

Greece: Mandatory mediation in trademark civil disputes

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By virtue of law 4512/2018, which was published on 17 January 2018, **all disputes** concerning trademarks, patents and industrial designs initiated **before civil courts in Greece** are subject **to mandatory mediation**. Hearing of the cases shall be inadmissible if the mediation process stipulated in the law has not been followed. The provisions shall start to apply as of 17 October 2018.

Plaintiffs are required to submit a request for appointment of a mediator from the list of mediators available on the Greek Ministry of Justice website and invite the other party or parties to collaborate for arranging a mediation within the 15 days following such invitation. The mediation as such shall not exceed 24 hours unless otherwise agreed by the parties. The mediation must be completed within 30 days following the initial invitation. This may be extended upon mutual agreement of the parties by 30 more days. What is important, mainly for foreign entities, is that physical presence is not required, and mediation can be conducted via teleconference. In the mediation proceedings, the parties are present together with their attorneys. The parties may decide at this first meeting that they do not wish to engage in the mediation process. This shall suffice for purposes of admissibility of the hearing. If parties reach an agreement, the respective minutes including the settlement agreement may be submitted to the court secretariat for certification by any of the parties and become an enforcement title. Interim

measures are not precluded pending mediation proceedings.

The above applies only to civil disputes, namely, disputes related to infringement of trademark rights. They do not apply to office actions, namely, oppositions or cancellation actions. However, the Greek trademark law is currently under revision within the context of implementation of the new trademark directive. It shall be interesting to see if and how mediation is introduced also for any disputes raised before the trademark office.