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Greece
Trademark Disputes

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This country-specific Q&A provides an overview of trademark disputes laws and regulations applicable in Greece.

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Greece: Trademark Disputes

1. To represent a client before Court in respect of a potential trademark infringement matter, do you require a Power of Attorney – and if so, what are the execution formalities required by your courts?

In Greek jurisdiction, the execution of a Power of Attorney [PoA] for the representation of a client before Court in respect of a potential trademark infringement matter, is required and entails some particular formalities (simple signature is not sufficient). In particular, a [PoA] may be granted either by a notarial deed, by an oral statement recorded in the Court minutes or in the report, or by a private document, provided that the signature of the person granting the PoA is certified by a public, municipal, or other competent authority or by an attorney (Art. 96 (1) of the Civil Procedure Code [CPC]). PoA is granted by the entitled party and, in the case of legal entities, by their lawfully appointed legal representative (Articles 62 and 64 of the CPC). Even when the party to the case who could, according to the law, appear in person and act without a lawyer (CPC, Art. 94(2)), appoints a legal representative, that representative must be exclusively an attorney, because only attorneys are granted the capacity to "argue the case," in accordance with the provisions of Art. 94 of the CPC and 39 (1) of the Code of Attorneys. No PoA is necessary during injunction proceedings.

In order for a PoA drawn up abroad to be accepted by the Courts in Greece, provided that it complies in form with the law of the state in which it was drawn up, if the state where the PoA was drawn up has acceded to the 1960 Hague Convention, which was ratified by Law 1497/1984, it must bear the annotation (Apostille) provided for by that law, otherwise, it must bear the certification of the local Greek Consul.

2. Is it a requirement in your jurisdiction to send a cease and desist letter to a potential infringer before commencing proceedings for infringement? What are the consequences for a trademark owner who chooses not to send a pre-action letter?

No, it is not a requirement. Depending on the circumstances and facts of the potential trademark infringement dispute, it is at the discretion of the trademark right holder to address a cease and desist letter to the adversary prior to the undertaking of Court action. Addressing a cease and desist letter may be a good and effective first step.

Should the adversary not respond and/or comply within a reasonable time-limit to a cease and desist letter sent by the trademark right holder, the right holder may proceed to the undertaking of judicial actions against the infringer(s) to achieve protection of the infringed rights by means of a Court decision. Thus, the cease and desist letter serves also as formal evidence that the sender brought the issue to the recipient's attention. If the recipient continues the illegal activity, the letter may help to establish "wilful infringement" or bad faith in subsequent litigation, thus enhancing potential damages claims.

There are no legal consequences if the trademark owner chooses not to send a pre-action letter.

3. In your jurisdiction, is there a risk that a pre-action letter could give rise to claim against the trademark owner for unjustified threats? What steps should a trademark owner take to ensure any cease and desist letter does not expose the trademark owner to any liability.

The term threat of legal action is frequently used in legal or out-of-court disputes, indicating a person's intention to seek legal recourse to protect their rights. This threat is, in principle, lawful when it aims to protect legitimate interests and not to obtain unlawful financial gain. This "threat" may include filing a lawsuit, pressing charges, or applying for injunctive relief and it typically includes a warning of monetary penalties or even personal detention. When the threat of legal action is made within the limits of the law, it constitutes a legitimate means of exercising pressure on the opposing party. However, if the threat is based on exaggerated or fictitious/untrue events, it may bear criminal consequences. Therefore, it is necessary for the trademark owner to describe clearly the infringing activity and the legal basis for the demand and to ensure that the claims are accurate.

4. Is it mandatory for the parties to have attempted mediation or other alternative dispute resolution proceedings prior to commencing infringement proceedings? If so, what is the minimum expectation?

A regular lawsuit for infringement may be subject to settlement or disposition; therefore, it falls under the scope of mediation as provided for and defined by Law 4640/2019. If the claim in the lawsuit includes a claim for damages exceeding 30,000.00 Euros, this procedure must be followed. If not, or if the claims are only non-monetary in nature, compliance with the mediation requirement is not mandatory.

In the event of a successful outcome, the parties will conclude a Mediation Agreement, which may constitute an enforceable instrument, thereby securing the claims of the aggrieved party, avoiding thus further costly and time consuming legal disputes.

5. Are claims for trademark infringements heard before a general commercial Court or a specialist Court focused on Intellectual Property disputes? Are trademark infringement claims decided by a judge or by a jury?

Claims for EU trademark infringements are heard before a specialist Court Department. Pursuant to the provisions of Art. 95 of EU Regulations 207/2009, Art. 123 of Regulation 2017/2001, Art. 83 of Law 4679/2020, and Art. 7 et seq. of Law 2943/2001, only the Courts of First Instance of Athens and Thessaloniki are competent to protect EU trademarks, and at the appellate level, only the Courts of Appeal of Athens and Thessaloniki, specifically the specially established divisions of these courts that have the relevant functional jurisdiction. Any other court lacks territorial jurisdiction.

As for national trademarks, certain courts (e.g., Athens, Thessaloniki) have specialized divisions that possess this functional jurisdiction, provided they also have territorial jurisdiction. Cases involving the infringement of such trademarks fall exclusively within the jurisdiction of these divisions.

Trademark infringement claims are decided by judges. The institution of jury is not applicable in these claims.

6. Is there a time limit for commencing trademark infringement proceedings once the facts giving rise to the infringement are known to the trademark owner. After how long would such a claim be time-barred? What action would a trade mark owner have to know to give rise to such a claim being time-barred (for example, is it knowing that a mark in question is in use or is it knowing that a trade mark application has been filed and/or registered?)

There is no specific time limit for commencing trademark infringement proceedings. As long as the trademark remains in force, the owner is entitled to seek an injunction and/or to file a regular lawsuit to stop the infringement and to claim damages (for actual loss and/or moral damages). However, specific claims governed by the general provisions of the Civil Code, as well as by the more specific provisions regarding unfair competition, arising in the context of trademark infringement in Greece, could be subject to a statute of limitations.

More specifically:

- Claim for Damages: A claim for damages arising from trademark infringement is barred after five years have elapsed from the end of the year in which the first infringement occurred.
- Claim for Cease and Desist/Remedy: Due to the absence of specific legislative provisions regarding the claim for cease and desist (i.e., to stop the infringement) and remedy of the infringement, the twenty-year statute of limitations applies (Art. 249 of the Civil Code).

Other similar grounds that could be raised by the defendant and are of particular significance, include the non-use of the trademark owner's mark for a period of five years, and the trademark owner's failure to seek protection for a significant period of time, even though the owner was aware of the infringing mark's existence and use.

The statute of limitations constitutes an objection that must be raised by the defendant and is not considered by the Court on its own initiative.

7. In your jurisdiction does the law protect unregistered trademarks of any kind, including by way of passing off, unfair competition or protection of trade dress. What are the criteria for

their subsistence?

In Greek jurisdiction the law provides protection to unregistered trademarks of any kind. The core criteria for the subsistence and protection of unregistered trademarks are the use of such mark in connection with goods or services to indicate their commercial origin, the active use thereof in the local market, their recognition by a significant portion of the relevant public as representing goods or services connected to a specific, unique trader and their capability of distinguishing goods or services of one trader from those of another one.

8. In your jurisdiction will the Court hear claims for registered trademark infringement in parallel with claims for passing off,unfair competition, infringement of trade dress or other misleading advertising, or does a claimant need to bring such claims in a separate cause of action?

Greek courts hear claims for registered trademark infringement in parallel with claims based on unfair competition, misleading advertising and imitation of trade dress. Greek civil procedure allows the cumulative assertion of multiple legal grounds in the same action, provided that they arise from the same factual background. In practice, trademark proprietors typically rely both on trademark law and on Law 146/1914 on unfair competition to secure broader protection.

9. In your jurisdiction, do your Courts share jurisdiction with your Trade Mark Office, such that parties need to seek to seize the forum they prefer first in time, or does the Court take precedence and intervene to stay or transfer any live Registry proceedings (for example relating to invalidity or revocation of registered trade mark) which may overlap with an issued infringement claim and related counterclaim?

Under Greek law, jurisdiction is shared, but not in the sense of a pure "race to the forum". Standalone revocation/invalidity applications are examined by the Administrative Trademarks Committee, whereas infringement claims and revocation/invalidity counterclaims fall within the jurisdiction of the civil courts. Once an infringement action has been served, the defendant may challenge the asserted mark only by counterclaim. If, however, a revocation/invalidity application had already been filed before the infringement action was served, the civil court may stay the infringement proceedings until the administrative or judicial validity decision becomes final.

10. Where the defendant has a counterclaim for invalidity or cancellation of the registered trademark being asserted against it (either on the basis of earlier rights or as a result of non-use by the trademark proprietor), does the counterclaim become part of the infringement action, so that both issues are heard by the same Court within a single action, with the Court making a determination at its conclusion, or are the validity issues bifurcated and heard in separate parallel proceedings? If in your jurisdiction validity issues are bifurcated, what are the practical consequences of this from a timing perspective? For example, does this mean that a Court will stay the infringement claim and proceed with the validity attack first to avoid finding a trademark infringed, only to have a separate Court find the trademark invalid at a later date?

As a rule, the validity issue becomes part of the infringement action. The defendant may file a counterclaim for revocation or invalidity in the same civil proceedings, and the civil court will determine both infringement and validity within that action. Under Greek law, revocation or invalidity of the asserted mark cannot be raised merely as a defense in infringement proceedings. The court treats the registered mark as valid unless the defendant files a formal counterclaim for revocation or invalidity, save for the separately regulated proof-of-use objection. Practical bifurcation arises only where revocation/invalidity proceedings were already commenced before the Administrative Trademarks Committee before service of the infringement claim. In that case, the civil court may stay the infringement action pending the final outcome of those earlier proceedings, which can materially delay the merits decision.

11. In your jurisdiction, does a defendant have a defence of using a mark honestly and concurrently available to them?

Greek trademark law does not provide for a stand-alone defence of honest concurrent use comparable to that available in certain common law jurisdictions.

However, defendants may rely on the limitations of

trademark rights provided in Article 11 of Law 4679/2020, such as descriptive or referential use, use of a personal name, or the exercise of an earlier local right, provided that such use complies with honest practices in industrial or commercial matters. Arguments relating to prior good-faith use or market coexistence may also be taken into account in the overall assessment of likelihood of confusion.

12. When considering the validity of a registered trade mark, does the Court consider whether the trade mark has been registered in bad faith? If so, what actions would indicate this bad faith?

Greek courts recognise bad faith as an independent ground for the invalidity of a registered trade mark and, correspondingly, as an absolute ground for refusal of a trade mark application pursuant to Article 4(1)(ιδ) of Law 4679/2020. In accordance with the case law of the Court of Justice of the European Union, the existence of bad faith is assessed on the basis of a global appraisal of all relevant circumstances as they existed at the filing date. Indicative factors may include the filing of an application without a genuine intention to use the mark, awareness of prior use of an identical or similar sign by a third party, the existence of prior commercial or contractual relations between the parties, or filing strategies aimed at preventing market entry by competitors. Mere knowledge of an earlier sign is not sufficient in itself. Rather, it must be established that the applicant intended either to undermine the interests of third parties in a manner inconsistent with honest practices in industrial or commercial matters, or to obtain an exclusive right for purposes unrelated to the essential functions of a trade mark.

13. If the main objective in commencing infringement proceedings is to secure an injunction, is a claimant required to state how much their claim is worth at the point their claim is issued?

Under Greek law, infringement actions primarily seeking injunctive relief are classified as actions of a non-monetary nature. In such cases, the claimant is not required to specify the monetary value of the claim at the time the action is filed, provided that no claim for damages is pursued by virtue of the infringement action.

This approach is consistent with Greek trademark law (Law 4679/2020), which allows the trademark proprietor to seek cessation and prohibition of the infringing acts independently of any claim for compensation.

However, if the claimant cumulatively seeks monetary relief (damages), the value of the requested claim must be determined in the infringement action when filed.

14. Is it possible to seek a preliminary injunction in your jurisdiction? If so, what is the criteria a trademark owner needs to establish and is there a bond or other undertaking in damages payable to compensate the defendant if the Court finds no infringement following a substantive hearing?

A preliminary injunction, filed with the competent Court, can be sought in our jurisdiction. Apart from the substantiality of the actual claim, main conditions for the acceptance of such preliminary injunction are (i) urgency for the award of the preliminary injunction and (ii) imminent danger threatened against the interests of the plaintiff right holder, because of the infringement. In general, IP infringement cases are considered 'urgent' so long as the plaintiff has not delayed in taking legal action against the infringer and/or does not appear to have tolerated the infringement. The factual part of this action will be based on the unauthorized/infringing use of plaintiff's trademarks, while the legal basis would be the applicable provisions of Law 4679/2020 on Trademarks and, under certain circumstances, of Law 146/1914 on Unfair Competition.

If the action in the main case is irrevocably dismissed on the merits as unfounded, the party who requested the injunctive relief is obligated to pay compensation for the damage caused by the enforcement of the decision ordering such relief or by the security provided, only if such party knew or, through gross negligence, was unaware that no such right existed (Art. 703 of the Civil Code). The Court may also grant injunctive measures under the term of provision of bond (Art. 701 of CPC).

15. Is a licensee (whether exclusive or non-exclusive) of a registered trademark entitled to commence proceedings for trademark infringement? Does the trademark proprietor need to be joined as a party to the proceedings, and does it have an effect whether the licensee is registered before the local Trademark Registry?

A trademark licensee is, in principle, entitled to initiate infringement proceedings in their own name, subject to the terms of the licence agreement. A non-exclusive licensee may do so only with the consent of the

trademark proprietor. Unless otherwise agreed, an exclusive licensee may, even without the proprietor's consent, independently initiate infringement proceedings where the latter, despite having been formally notified of the infringement, does not take legal action within a reasonable period of time (Article 17(4) Law 4679/2020).

Greek law does not require the trademark proprietor to be mandatorily joined as a party where the licensee may commence proceedings independently. However, in practice, proprietors are often joined in order to avoid procedural objections. Moreover, where the proprietor has already initiated infringement proceedings, the licensee may intervene in the action and seek compensation for the damage personally suffered (Article 17(5) Law 4679/2020).

Recordal of the licence before the Hellenic Industrial Property Organisation is not constitutive of the licensee's right to initiate proceedings, although it is generally advisable from an evidentiary perspective.

16. Where the claim for trademark infringement is premised on similarity between the defendant's mark and the trademark owner's registered mark, does the proprietor need to demonstrate that confusion has occurred or simply that there is a risk of confusion? What is the minimum standard required to secure a finding of infringement?

In infringement proceedings based on similarity between the defendant's mark and the trademark owner's registered trademark, the proprietor is not required to demonstrate actual confusion in the marketplace.

The applicable legal standard is the existence of a likelihood of confusion, including a likelihood of association, on the part of the relevant public. Greek courts carry out a global assessment taking into account all relevant factors, in particular the degree of similarity between the signs, the similarity of the goods or services, the distinctive character and reputation of the earlier mark, and the level of attention of the average consumer. The burden of proof lies with the claimant, who must establish a sufficiently probable risk of confusion.

17. In your jurisdiction is it possible to rely on post-sale confusion as a means of securing a finding of trade mark infringement?

Post-sale confusion may, in principle, be relied upon under Greek law, but not as a distinct, separately codified doctrine. The statutory question remains whether the defendant's sign gives rise to a likelihood of confusion on the part of the public, and Greek trademark law does not limit that assessment to the moment of purchase. It is therefore open to a claimant to argue that confusion arising after sale (for example among observers of the goods in the marketplace) is relevant, provided that such use is liable to impair the trademark's origin-indicating function. In practice, post-sale confusion is best framed not as an autonomous head of claim, but as part of the ordinary likelihood-of-confusion analysis.

18. In your jurisdiction what type of disclosure or discovery is typically ordered by the Court in respect of trademark infringement actions from both parties?

Disclosure in trademark infringement cases is limited, targeted and court-controlled. If a party has already produced sufficient evidence to support its allegations, the court may order the opposing party to produce specific evidence in its control. In cases of infringement on a commercial scale, the court may also order disclosure of banking, financial or commercial documents. In addition, the court may order the provision of information on the origin and distribution networks of the infringing goods or services, while ensuring protection of confidential information. Greek law also provides for evidence-preservation measures, including seizure, inventory, photographing and sampling of infringing goods and related documents, and in urgent cases (particularly in interim-measures proceedings) such measures may be granted without prior hearing of the defendant.

19. What type of expert evidence is permitted by the Court in your jurisdiction? Does the Court accept consumer surveys and are there specific rules about how consumer surveys are conducted. Do the parties need to request prior permission from the Court to adduce survey evidence?

Greek courts accept a broad range of evidentiary materials, including affidavits, witness testimony, party examination, privately commissioned expert reports and, where specialized knowledge is required, opinions from court-appointed experts. Consumer/market surveys are admissible and may be used especially to support market recognition, use, reputation or confusion, but in practice they are usually treated with caution and often carry

limited weight. There is no special statutory survey regime in trademark cases and, generally, no prior leave of court is required to file survey or party expert material. Such evidence is submitted with the parties' evidentiary filings and is then freely assessed by the court.

20. Does evidence submitted by your client in trademark infringement proceedings have to be accompanied with a statement of truth or other similar declaration? Which party is typically responsible for signing the statement of truth (or similar), the entity itself or the entity's representatives?

Under Greek law, it is not compulsory for the litigant parties in trademark infringement proceedings to submit, along with their evidence, a statement of truth or other similar declaration.

Although not compulsory, it is usual for the litigant parties to submit as part of their evidentiary file sworn affidavits/statements to be used as proof of the litigant parties' arguments, which are provided by natural persons acting whether in their name and on their behalf or as representatives of legal entities, before a competent authority (notary public, lawyers who are not involved in the dispute, consular authorities, etc).

Such sworn affidavits/statements are provided by third parties which are not litigant parties, as under the Greek Civil Procedure Code litigant parties do not testify under oath, unless the court deems it appropriate to order that the party be examined under oath for all or some of the disputed facts. The court may also call upon a party who has already been examined without taking an oath to confirm their entire testimony or part thereof under oath. Examination under oath is not permitted in relation to facts that constitute a criminal or immoral act for the person taking the oath. Litigant parties to a dispute cannot be examined under oath on the same fact.

It is noted that, in practice, it is highly rare for the court in trademark infringement proceedings to order a litigant party to testify under oath.

21. In your jurisdiction is it possible for a claimant to seek summary judgment and/or strike out of an infringement claim? What are the legal criteria for a Court to grant summary judgment?

Under Greek law it is not possible for a claimant to seek summary judgment or strike out of an infringement claim, in the way that such procedural tools exist in common law.

However, recent amendments to the Greek Civil Procedure Code provide that the court, on its own motion, within 30 days from the date that an action was appointed to it, must issue an order containing a summary of the reasons, if the court finds that (a) the action must be dismissed as inadmissible; or (b) the action should be deemed not to have been filed.

(a) An action is considered inadmissible when typical errors have taken place in respect of such action, which are not related to the substance of the arguments or the evidence brought, for example an action is inadmissible due to vagueness/lack of specificity in determining all the elements that are required, lack of competency of the court before which it was brought, lack of or incorrect power of attorney, lack of payment of court fees required, non – compliance with pre-trial rules when such rules apply (e.g. compulsory mediation process before court), and other issues which are not related to the substance of the case.

(b) An action is deemed not to have been filed when it has not been duly served upon the litigant parties.

The Greek Civil Procedure Code provides for a procedure allowing the claimant to challenge the summary order, with the aim of having the case heard under the ordinary/regular procedure.

22. How long does it typically take to reach judgment in a trademark infringement action from issue of the claim, through to first instance decision? What is the lower and upper range of legal costs for such an action?

First-instance civil actions for trademark infringement in Greece generally take about 12–20 months from filing to judgment issuance under normal civil procedure timelines, depending on court workload and case complexity, which is shaped by factors such as the need to appoint technical experts, the number of litigant parties, the extent and complexity of evidence filed, etc.

Litigation costs in trademark infringement cases can range from 15.000,00€ to 50.000,00€+, depending on complexity, scope of claims, evidence needs (experts, witnesses), foreign party involvement, translation requirements, and legal representation arrangements.

23. Following a first instance decision, is it possible for either party to appeal the decision? What are the grounds upon which an appeal can be lodged? Is it necessary to request permission to appeal, or are appeals automatically permissible? If either party file an appeal, is the enforcement of the first instance decision stayed pending the outcome of the appeal?

Either party may appeal the first instance decision. Appeals are automatically permissible. Main grounds for appeal are erroneous assessment of evidence, incorrect application or interpretation of the Law or violation of procedural rules.

If the appellant resides in Greece, the deadline for filing an appeal is thirty days; if the appellant resides abroad or whereabouts thereof are unknown, the deadline is sixty days. The deadline begins upon service of the final first instance decision. If the decision is not served, the deadline for filing an appeal is one year, commencing upon publication of the final first instance decision.

The decision of the Court of first instance cannot be enforced for as long as the time period for the filing of an appeal open, while an appeal filed in a timely and lawful manner suspends the enforcement. Enforcement is not suspended if the decision of the first instance Court has been declared provisionally enforceable.

24. If the parties have been involved in a dispute before the local Trademark Office, what relevance does this have on later infringement proceedings? For example where trademark owner (A) may have already sought to oppose the registration of a third party (B's) mark in proceedings before the local Trade Mark Office, is the trademark owner estopped from seeking invalidity of a registered trade mark where its opposition failed where the invalidity action is based on the same grounds as the unsuccessful opposition?

Greek trademark law 4679/2020 provides that a person may not later seek invalidity on absolute or relative grounds if that person already raised those same grounds during the opposition procedure and they were decided against it by the Administrative Trademarks Committee or the Administrative Courts. Therefore, if A opposed B's mark on certain grounds and lost, A is precluded from bringing a later invalidity action based on those same grounds. This is not an absolute estoppel for all future challenges, as grounds not previously adjudicated are not automatically barred.

25. In your jurisdiction, does the Court consider both liability and quantum within the same proceeding, or will any damages be assessed after the Court has reached a decision on liability? How are damages for trademark infringement proceedings typically assessed in your jurisdiction?

According to Greek trademark law 4679/2020, in case of trademark infringement the trademark owner is entitled to several judicial requests against the infringer. Inter alia, the trademark owner may request the cease of the infringement and the desist from any infringement in the future, as well as compensation for damages suffered due to the infringement. If the trademark owner brings an action that includes a request for damages, then the court considers both liability and quantum within the same proceeding.

The compensation that a trademark holder is entitled to seek due to the infringement of their trademark depends on the level of fault of the infringer:

If the infringer is found to infringe the trademark due to gross negligence or willful misconduct, the infringer is liable for monetary, as well as for non-monetary damage (moral damage). The monetary damages in this case may be calculated as a lump sum which the infringer would have paid for royalties or other fees if he had requested the license from the trademark owner. In determining the damages, the court shall consider, particularly the negative economic consequences, as well as the loss of profits suffered by the proprietor and the benefits obtained by the person infringing the trademark. The moral damages are decided by the court based on good faith criteria, analogy, and other special circumstances of each case. The moral damages are also based on general tort provisions of Greek Civil Code (articles 914, 932 Greek Civil Code).

In the absence of gross negligence or willful misconduct on the part of the infringer, the trademark proprietor may claim either the amount which the infringer has derived from the exploitation of the trademark without the proprietor's consent or the return of the profits made by the infringer from such exploitation.

26. In addition to an injunction and damages, what other remedies are available in your jurisdiction?

In addition to injunctions and damages, trademark law offers several further remedies. The court may order recall from the market or seizure of infringing goods, removal of the infringing sign, definitive withdrawal from commerce and destruction of the infringing goods and, where appropriate, of materials mainly used to produce them. Such measures are, in principle, enforced at the infringer's expense, unless there are special reasons to the contrary. Orders may also be directed against intermediaries whose services are used for the infringement. The court may further grant information orders regarding origin and distribution channels and may order publication of the judgment in the media, likewise at the infringer's expense.

27. Following a decision on the merits, is the winner entitled to recover all or a portion of its legal costs incurred in bringing or defending the proceedings. If legal costs are recoverable, what is the procedure involved and how does the Court assess the level of legal costs which should be reimbursed by the losing party.

According to the general provisions of the Greek Civil Procedure Code (articles 176 seq.), the general rule is that the losing litigant party is ordered by the court to pay the legal costs of the winning party or, if both sides partially succeed, the court may apportion costs or order each litigant party to bear its own costs. Recoverable legal costs include statutory court filing fees, judicial stamp duties, expert and witness costs, attorneys' fees. Statutory legal costs are in most cases way lower than the actual costs incurred in litigation proceedings, therefore recovery of actual costs in Greek litigation does not constitute a usual concept.

Article 41 of Greek trademark law 4679/2020 provides for a special rule that recoverable legal costs in trademark law litigation are considered all related expenses, such as the costs of witnesses, translators, attorneys' fees, experts' and technical advisors' fees, as well as the costs of discovering the infringers reasonably incurred by the prevailing party, unless reasons of equity dictate otherwise. This special rule allows the litigant parties to claim the recovery of legal costs higher than the statutory, by submitting to the court a list of actual legal costs incurred and related evidence. The court shall then assess the reasonability and proportionality of such requests. It is to note that, although the above special rule is foreseen by law, in practice we are not aware of published case law where the court orders the recovery of the total actual legal costs incurred by the prevailing party.

28. Once the Court has issued a judgment, how long typically does the losing party have to comply with the Court's judgment including any final injunction issued? What are the consequences for failing to comply and how would the winning party seek enforcement of its judgement.

Once a court has issued a judgment, the timeframe for compliance depends on whether the judgment is enforceable.

Interim measures (preliminary injunction) judgments are immediately enforceable upon issuance. They usually remain in force until a first-instance judgment on the merits is rendered. Their effect is linked to the continued validity of the substantive right provisionally protected (e.g. a trademark). Damages are not awarded in interim proceedings.

First-instance judgments on the merits are not automatically enforceable. They become enforceable once they become final, i.e. after the expiry of the appeal deadline without an appeal being filed, or once an appeal has been decided. However, the court may declare the judgment provisionally enforceable, in whole or in part. In practice, this is common in cease-and-desist orders in IP cases and may also apply to monetary awards. If so declared, compliance is required immediately.

Once a judgment becomes final, the claim recognised therein is subject to a twenty (20) year limitation period for enforcement (Article 268 Greek Civil Code). Cease-and-desist obligations must be respected for as long as the protected right remains valid.

Enforcement depends on the nature of the obligation imposed:

- Cease-and-desist orders: The court typically threatens a monetary penalty of up to 100,000.00€ and/or personal detention in case of breach. The successful party must initiate separate proceedings to have the penalty certified and enforced.
- Monetary claims (e.g. damages): Enforcement is pursued through compulsory execution

measures, including seizure of assets and garnishment of bank accounts.
- Seizure/destruction/withdrawal of infringing goods: If the defendant fails to comply, enforcement may be carried out by a court bailiff, provided the goods can be located.

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