative Trademark Committee and allowed the registration of the mark COMPAGNIA DELL' ARABICA.

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