

Geographical indications from the Greek law  
perspective: practical implications for legal practitioners  
and their clients

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# Current legal protection of GIs in Greece

Dual system of protection:

A. Direct protection: Sui generis EU legislation on geographical indications and appellations of origin

B. Indirect protection:

- Trademark law
- Unfair competition law
- EU legislation on customs enforcement

# Sui generis EU law

- EU Regulation 1151/2012 on quality schemes for agricultural products and foodstuffs
- EU Regulation 1308/2013 on the common organization of the market in agricultural products (wines)
- EC Regulation 110/2008 on the protection of geographical indications of spirit drinks
- EU Regulation 251/2014 on aromatized wine products

# Sui generis EU law

- Definition of protected geographical indications and protected designations of origin
- Registration procedure
- Establishment of conditions for the protection of PGIs and PDOs

# Sui generis EU law

Greek authorities' role in the registration procedure and the protection of PGIs and PDOs

- Ministry of Agriculture: joint role with the European Commission in receiving and verifying the applications
- Greek Agricultural Organization (ELGO) “Dimitra”: verifies the compliance with legal requirements related to the quality schemes

# National (sui generis) law on GIs?

- Regulations on the implementation of the EU legislation
- No merely national procedure on protection of GIs
- No national PDOs and PGIs Register
- Previously existing national legislation (e.g. on the appellations of origin for olive oils) abolished since implementation of EU law
- Not a member of the Lisbon Union (no ratification)

# Sui generis law: International agreements

- Bilateral trade agreements signed between EU and third parties, e.g.:
- EU agricultural GI agreements with Switzerland, Moldova, Georgia
- EU Free Trade agreements with Korea, Colombia, Peru, Central America
- EC-South Africa Agreements, EC-US Wine Agreement, EC-Canada Agreement

# Indirect protection of GIs

- Greek trademark law 4072/2012, as amended, via its provisions on absolute grounds (Art. 123)
- Greek unfair competition law 146/1914: protection of GIs against deceiving practices, without any distinction between registered PDOs / PGIs and GIs in general
- Customs enforcement of IPR through EU Regulation 608/2013



# GIs in Greek trademark law

- Registration refused for TMs including or consisting of GIs for wines or agricultural products protected under EU law, if products do not come from protected region → No protection for spirits / wine drinks or other products
- Registration refused for TMs deceiving the public as per geographical origin
- Registration refused for TMs consisting exclusively of signs indicating geographical provenance of product/service

# GIs in Greek trademark law

- Article 124 on relative grounds: no registration for TMs being contrary to non-registered marks or distinctive signs used in trade, provided that their proprietor may prohibit the use of later mark
- Inactive provision (no case law)
- No explicit reference to GIs

# GIs in Greek trademark law

- No certification marks in Greek law
- Filing of collective marks allowed: they may indicate the geographical origin of the products or services of the members of the association that files the mark
- But the collective mark consisting of GI does not prevent third parties from using it, if third parties “use the mark in accordance with honest practices in trade”

# GIs in Greek trademark law: the future

- Amendment expected in view of the implementation of the EU Directive 2015/2436 into Greek law
- Significant expansion of protection of GIs expected: No registration of TMs which are “excluded from registration pursuant to EU or national law or international agreements”
- Protection of GIs even for non-agricultural products?
- Deadline for implementation: January 14, 2019

# Practical problems for GI owners and TM applicants

- Trademarks Office Examiners do not always consult publicly available EU GIs Registers (DOOR, BACCHUS, E-SPIRITS)
  - No close cooperation between Trademarks Office and authorities involved in GIs registration and compliance checks
- ➔ TM registrations that consist of or include registered GIs but do not comply with the legal requirements of protection for GIs

# Practical problems for GI owners and TM applicants

- ➔ TM Registrations containing registered GIs, designating products that are obviously not compliant with legal requirements for specific GI (e.g. TMs containing the word “FETA” and protecting “cheese” or “milk products”)
- However: Recent change in the Examiners’ practice: limitation of products so as to protect the specific GI

## Some examples of filed (and registered?) trademarks in Greece (Quiz!)

- PORTO MARATHOS (filed on 8/02/2013, also wines in class 33)
- ΜΙΑ ΦΕΤΑ ΦΕΤΑ ΒΑΡ ΒΥ ΚΟΥΡΕΛΛΑΣ & dev. (filed on 04/02/2014, “feta cheese pdo” in class 29)
- ΦΕΤΑ ΠΑΡΓΑΣ (FETA PARGAS) (filed on 27/05/2015, “cottage cheese, Roquefort cheese, low fat cheese, white cheese, cheese fondue etc. in class 29)
- ΜΑΣΤΙΧΑ ΜΕΖΕΔΟΠΩΛΕΙΟ ΜΠΑΡ & dev. (MASTICHA RESTO BAR & dev.) (filed on 26/01/2016, classes 29, 41 and 43)

# Practical problems for GI owners and TM applicants

- Enforcement of rights in the online environment: .gr domain name UDRP procedure
- .gr UDRP Regulation: protection for prior “national or EU right” (without explicit reference to GIs)
- However: protection fails if the domain name registrant has a “legitimate interest” in the disputed domain name (Association of “feta” producers will succeed in cancelling or transferring the feta.gr domain name, if held by a producer of feta products?)



# Recommendations to TM applicants

- Conduct a preliminary TM search in the Greek TMs Registry and the eSearch plus database of EUIPO
- Conduct a preliminary search in the DOOR, E-BACCHUS AND E-SPIRITS databases
- Get local advice from experts in GI and TM law and practice

# Recommendations to GIs owners

- Conduct regular searches in the Greek TM Registry for filings that may infringe your rights
- Consider double registration (GI and collective mark)
- Consider the registration of the basic geographical name as a PGI or PDO and logos, composite marks etc. as trademarks

# Recommendations to GIs owners

- Conduct regular investigations with respect to possible infringing use of your GI, online and offline
- Alert the local compliance authorities, if you encounter infringing use
- Use the EU customs enforcement procedure, to protect your GI at the border
- Get local advice from experts in GI and TM law and practice

*Thank you for your attention!*

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