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ETiDOP<sup>®</sup>

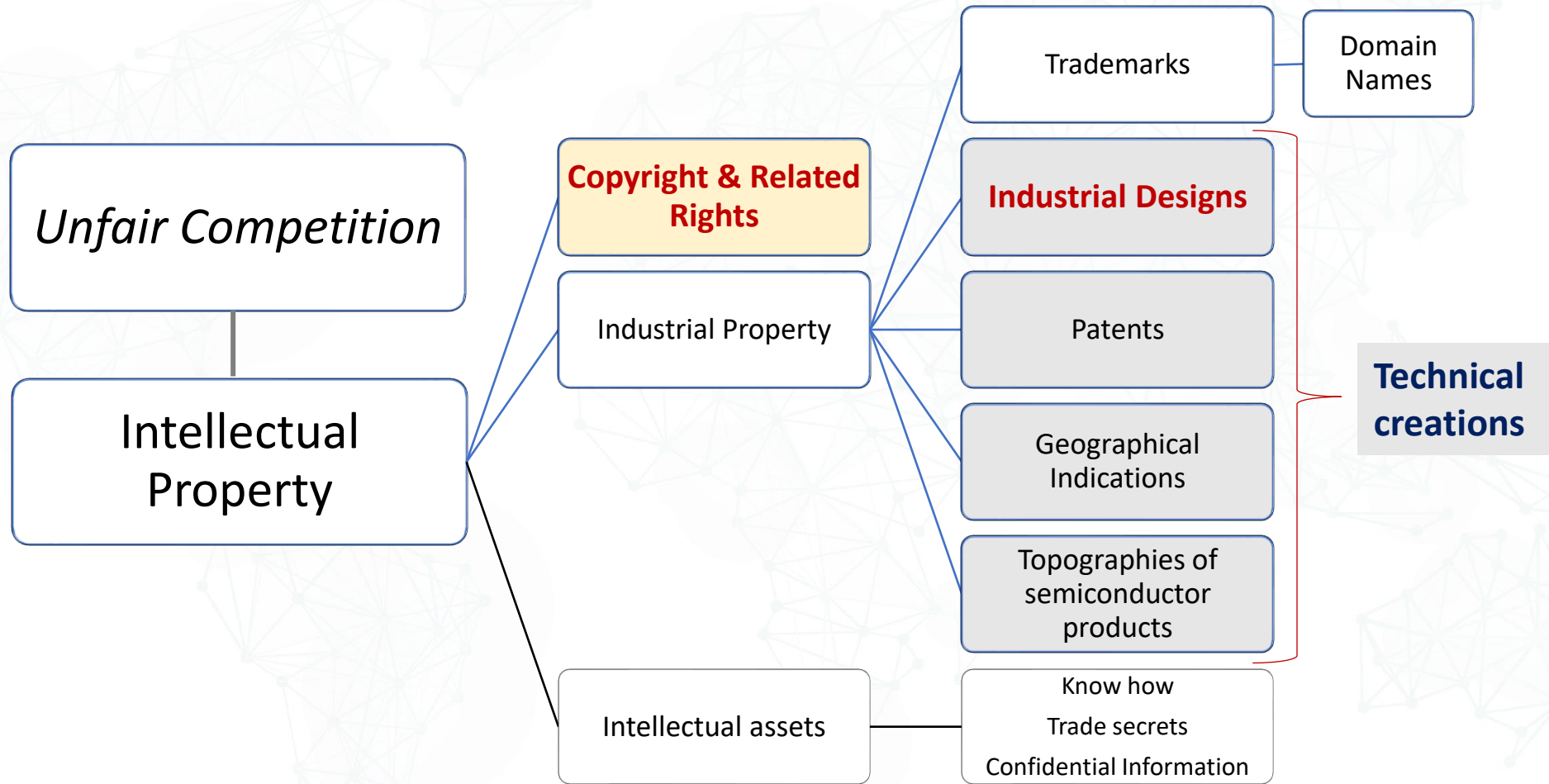
Egyptian Trademarks and Industrial  
Designs Office Project

# Designs National Protection

## The example of Greece – Legislation & Procedure

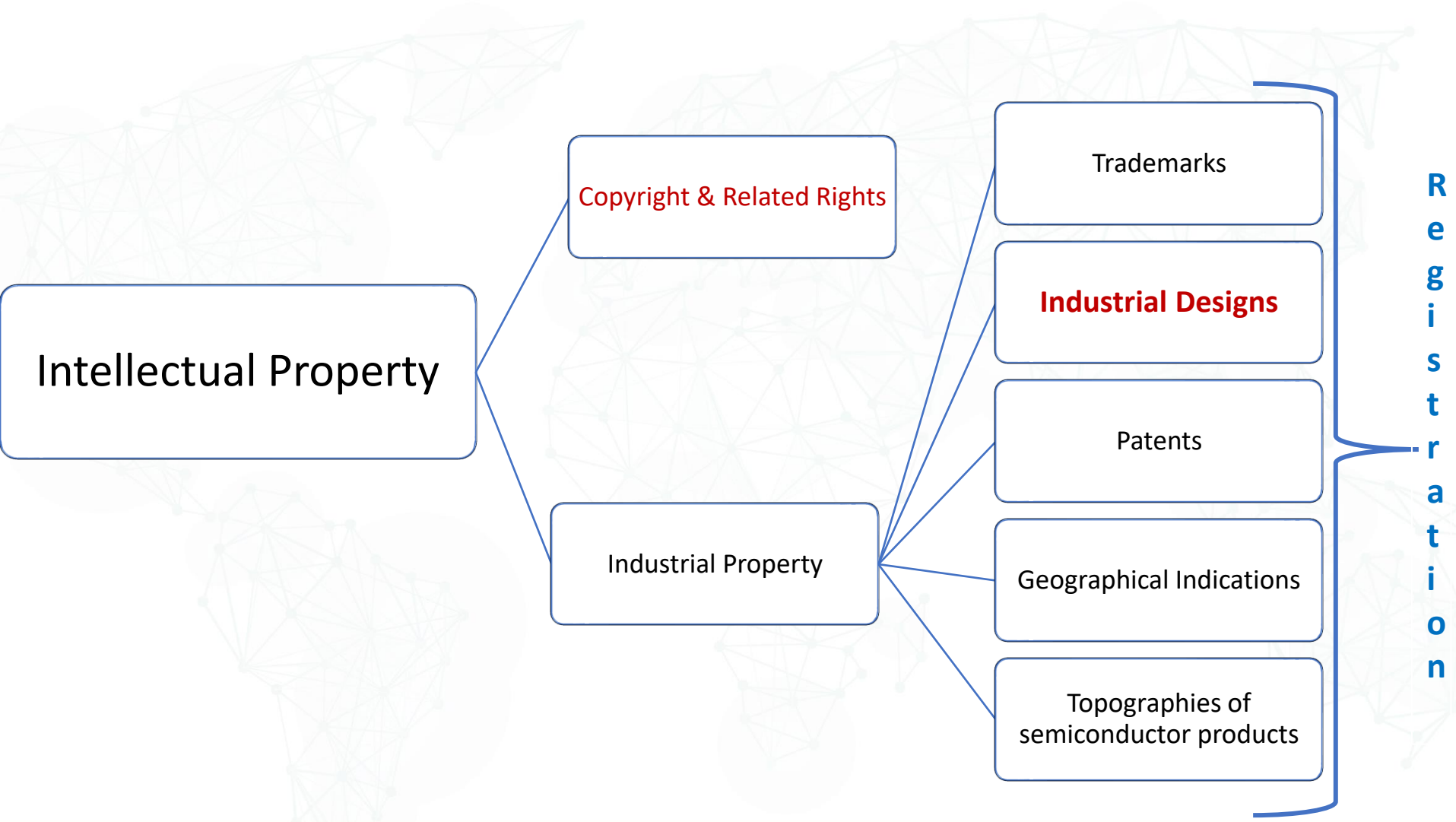


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# Intellectual Property

Copyright & Related Rights

Industrial Property

Trademarks

Industrial Designs

Patents

Geographical Indications

Topographies of semiconductor products

Registration?



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# Why is IP important?

It **protects** your  
creative work and  
clearly establishes **who**  
**owns what**

You can **license** or **sell**  
it

You can use it as a **key**  
**negotiating tool**,  
a "deal-maker"

It attracts **investment**

It is an **asset** on the  
company accounts,  
even if other parts of  
the business get into  
trouble

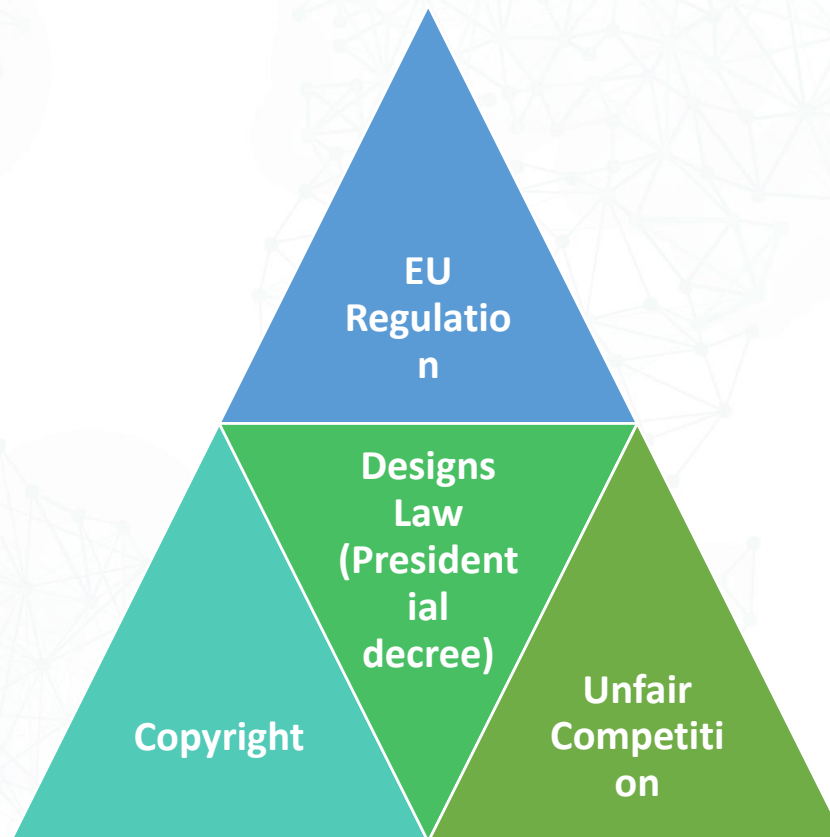
It is a **source of**  
**information and**  
**knowledge**



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# Greek legislation on Designs







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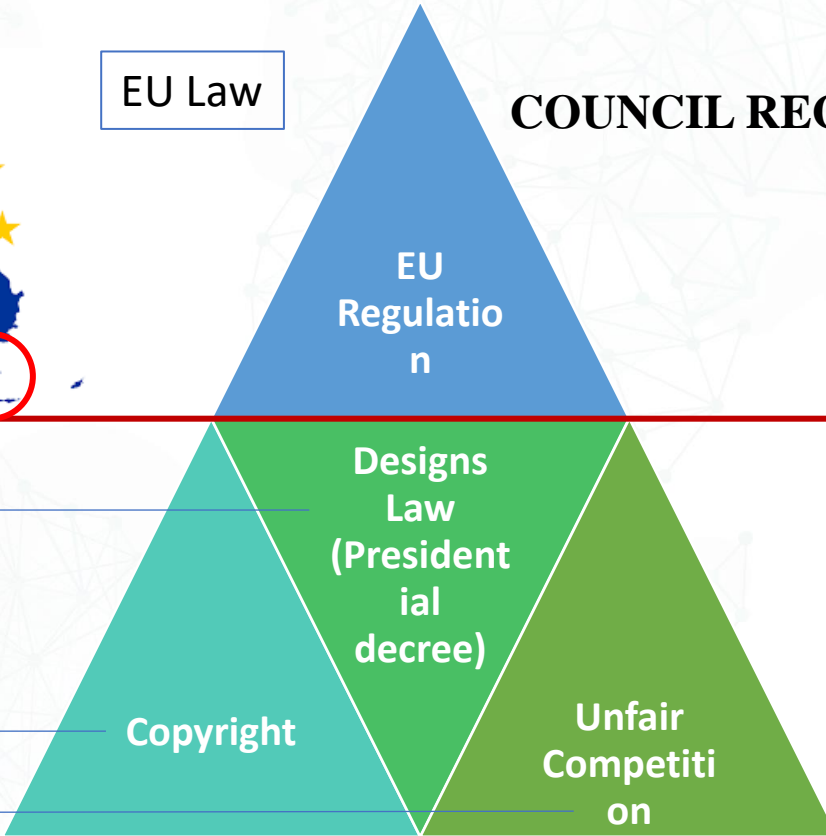


# Greek legislation on Designs



EU Law

**COUNCIL REGULATION (EC) No 6/2002**



Presidential Decree  
259/1997

Law 2121/1993

Law 146/ 1913



National Law



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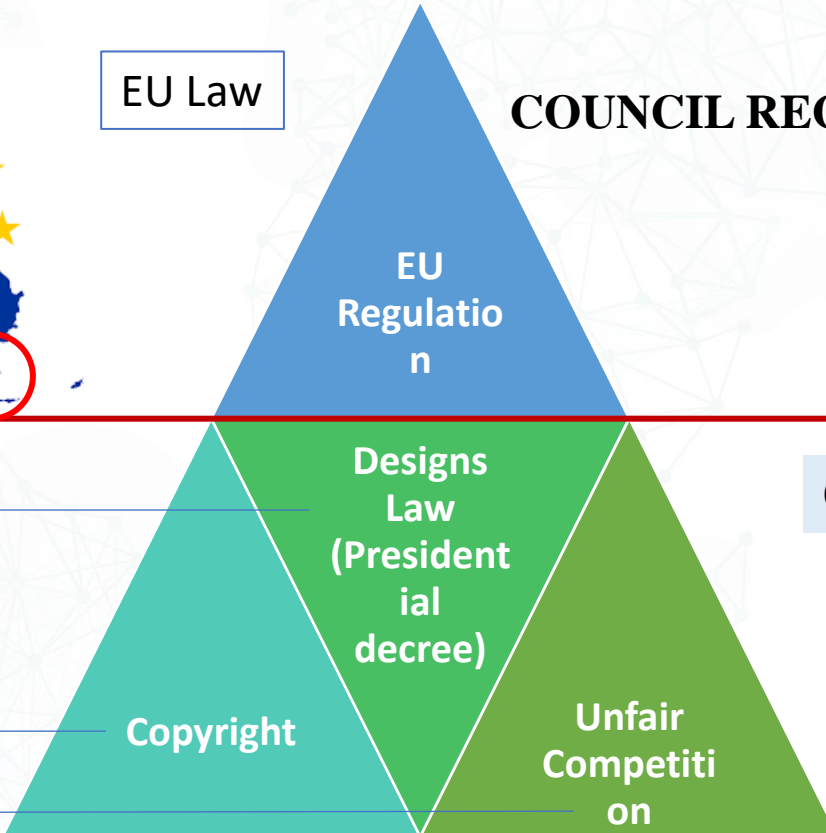


# Greek legislation on Designs



EU Law

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Presidential Decree  
259/1997

Law 2121/1993

Law 146/ 1913

Cumulative Protection



National Law





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# Greek legislation on Designs



EU Law

**COUNCIL REGULATION (EC) No 6/2002**

EU Regulation

**Presidential Decree 259/1997**



Cumulative Protection

Law 2121/1993

Law 146/ 1913

Copyright

Unfair Competition



National Law



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Registered Community Designs

Unregistered Community Designs

International Designs registered in EU

International Designs registered in Greece

National designs

Designs protected by Copyright

Designs protected by Unfair Competition Law



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# Legislation

*on Industrial Designs  
as technical creations*



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# Sources of national law

Paris Convention  
1883

Locarno  
Agreement  
1979

TRIPs  
1994

Hague  
Agreement  
1999

EU legislation  
Directive 98/71  
Regulation 6/2002



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# Legal framework of Industrial Designs

## **Law 2417/1996**

on the ratification  
of the Hague  
Agreement  
Concerning the  
International  
Deposit of Industrial  
Designs

## **Presidential Decree 259/1997**

on the  
implementing  
provisions of the  
Hague Agreement  
Concerning the  
International  
Deposit of Industrial  
Designs

## **Presidential Decree 161/2002**

implementing the  
EU Designs  
Directive (98/71/EC)

## **EU Community Design Regulation (6/2002)**





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# Registered Designs

## Presidential decree 259/1997

on the implementing provisions of the Hague Agreement  
Concerning the International Deposit of Industrial Designs



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# Design-based industries include

- Fashion, textiles, leather
- Footwear
- Furniture
- Consumer electronics
- Automotive industries and accessories
- Other consumer goods

*They are protected for their merchantability*



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# Object of the protection

***‘An industrial design is the outward visible appearance of a whole or part of a product resulting from the specific features thereof, such as lines, shape, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation’***

- Same definition in national and EU Law
- Different territory



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- Designs are protected for their appearance on the product (or part of it). Can be two or three dimensional configuration.
- The configuration may be perceived through lines, colors or combination of colors with the shape , the material, the ornamentation
- The configurations must be visible. Features must be perceived visually
- Protected for being incorporated on a product. Styles and ideas related to the products configuration is not protected.



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The design of a product which is a component of a composite product shall be deemed to be new and of an individual nature only if:

a. the ingredient, when incorporated into the composite product, remains visible during **normal use** of the product, and

b. the **visible** characteristics of the component meet the requirements of the new and individual character.

any use other than  
maintenance, or repair  
or other similar services





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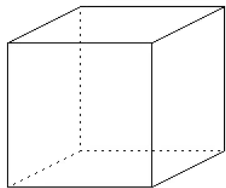
colours



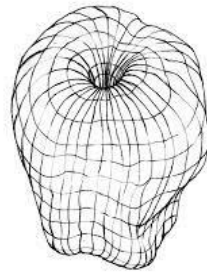
textures



material



Shape



contours

Packaging



Regular single products



Composite products



ornament



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logos



graphic symbols

Parts of products



get-ups (interiors of rooms or shops)

Thumbnails



Maps



Paintings, drawings, art



Bubble  
**ΑΒΓΔΕΖΗΘΙΚΛΜΝΞΟΠΡΣΤΥΦΧΨΩ**  
 Team Spirit  
**ΑΒΓΔΕΖΗΘΙΚΛΜΝΞΟΠΡΣΤΥΦΧΨΩ**  
 Popcorn  
**ΑΒΓΔΕΖΗΘΙΚΛΜΝΞΟΠΡΣΤΥΦΧΨΩ**  
 Golden  
**ΑΒΓΔΕΖΗΘΙΚΛΜΝΞΟΠΡΣΤΥΦΧΨΩ**  
 Old English  
**ΑΒΓΔΕΖΗΘΙΚΛΜΝΞΟΠΡΣΤΥΦΧΨΩ**  
 Marble and Strings  
**ΑΒΓΔΕΖΗΘΙΚΛΜΝΞΟΠΡΣΤΥΦΧΨΩ**  
 Vanity  
**ΑΒΓΔΕΖΗΘΙΚΛΜΝΞΟΠΡΣΤΥΦΧΨΩ**

Type letters



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# What cannot be protected?

Non-visible parts or components

Designs made to achieve a technical function

Features allowing interconnections.  
(Interconnections are product features that enable it to be assembled or mechanically connected with another product, for example a plug connection or an exhaust pipe.)

Spare parts used to restore the original aspect of a complex product

Reasons of public morality or public policy



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# Requirements for protection

- Novelty
- Individual character
- Industrially applicable (no need to be actually used)
- Respects public policy or to accepted principles of morality
- The features of appearance of a product are not solely dictated by its technical function





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# Novelty

A design shall be considered **new** if no **identical** design has been made available to the public (by the time the application for registration or by the date of priority)

Identical are considered the designs or models whose characteristics differ only in insignificant details (article 12 § 2 PD 259/1997).

The concept of "new" is examined with the procedure of comparison.

Not new, when it is completely identical to an earlier one.

→ faithful copy of already known designs and models or differ from the latter only in insignificant their details.

*"new" indulgent and easy to apply essential protection condition. it excludes only designs that are copies of previous designs + no judgment with evaluative data.*





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# Novelty

## Known

published or otherwise exposed, marketed or disclosed by any other means

designs that are already known to designers, producers and market traders operating in the EU

## Public

specific industry concerned, persons having their professional activity in specific field

NOT PUBLIC if disclosed to a third person under confidentiality or by the designer, as a result of information provided or action taken by the designer or his successor in title

NOT PUBLIC if disclosed within the 12-month "grace" period from the filing or the date of priority



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# Individual character

The **overall impression** it makes on the **informed user\*** differs from that made on the same user by any other design which has been made available to the public before the date of application for registration or, if priority is claimed, before the date of priority.

The individual character contributes to the **sufficient differentiation** of the products

This differentiation makes the product more attractive to the buying public and leads to the increase of the sales cycle of the entrepreneur

*Does the specific product appear in the eyes of the informed user as sufficiently different?*

During the assessment of the individuality, the **degree of freedom of the creator\*** of the design is taken into account



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## Who is informed user?

**Informed:** the consumer, end user of the product who has sufficient information on the morphology of the specific product bearing the design.

→ NOT the experts (the specific industry concerned, persons having their professional activity in the sector)

**User:** the person concerned uses the product in which the design is incorporated, in accordance with the purpose for which that product is intended

The concept of 'informed user' lies somewhere between:

- The average consumer applicable in trade mark matters, who need not have any specific knowledge,
- The sectorial expert, who has detailed technical expertise



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## Informed User:

is aware of the various designs that exist in the sector concerned, possesses a certain degree of knowledge with regard to the features of the designs

has some awareness of the existing designs in the sector concerned, without necessarily knowing which aspects of a product are dictated by a technical function.

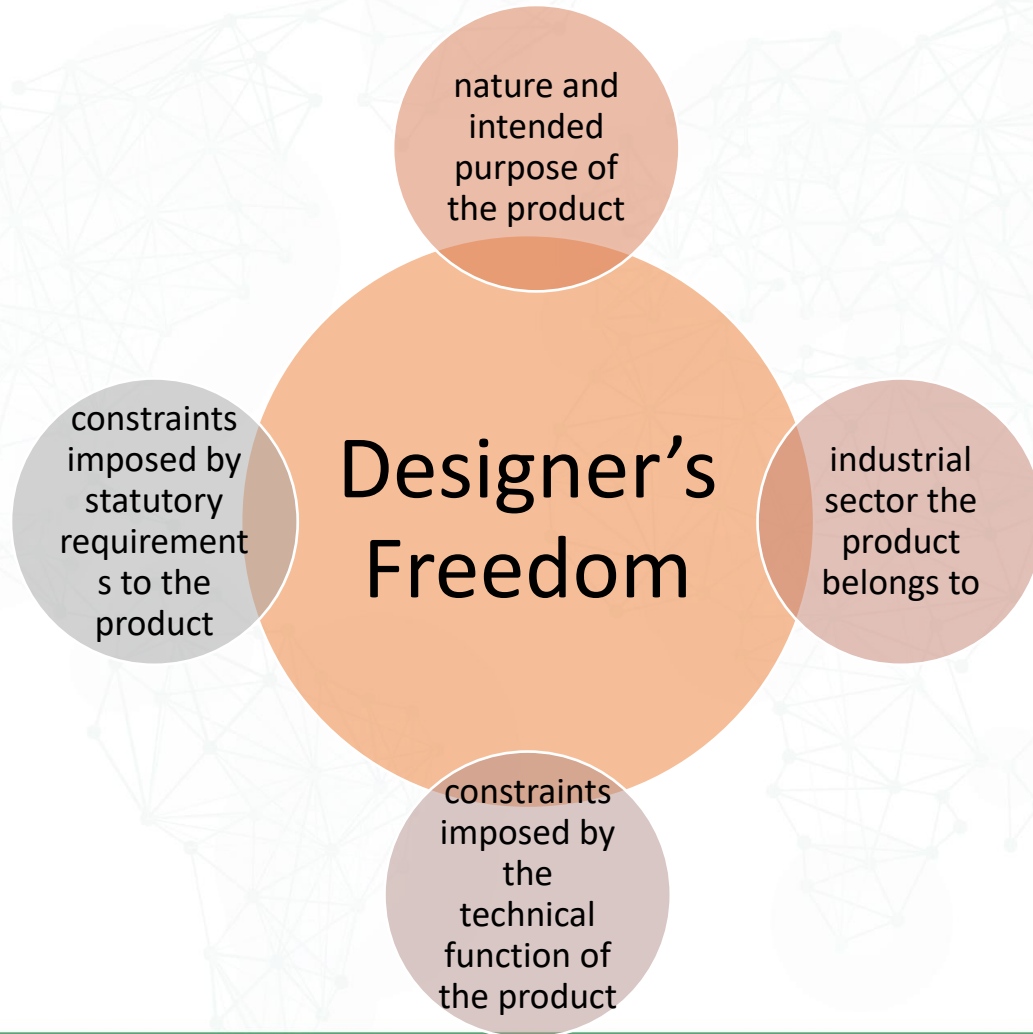
is not a manufacturer nor a seller of the products  
not a designer or a technical expert

could be a professional who acquires such products in order to distribute them to the final users

as a result of his or her interest in the products concerned, the informed user shows a relatively high degree of attention when using them



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# Not affected by the fact that similar designs coexist on the market and form a 'general trend' or coexist on the registers of industrial property offices.





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**ITDA**  
Internal Trade Development Authority  
جهاز تنمية التجارة الداخلية



# Overall impression

Informed user concentrates on features that are arbitrary or different from the norm (not features that are totally banal and common)

Similarities due to the constraints of the designer (limited degree of freedom) play minor role in the overall impression in the informed user's eyes

Saturation in prior art, can make the informed user more aware of differences in the details between the conflicting designs



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# Assessment of the individual character (four-stage examination)

Identify the sector to which the products in which the design is intended to be incorporated / applied belong

- the informed user of those products in accordance with their purpose
- the degree of awareness of the prior art
- the level of attention in the comparison, direct if possible, of the designs

the designer's degree of freedom in developing his or her design;

the outcome of the comparison of the designs at issue, taking into account the sector in question, the designer's degree of freedom and the overall impressions produced on the informed user by the contested design and by any earlier design which has been made available to the public



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# Term of protection - Territory

- Lifespan of a registered design right:
  - five years renewable
  - maximum 25 years
- Use not obligatory
- Territory of protection
  - national design rights in national territory
  - EU design rights in the whole of the EU



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# Subject of the protection

- The protection is attributed to the person who files the application
- Is entitled to file the application the designer or its successor
- If the application or registration is made in the name of a person who is not entitled to it, the person entitled to it may claim to become recognised as the legitimate holder of the design (without prejudice to any other remedy which may be open to him).
- If the design is created jointly by more designers they are entitled to file the application and be named as holders of the rights of the design



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# Designer - employee

- A design made by an employee belongs to him/her (free creation)
- Service design: it entirely belongs to the employer.
  - It is the outcome of a contractual relation between the employee and the employer for the development of a design. In case that a service design is accomplished, the employee shall have the right to request an additional reasonable recompense if the invention is particularly profitable to the employer.
- A dependent design: it belongs by 40% to the employer and by 60% to the employee.
  - It is the design made by an employee with the use of materials, means or information of the enterprise in which he/she is employed. The employer may to exploit the dependent design by priority against compensation to the designer.

The designer of the dependent design shall without neglect notify in writing the employer on the accomplishment of the design and shall give the necessary data for the filing of a joint application. If the employer does not answer in writing within four months that is interested in jointly filing the application, the said application shall be filed by the employee only and in this case the design belongs entirely to the employee.
- Any agreement which restricts the above mentioned rights of the employee is null





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# Transfers & Licenses

- The right to register a design and the registered design may be transferred by written agreement or inherited. The transfer takes place from the registration of the agreement or the inheritance in the Register of Designs and is published in EDBI (validity condition).
- The proprietor of a registered design may grant a license to exploit the design to third parties. Only written agreement.
- The joint owners of a design may assign, each one separately their share (written agreement)
- The rightholder may grant to a third party, following written agreement, a licence for exploitation of the patent. In case of a licence for a joint patent, the agreement of all the patentees is required.
- Unless otherwise agreed, the licence is neither exclusive nor assignable nor inheritable



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# Protection

In case of infringement, present or threatened, of the registered design, the holder of the relevant registration certificate is entitled to demand the **removal** of the infringement and its omission in the future.

The beneficiary is also protected against identical and non-identical designs of his own, but which do not cause the informed user a different overall impression

The **removal** of the infringement may include, at the request of the holder, indicatively:

- recall from the trade of the infringing goods and, if necessary, of the materials used for the creation or manufacture of the said goods
- permanent removal from trade or
- destruction

Culpable infringement of the registered design, the injured holder shall be entitled to selectively claim:

- reparation for the damage or
- recovery of the benefit from the unlawful use of the design or the payment of an amount commensurate with the license price.



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# Unregistered Designs EU Regulation 6/2002

on Community designs



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Although Greek design law does not provide for the protection of unregistered designs, such designs are protectable under Article 11 of the Community Design Regulation.

An unregistered design must:

- be new;
- have individual character; and
- have been disclosed to the public within the European Union

‘Disclosure’ is understood to mean any public announcement which is made in such a way that specialists in the relevant sector can be informed of it in the normal course of business.

3 year protection



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# Copyright Law 2121/1993

*Protection of designs as works*





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## Condition of protection

Article 2§1 Law 2121/1993

The term work shall designate any **original intellectual literary, artistic or scientific creation, expressed in any form**, notably written or oral texts, musical compositions with or without words, theatrical works accompanied or unaccompanied by music, choreographies and pantomimes, audiovisual works, works of fine art, including drawings, works of painting and sculpture, engravings and lithographs, works of architecture and photographs, works of applied art, illustrations, maps and three-dimensional works relative to geography, topography, architecture or science.

### CRITERION 1: ORIGINALITY

Expression of the author's/creator's personality, personal work of the author/creator due to which the work presents a individuality or statistical uniqueness or creative height

- Original not new
- Regardless of its aesthetic or artistic value
- Regardless of its illegal nature
- Regardless of the destination of the project

### CRITERION 2nd: FORM

The project must have taken form.

The means and the way of creation is irrelevant.

THE IDEA IS NOT PROTECTED: the idea is the raw material of a creation. idea is free and accessible to everyone, it is a common property

Protection without formalities!

The project is protected from the moment of its creation, as long as the conditions are met.

NO NEED TP BE REGISTERED!



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## Originality of Law 2121/1993

- The work must reflect the identity and personality of its author
- Under similar circumstances and with the same objectives, no other author, by reasonable probability, would not be able to create a work similar
- The work presents an individuality or a minimum limit of "creative height", that stands out and differentiates it from the works of everyday life or from other similar known works.
- No originality if the intellectual creation is dictated by 'technical considerations, rules or constraints which leave no room for creative freedom'



Individuality of Presidential Decree 259/1997 is enough to simply differentiate two relevant products



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## CIVIL AND PENAL SANCTIONS

### Civil Sanctions

- a) claim for recognition of their right
- b) discontinuation of the infringement and its omission in the future -if the infringement is threatened or the continuation or recurrence of the infringement
- d) action for damages and compensation for non-pecuniary damage if there is fault of the offender
- e) a lawsuit for unjust enrichment of the offender
- (f) an action for payment of the profit gained
- Compensation: twice the fee that is usually or legally paid for the type of exploitation made by the debtor without permission.

### Criminal sanctions

imprisonment from 1-10 years and a fine from 2,900 to 59,000 €

### Precautionary measures

when there is a potential risk of infringement



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# Unfair Competition

Protection of Designs with unfair competition



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Independently of:

- Presidential Decree 259/1997 and
- Law 2121/1993
- Important when none of the above fields apply
- Cumulative protection possible

Article 1 of Law 146/1914 on unfair competition prohibits any act for competitive purposes, which is contrary to morality, which takes place in commercial, industrial or agricultural transactions.

General clause to unfair competition.

Conditions : a) there must be a relationship of competition, b) the act must be committed for competitive purposes, c) it must be objectively capable of achieving the result sought and d) it must be contrary to morality.



## Article 13

Anyone who, **in the course of business**, makes use of a name, a firm name, or the special designation of a business establishment or of an industrial enterprise, or of a printed work, **in a manner capable of causing confusion** with the name, firm name, or special designation legitimately used by another, may be enjoined from such use by the latter...

The **special presentation/configuration or the special decoration of the goods** and the packaging or the covering thereof are assimilated to the special designation, if they are considered within the trade concerned as the distinctive signs of the similar goods of another.

includes the external configuration elements and in particular the color or color combinations, the packaging or the wrap of the goods and any distinctive element which has prevailed in the trade as a feature of the goods, and is capable of distinguishing it from other similar or similar goods of other origin

possibility of causing confusion\*

[#art.1]

It is sufficient that it is used in a way that may cause confusion, even if it is not intended to be competitive



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## \*Confusion

- Identical = imitation and falsification
- Similar = small variations: due to the similarity of two **features\*** it is possible to create deception in the trading cycles regarding the origin of the goods or services from a certain company, or the identity of the company or the existence of a relationship.

### \*The features

- **must have distinctive power** [the degree of distinctiveness also determines the extent of protection]
- **must have been made become known in the trading cycles**

Who is to be confused?

- Public: the **inexperienced average consumer**



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# Protection

In case of unfair competition through the use of a design, the rightholder can claim:

- removal of the illegal infringement
- omission of infringement in the future
- request for publication of the decision
- expenses
- damages
- destruction
- compensation due to moral damage
- personal detention against the legal representative of the third unfairly competing company



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# Cumulative protection of Industrial Designs

- Patents
- Trademarks



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# Procedure

## *on Industrial Designs registration*





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# Types of registration



## National Design

- National Office (OBI)
- Registered only in Greece
- Application filed at OBI
- Fees (administrative) 160€ (multiple application possible with extra fees)



## Community Design

- Office for the Harmonization of Internal Market
- Protects within EU
- **Could be protected as Registered (RCD) [or Unregistered (UCD) only for three years]**
- Registered Designs offer better protection
- Application filed at OHIM (EUIPO) (online)
- **Costs** (230 + 120 publication) **350€** // Multiple application possible (extra fees)
- Search database: DesignView



## International Design

WORLD INTELLECTUAL PROPERTY ORGANIZATION

- World Intellectual Property Organization –Hague System
- Protection in **Countries for which the application is filed** at WIPO
- **Costs: depend on different factors** (countries etc) <http://www.wipo.int/hague/en/fees/calculator.jsp>
- Search database: Hague Express



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ΟΡΓΑΝΙΣΜΟΣ  
ΒΙΟΜΗΧΑΝΙΚΗΣ  
ΙΔΙΟΚΤΗΣΙΑΣ

## ΑΙΤΗΣΗ ΓΙΑ ΚΑΤΑΧΩΡΗΣΗ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ

1

Συμπληρώνεται από τον Ο.Β.Ι.

Αριθμός παραλαβής	Αριθμός αίτησης
Ημερομηνία παραλαβής	
Ημερομηνία κατάθεσης	

Με την αίτηση αυτή ζητείται:

<input type="checkbox"/>	ΚΑΤΑΧΩΡΗΣΗ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ
<input type="checkbox"/>	ΠΟΛΛΑΠΛΗ ΚΑΤΑΧΩΡΗΣΗ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ

ΤΑΞΙΝΟΜΗΣΗ LOCARNO:
------------------------

ΑΡΙΘΜΟΣ ΣΧΕΔΙΩΝ Ή ΥΠΟΔΕΙΓΜΑΤΩΝ ΓΙΑ ΤΑ ΟΠΟΙΑ ΖΗΤΕΙΤΑΙ ΠΡΟΣΤΑΣΙΑ (μέχρι 50)
---

ΔΗΜΟΣΙΕΥΣΗ:	<input type="checkbox"/> Έγχρωμη	ΑΝΑΒΟΛΗ ΔΗΜΟΣΙΕΥΣΗΣ ΜΕΧΡΙ ΚΑΙ :
	<input type="checkbox"/> Μαυρόασπρη	<input type="checkbox"/> ΚΑΤΑΘΕΣΗ ΔΕΙΓΜΑΤΟΣ

Γραφική(ές) παράσταση(εις)	(αριθμός)	Φωτογραφία(ες) μαυρόασπρη(ες)	(αριθμός)
Φωτογραφία(ες) έγχρωμη(ες)	(αριθμός)	Συνολικός αριθμός γραφικών παραστάσεων ή φωτογραφιών	(αριθμός)

<b>ΚΑΤΑΘΕΤΗΣ</b>	
Επώνυμο ή επωνυμία:	
Όνομα:	Όνομα πατρός
Εθνικότητα:	
Διεύθυνση / έδρα:	Αριθμός Τ.Κ. Πόλη
Τηλέφωνο:	Φαξ: E-mail:

(αριθμός)	ΕΠΙΠΛΕΟΝ ΚΑΤΑΘΕΤΕΣ ΣΕ ΠΡΟΣΘΕΤΟ ΦΥΛΛΟ ΧΑΡΤΙΟΥ
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ΠΡΟΣΔΙΟΡΙΣΜΟΣ ΑΝΤΙΚΕΙΜΕΝΟΥ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ :

1



2

<b>ΔΗΜΙΟΥΡΓΟΣ :</b>	
<input type="checkbox"/>	Ο(ι) καταθέτης (ες) είναι α(οι) μοναδικός(οι) δημιουργός(οί).
<input type="checkbox"/>	Έντυπο ορισμού του(ων) δημιουργού(ών) επισυνάπτεται.

<b>ΔΗΛΩΣΗ ΠΡΟΤΕΡΑΙΟΤΗΤΑΣ</b>			
	Αριθμός	Ημερομηνία	Χώρα προέλευσης
1.			
2.			
3.			
ΆΛΛΕΣ			

<b>ΠΛΗΡΕΞΟΥΣΙΟΣ</b>		κωδικός πληρεξούσιου:	
Επώνυμο:			
Όνομα:			
Διεύθυνση / έδρα:	Αριθμός	Τ.Κ.	Πόλη
Τηλέφωνο:	Φαξ:	E-mail:	

<b>ΑΝΤΙΚΛΗΤΟΣ</b>		κωδικός αντίκλητου:	
Επώνυμο:			
Όνομα:			
Διεύθυνση:	Αριθμός	Τ.Κ.	Πόλη
Τηλέφωνο:	Φαξ:	E-mail:	

<b>ΔΙΕΘΝΗΣ ΕΚΘΕΣΗ</b>	
<input type="checkbox"/>	Η εφεύρεση παρουσιάστηκε σε επίσημη αναγνωρισμένη έκθεση, σύμφωνα με το Ν. 5562/1932, ΦΕΚ 221Α/32.
<input type="checkbox"/>	Σχετική βεβαίωση επισυνάπτεται.

<b>ΥΠΟΓΡΑΦΗ (ΕΣ) ΤΟΥ(ΩΝ) ΚΑΤΑΘΕΤΗ(ΩΝ) Ή ΤΟΥ(ΩΝ) ΠΛΗΡΕΞΟΥΣΙΟΥ(ΩΝ)</b>	
(υπογραφή)	
<b>ΟΝΟΜΑΤΕΠΩΝΥΜΟ</b>	
τύπος:	Ημερομηνία:

➔ Η ΑΙΤΗΣΗ ΠΡΕΠΕΙ ΝΑ ΕΙΝΑΙ ΤΥΠΩΜΕΝΗ Ή ΔΑΚΤΥΛΟΓΡΑΦΗΜΕΝΗ ΚΑΘΩΣ ΚΑΙ ΤΟ ΟΝΟΜΑ ΚΑΤΩ ΑΠΟ ΤΗΝ ΥΠΟΓΡΑΦΗ ΣΕ ΠΕΡΙΠΤΩΣΗ ΝΟΜΙΚΟΥ ΠΡΟΣΩΠΟΥ ΝΑ ΔΗΛΩΘΕΙ ΚΑΙ Η ΙΔΙΟΤΗΤΑ ΤΟΥ ΥΠΟΓΡΑΦΟΝΤΟΣ ΠΛΗΡΗ ΕΤΑΙΡΕΙΑ

2



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## ΑΠΟΔΕΙΞΗ ΠΑΡΑΛΑΒΗΣ ΕΓΓΡΑΦΩΝ ΑΙΤΗΣΗΣ ΓΙΑ ΚΑΤΑΧΩΡΗΣΗ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ

3

Συμπληρώνεται από τον Ο.Β.Ι.

Αριθμός παραλαβής		Αριθμός αίτησης	01		16
Ημερομηνία παραλαβής					
Ημερομηνία κατάθεσης					

Υπογραφή/σφραγίδα ΟΒΙ

ΚΑΤΑΘΕΤΗΣ/ ΠΛΗΡΕΞΟΥΣΙΟΣ :		17
Επώνυμο:		
Όνομα:		

Πιστοποιούμε την παραλαβή των εγγράφων έτσι όπως δηλώνονται παρακάτω:

Α. ΕΓΓΡΑΦΑ ΑΙΤΗΣΗΣ ΚΑΙ ΠΡΟΤΕΡΑΙΟΤΗΤΑΣ						18
<input type="checkbox"/>	1.	Αίτηση		αντίγραφο		φύλλα ανά αντίγραφο
<input type="checkbox"/>	2.	Περιγραφή		αντίγραφο		φύλλα ανά αντίγραφο
<input type="checkbox"/>	2α.	Περιγραφή στα <input type="checkbox"/> Αγγλικά <input type="checkbox"/> Γαλλικά <input type="checkbox"/> Γερμανικά		αντίγραφο		φύλλα ανά αντίγραφο
<input type="checkbox"/>	3.	Γραφική παράσταση		αντίγραφο		Σύνολο γραφικών παραστάσεων ανά αντίγραφο
<input type="checkbox"/>	4.	Φωτογραφίες	<input type="checkbox"/> Μαυρό/ασπρές <input type="checkbox"/> Έγχρωμες	αντίγραφο		Σύνολο φωτογραφιών ανά αντίγραφο

Β. Η ΑΙΤΗΣΗ ΟΠΩΣ ΚΑΤΑΤΙΘΕΤΑΙ ΣΥΝΟΔΕΥΕΤΑΙ ΑΠΟ ΤΑ ΠΑΡΑΚΑΤΩ ΕΓΓΡΑΦΑ		19
<input type="checkbox"/>	1	Απόδειξη καταβολής τέλους κατάθεσης και καταχώρησης
<input type="checkbox"/>	1α	Απόδειξη πρόσθετου τέλους καταχώρησης για πολλαπλή αίτηση
<input type="checkbox"/>	2	Απόδειξη καταβολής τέλους πρώτης πενταετούς προστασίας
<input type="checkbox"/>	3	Απόδειξη καταβολής τέλους αναβολής της δημοσίευσης
<input type="checkbox"/>	4	Απόδειξη καταβολής τέλους δημοσίευσης
<input type="checkbox"/>	4α	Απόδειξη πρόσθετου τέλους δημοσίευσης
<input type="checkbox"/>	5	Αριθμός εγγράφων προτεραιότητας: <input type="checkbox"/> με μετάφραση: <input type="checkbox"/> χωρίς μετάφραση: <input type="checkbox"/>
<input type="checkbox"/>	6	Πληρεξούσιο με μετάφραση: <input type="checkbox"/> χωρίς μετάφραση: <input type="checkbox"/>
<input type="checkbox"/>	7	Επιπλέον φύλλα(α) καταθέτη(ων)
<input type="checkbox"/>	8	Επιπλέον φύλλα(α) δημιουργού(ών)
<input type="checkbox"/>	9	Κατάλογος προϊόντων
<input type="checkbox"/>	10	Δήλωση για προέλευση δικαιώματος
<input type="checkbox"/>	11	Βεβαίωση παρουσίασης σε έκθεση
<input type="checkbox"/>	12	
<input type="checkbox"/>	13	



## ΑΙΤΗΣΗ ΓΙΑ ΚΑΤΑΧΩΡΗΣΗ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ

Σ

Συμπληρώνεται από τον Ο.Β.Ι.

Ημερομηνία παραλαβής		Αριθμός αίτησης	01
Ημερομηνία κατάθεσης			

ΤΑΣΗ ΝΟΜΗΣΗ LOCARNO:		03
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ΠΑΡΑΣΤΑΣΗ ΤΟΥ ΚΑΘΕ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ	20
Συνολικός αριθμός σχεδίων:	



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ΟΡΓΑΝΙΣΜΟΣ  
ΒΙ ΟΜΗΧΑΝΙΚΗΣ  
ΙΔΙΟΚΤΗΣΙΑΣ

## ΑΙΤΗΣΗ ΓΙΑ ΚΑΤΑΧΩΡΗΣΗ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ

Π

Συμπληρώνεται από τον Ο.Β.Ι.

Αριθμός παραλαβής:		Αριθμός αίτησης	01
Ημερομηνία παραλαβής:			
Ημερομηνία κατάθεσης:			

ΤΑΞΙΝΟΜΗΣΗ LOCARNO:		03
------------------------	--	----

<b>ΠΕΡΙΓΡΑΦΗ</b> (μέχρι 100 λέξεις)	22
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ΟΡΓΑΝΙΣΜΟΣ  
ΒΙ ΟΜΗΧΑΝΙΚΗΣ  
ΙΔΙΟΚΤΗΣΙΑΣ

## ΕΝΤΥΠΟ ΓΙΑ ΕΠΙΠΛΕΟΝ ΚΑΤΑΘΕΤΕΣ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΙΓΜΑΤΟΣ

Κ

Συμπληρώνεται από τον Ο.Β.Ι.

Αριθμός παραλαβής:		Αριθμός αίτησης	01
Ημερομηνία παραλαβής:			
Ημερομηνία κατάθεσης:			

<b>ΚΑΤΑΘΕΤΗΣ</b>										07
Επώνυμο ή επωνυμία:										
Όνομα:					Όνομα πατρός					
Εθνικότητα:										
Διεύθυνση / έδρα:			Αριθμός		T.K.		Πόλη			
Τηλέφωνο:			Φαξ:			E-mail:				

<b>ΚΑΤΑΘΕΤΗΣ</b>										07
Επώνυμο ή επωνυμία:										
Όνομα:					Όνομα πατρός					
Εθνικότητα:										
Διεύθυνση / έδρα:			Αριθμός		T.K.		Πόλη			
Τηλέφωνο:			Φαξ:			E-mail:				

<b>ΚΑΤΑΘΕΤΗΣ</b>										07
Επώνυμο ή επωνυμία:										
Όνομα:					Όνομα πατρός					
Εθνικότητα:										
Διεύθυνση / έδρα:			Αριθμός		T.K.		Πόλη			
Τηλέφωνο:			Φαξ:			E-mail:				

αριθμός	ΕΠΙ ΠΛΕΟΝ ΚΑΤΑΘΕΤΕΣ ΣΕ ΠΡΟΣΘΕΤΟ ΦΥΛΛΟ ΧΑΡΤΙΟΥ	23
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Π

Κ



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ΟΡΓΑΝΙΣΜΟΣ  
ΒΙΟΜΗΧΑΝΙΚΗΣ  
ΚΑΙ ΙΔΙΟΚΤΗΣΙΑΣ

## ΟΡΙΣΜΟΣ ΤΟΥ ΔΗΜΙΟΥΡΓΟΥ\* ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΓΜΑΤΟΣ

Δ

( Συμπληρώνεται στην περίπτωση που ο καταθέτης είναι νομικό πρόσωπο, ή ο καταθέτης δεν είναι και δημιουργός, ή ο μόνος δημιουργός)

Συμπληρώνεται από τον Ο.Β.Ι.

Αριθμός παραλαβής		Αριθμός αίτησης	01
Ημερομηνία παραλαβής			
Ημερομηνία κατάθεσης			

Δηλώνω(νουμε) ως δημιουργό(ούς) στην παραπάνω αίτηση για χορήγηση Ελληνικού τίτλου προστασίας τον(τους) :

<b>ΔΗΜΙΟΥΡΓΟΣ:</b>	24
Επώνυμο:	
Όνομα:	
Διεύθυνση:	

<b>Ο ΚΑΤΑΘΕΤΗΣ ΑΠΕΚΤΗΣΕ ΤΟ ΔΙ ΚΑΙ ΩΜΑ ΚΑΤΑΧΩΡΗΣΗΣ ΣΧΕΔΙΟΥ Ή ΥΠΟΔΕΓΜΑΤΟΣ :</b>	
<input type="checkbox"/>	Λόγω σύμβασης μεταβίβασης δικαιωμάτων από : (ημερομηνία)
<input type="checkbox"/>	Λόγω κληρονομικής διαδοχής
<input type="checkbox"/>	Λόγω συμβατικής σχέσης εργοδότη – εργαζόμενου (υπηρεσιακής <input type="checkbox"/> ή εξαρτημένης <input type="checkbox"/> )
<input type="checkbox"/>	Σύμφωνα με τα οριζόμενα στο καταστατικό εταιρείας με ερευνητικό σκοπό
<input type="checkbox"/>	Άλλο:

αριθμός	<b>ΕΠΙ ΠΛΕΟΝ ΔΗΜΙΟΥΡΓΟΙ ΣΕ ΠΡΟΣΘΕΤΟ ΦΥΛΛΟ ΧΑΡΤΙΟΥ</b>	25
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<b>ΥΠΟΓΡΑΦΗ(ΕΣ) ΤΟΥ(ΩΝ) ΚΑΤΑΘΕΤΗ(ΩΝ) ή ΤΟΥ(ΩΝ) ΠΛΗΡΕΞΟΥΣΙΟΥ(ΩΝ)</b>		26
(υπογραφή)		
<b>ΟΝΟΜΑΤΕΠΩΝΥΜΟ</b>		
τόπος:	Ημερομηνία:	

➔ **Η ΑΙΤΗΣΗ ΠΡΕΠΕΙ ΝΑ ΕΙΝΑΙ ΤΥΠΩΜΕΝΗ Ή ΔΑΚΤΥΛΟΓΡΑΦΗΜΕΝΗ ΚΑΘΩΣ ΚΑΙ ΤΟ ΟΝΟΜΑ ΚΑΤ' ΑΠΟ ΤΗΝ ΥΠΟΓΡΑΦΗ ΣΕ ΠΕΡΙΠΤΩΣΗ ΝΟΜΙΚΟΥ ΠΡΟΣΩΠΟΥ ΝΑ ΔΙΑΔΩΘΕΙ ΚΑΙ Η ΙΔΙΟΤΗΤΑ ΤΟΥ ΥΠΟΓΡΑΦΟΝΤΟΣ ΠΑ ΤΗΝ ΕΤΑΙΡΕΙΑ**

Δ

ΟΒΙ/ Α06-10/2011





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(wizard.htm)

Καλώς ήλθατε  
ΓΑΛΑΤΕΙΑ  
ΚΑΤΙΕΛΛΑΚΟΥ  
Αποσύνδεση (j\_spring\_security\_logout)

## Ηλεκτρονική Κατάθεση Σχεδίου ή Υποδείγματος



Νέα Αίτηση / Συνέχεια

ή

Εισαγωγή Αποθηκευμένης Αίτησης

### Σχετικά με τον OBI



<http://www.obl.gr>

Οργανισμός Βιομηχανικής Ιδιοκτησίας

### Επικοινωνία

<mailto:info@obi.gr>

[https://twitter.com/obi\\_hellas?lang=el](https://twitter.com/obi_hellas?lang=el)

Γ. Σταυρούλακη 5 (πρώην Πλατάνισσι)

11526 Μαρούσι, Ελλάδα <https://www.linkedin.com/company/hellenic-industrial-property-organisation-obi/>

+30 210 61 83580 (-2)

<https://www.linkedin.com/company/hellenic-industrial-property-organisation-obi/>

### Ταμείο Συνεργασίας



<https://www.tmdn.org/>

Η Ερασιώγη υλοποιήθηκε στα πλαίσια

της Δράσης «Επένδυση στην Καινοτομία» του Επιχειρησιακού Προγράμματος «Επένδυση στην Καινοτομία»

με την υποστήριξη του ΕΙΠΟ.

## e-Αίτηση για Σχέδιο ή Υπόδειγμα

1 Σχέδια 2 Προτεραιότητα 3 Δικαιούχοι 4 Δημιουργία 5 Ανασκόπηση και Πληρωμή

### Σχέδια

Αριθμός σχεδίων στην αίτηση: 0

Προσδιορισμός Αντικειμένου \*

Προσδιορισμός Αντικειμένου (Αγγλικά)

Περιγραφή (έως 100 λέξεις)

### Χρώματα

Έγχρωμο  Ασπρόμαυρο

Αίτημα για αναβολή δημοσίευσης σχεδίου

Προσθέστε σχέδιο

### 1 Στοιχεία σχεδίου

Ακύρωση

Αποθήκευση

Όψεις \*

Προσθέστε όψη (περισσότερες λεπτομέρειες του ίδιου σχεδίου)

Προσδιορισμός Αντικειμένου/Ταξινόμηση Locarno \*

Αναζήτηση Locarno

Προσθέστε το δικό σας προσδιορισμό αντικειμένου

Ακύρωση

Αποθήκευση

Προηγούμενο

Επόμενο

### Σχετικά με τον OBI



<http://www.obl.gr>

Οργανισμός Βιομηχανικής Ιδιοκτησίας

### Επικοινωνία

<mailto:info@obi.gr>

[https://twitter.com/obi\\_hellas?lang=el](https://twitter.com/obi_hellas?lang=el)

Γ. Σταυρούλακη 5 (πρώην Πλατάνισσι)

11526 Μαρούσι, Ελλάδα <https://www.linkedin.com/company/hellenic-industrial-property-organisation-obi/>

+30 210 61 83580 (-2)

### Ταμείο Συνεργασίας



<https://www.tmdn.org/>

Η Ερασιώγη υλοποιήθηκε στα πλαίσια

της Δράσης «Επένδυση στην Καινοτομία» του Επιχειρησιακού Προγράμματος «Επένδυση στην Καινοτομία»

με την υποστήριξη του ΕΙΠΟ.



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### Αίτηση για Σχέδιο ή Υπόδειγμα

#### Προσχέδιο αίτησης για βιομηχανικό σχέδιο

Αυτό είναι ένα προσχέδιο της αίτησής σας. Σας ευχαριστούμε που επιλέξατε την εφαρμογή μας.

#### Στοιχεία Ηλεκτρονικής Υποβολής

Αριθμός Ηλεκτρονικής Υποβολής	GRDS202100171
Ημερομηνία	25 Μαρτίου 2021
Ωρα	24:17
Πλήθος σχεδίων	0
Πλήθος συνημμένων	0
Τρόπος πληρωμής	Μεταφορά χρημάτων μέσω Τράπεζας
Κατάσταση πληρωμής	Εκκρεμεί
Στοιχεία πληρωμής	

Παρακαλούμε χρησιμοποιήστε τον παραπάνω αριθμό που αναγράφεται στα Στοιχεία Πληρωμής για εξόφληση μέσω web banking ή σε οποιοδήποτε φυσικό κατάστημα τράπεζας.

Παρακαλούμε αναφέρετε τον παραπάνω αριθμό παραλαβής ηλεκτρονικής υποβολής σε κάθε μελλοντική σας επικοινωνία με τον ΟΒΙ



### Αίτηση για Σχέδιο ή Υπόδειγμα

<b>Γλώσσα</b>					<b>Αριθμός Αναφοράς:</b>
Γλώσσα υποβολής αίτησης:	Ελληνικά				
<b>Γενικά</b>					
Προσδιορισμός Αντικειμένου:					
Προσδιορισμός Αντικειμένου (Αγγλικά):					
Περιγραφή					
Χρώμα:	Ασπρόμαυρο				
Αναβολή δημοσίευσης:	<input type="checkbox"/>	Μέχρι:			
<b>Προτεραιότητα</b>					
	Χώρα	Αριθμός Κατάθεσης	Ημερομηνία	Σχέδια	Τύπος Προτεραιότητας
<b>Παρουσία σε έκθεση</b>					
	Χώρα	Όνομα	Ημερομηνία	Σχέδια	
<b>Υπογραφή</b>					
Όνοματεπώνυμο:	ΓΑΛΑΤΕΙΑ ΚΑΠΕΛΛΑΚΟΥ				
ΑΦΜ:	103856450				
Ιδιότητα υπογράφοντος:					
<b>Τέλη</b>					
Σύνολο (€):					
<b>Νομιμοποίηση Καταθέτη</b>					
Είδος	Συνημμένο	Περιγραφή	Ημερομηνία εκχώρησης		
<b>Επιπλέον Αρχεία</b>					
Περιγραφή	Όνομα αρχείου (Κωδικός επαλήθευσης MD5)				



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# Submission of application- Admissibility

For the registration of a design, it is required to submit an application to the O.B.I.

The application must contain:

- a. **request for registration** of the design in the Register of Designs.
- b. The **full name or surname, nationality, residence or registered office and address** of the applicant.
- c. The **proxy** in case the depositor does **not have a residence or registered office in Greece** and a **statement of jurisdiction of the Greek courts**.
- d. **Identification of the object or objects** in which the design is intended to be incorporated.
- e. **Graphic or photographic representation** of the design suitable for reproduction.



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The application also contains:

- a. List of **products** to which the design is to be incorporated or to be applied.
- b. **Classification** of the products in accordance with the International Classification of Designs established by the Locarno Arrangement.
- c. If the applicant is not the creator or is not the sole creator, a statement of the **origin of the right to the design**.
- d. Request for **priority claim from a previous deposit**, which is accompanied by a statement of the date and country of the first deposit.



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The application also contains:

- e. Brief **description of the elements** of the design, including colors. (100 words, refers to the design elements, does not concern technical details related to the function of the object in which the design is incorporated or the possible uses or its preparation material.
- f. Request for color publication of the show.
- g. Request for postponement of the publication of the application for registration of the design, which may not exceed twelve months from the submission of the application.
- h. Statement that the design has been presented officially in an exhibition (certificate as to the date of the exhibition).





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- In case of postponement of the publication of the application, a sample of the product to which the design is contained may be attached. The sample is deposited in a closed, sealed (max. dimension 30 cm x 30 cm, max. 4 kg).
- Multiple designs in a single application i.e. multiple application of max. 50 is possible if the products belong to the same subcategory or set or composition. Additional registration fee and additional publication fee is required. If the multiple application contains a request for postponement of the publication, an additional fee for postponement of the publication is paid accordingly.



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- Receipts from the OBI of the fees for filing and registration of the design and the fees of the first five years of protection paid must be attached to the application
- Within four months from the deposit, the depositor must fill in any deficiencies, correct any errors and pay the publication fee and any postponement fee.
- In case the application is not complete within the stipulated deadline, the O.B.I. rejects it with a reasoned decision.
- The date of registration of the application is considered to be the date of filing of the application.



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- Photographs and graphic representations must present clearly, without shadows, only the object in which the filed design is incorporated.
- The following are not accepted during the deposit:
  - a. Photos from "instant film".
  - b. Words or texts or descriptions, or names or marks which are written on the object or on the photograph or graphic representation.
  - c. Photographs or graphic representations in photocopy.
  - d. Photographs or graphics that cannot be played offset.
  - e. Photos with dimensions greater than 16x16 cm.



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## Priority

- The applicant has priority right if the application is filed abroad (Member States of the International Association for the Protection of Industrial Property) made within 6 months from the initial filing. The priority right dates back to the time of the first deposit.
- Priority right for submission of a design or model also exists from a previous national submission of a utility model and vice versa, if the deadline of 6 months is met, it is the same object and is submitted to the O.B.I.
- Within 10 months from the first regular filing abroad must be submitted to the O.B.I:
  - a. Certificate from the competent authority of the country where the first regular filing was made regarding the number and date of the application together with an official copy of the design and
  - b. Certified Greek translation of the above certificate to which a copy of the design is attached.





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## Certificate of registration-Publicity

- After four months from the date of submission of the application, and if the application for registration is complete, the OBI issues a certificate of registration of the design without prior examination.
- Without prejudice to Article 23, the registered design application together with the information attached thereto shall be published 4 months after the date of registration.
- From the date of publication of the application or the expiration or termination of the time of postponement of the publication, third parties may request information and copies of the application, description, designs and any other relevant information.
- Details of the registered application are published in the Special Bulletin of Industrial Property.





€

<b>Filing and registration fee for a design or model</b>	100,00
<b>Supplementary registration fee for multiple deposit of a design or model (up to 50 designs or models)</b>	10,00 (for each additional design or model)
<b>Design or model publication fee</b>	30,00
<b>Supplementary publication fee for multiple deposit of a design or model (up to 50 designs or models)</b>	10,00 (for each additional design or model)
<b>Design or model deferred publication fee</b>	30,00
<b>Supplementary deferred publication fee for multiple deposit of a design or model (up to 50 designs or models)</b>	10,00 (for each additional design or model)
<b>Fee for registering assignments, licences, other modifications to rights or change in corporate name or legal status of the model or design proprietor</b>	100,00
<b>5-year protection fee for industrial designs and models</b>	
<b>First 5-year period protection fee</b>	0
<b>Renewal fee for second 5-year period</b>	100,00
<b>Renewal fee for third 5-year period</b>	150,00
<b>Renewal fee for fourth 5-year period</b>	200,00
<b>Renewal fee for fifth 5-year period</b>	250,00



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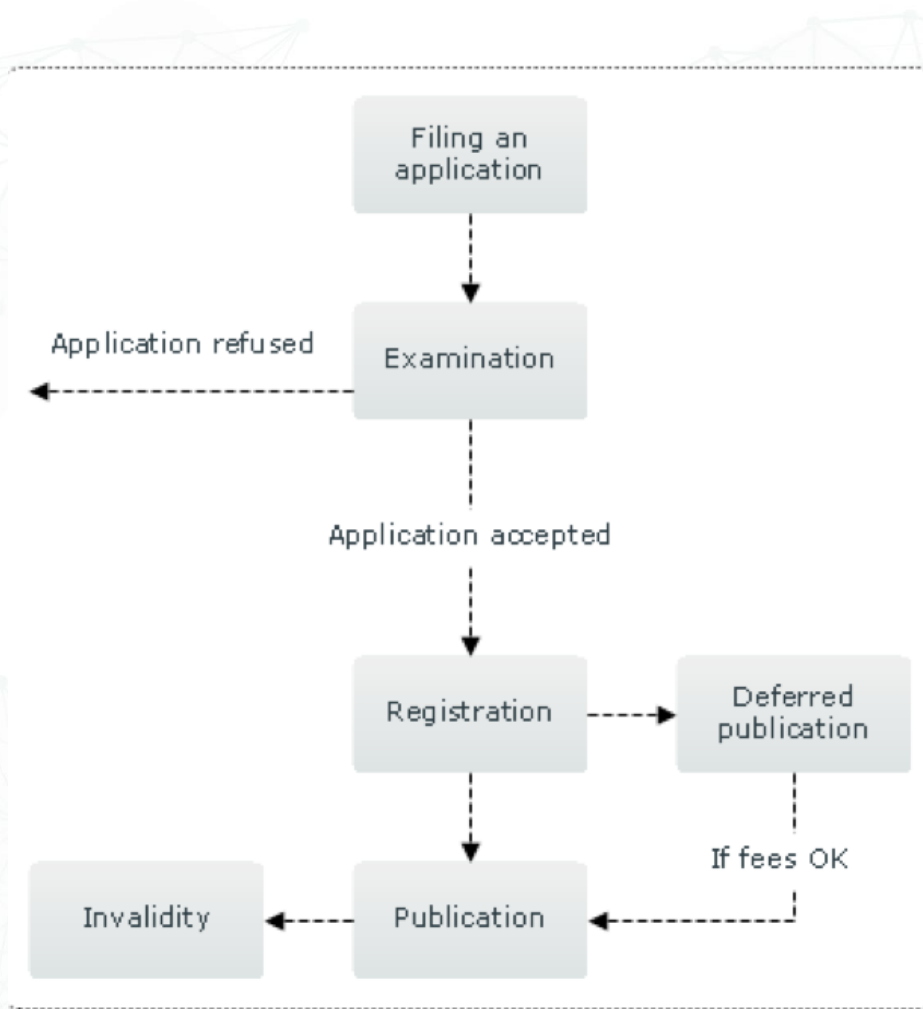


# Invalidity

## Procedure



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# Invalidity

The registered design shall be declared invalid by a court decision if:

- a. the proprietor of the registered design shall not be the creator or his successor or beneficiary
- b. the protected design does not meet the requirements i.e.:
  - is not new or has been disclosed before its publication (exception grace period)
  - does not present individual character
  - the characteristics of the product form are dictated solely by its technical function
  - it concerns features allowing interconnections
- c. the characteristics of the product form or its interconnection characteristics are not subject to protection
- d. its exploitation or publication is contrary to public policy or good morals.



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# Invalidity

- The invalidity of the right may be declared even after the expiration of the registered design or the resignation from it, or the deduction of the beneficiary from his rights.
- The registered design which is declared invalid shall be deemed not to have produced any of the effects provided for in this Presidential Decree.
- The retroactive effect of the invalidity shall not affect the appeals decisions which have become final and have been executed before the decision on the invalidity has been rendered and the contracts concluded before the decision on the invalidity, if they have been executed before its issuance.





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# Who is entitled to declare invalidity

- Creator or its successor
- Any third party having a legitimate interest. The holder of a competitive right is considered to have a such interest



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# Lawsuit

All the necessary data are required:

- the certificate of registration to be annulled
- the lack of conditions for its registration i.e. novelty and individual character
- specific facts, from which the above lack is documented but also precise identification and personalization of the registered design, by mentioning its characteristics
- precise identification of the registered design, by mentioning its characteristics
- invalidity may relate to part of the industrial design and, if the action is accepted, the industrial design is limited accordingly.



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# Competent Courts

- An action for annulment is brought before the competent civil court.
- Holders of industrial designs that do not reside in Greece sue and are sued in the courts of the capital.
- The jurisdiction of the Court is determined on the basis of the general provisions on jurisdiction of the Code of Civil Procedure. Thus, the competent Court is the Multi-Member Court of First Instance, as the request for annulment is not valued in money, while the Court of the place of residence of the defendant has jurisdiction.
- On a case-by-case basis, the Court of the place of commission of a criminal offense could also have jurisdiction, if the infringement of the right to an industrial design constitutes at the same time a criminal offense according to the provisions of Law 146/1914 and / or Law 2121 / 1993.



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# Limitation period?

- The invalidity of the right can be declared even after the expiration of the registered design or the resignation from it, or the deduction of the beneficiary from his rights.
- A registered design which is declared invalid shall be deemed not to have produced any of the effects provided for in this Presidential Decree
- The retroactive effect of the invalidity does not affect decisions:
  - on infringement which have become final and have been executed before the decision on the invalidity has been given and
  - on contracts concluded before the decision on the invalidity, if they have been executed before the decision





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# In a nutshell

- A design is protected only if it is new and of an individual nature, i.e. if, by the time the application for registration is lodged, no identical design has been made available to the public, even with minor differences and only if the whole impression made on the informed user differs from that caused on the same user by any other design, which has been made available to the public by exposure and marketing before the date of application for registration with OBI.
- the protection of the design starts from the date of its registration
- the relevant registration certificate is issued by OBI after 4 months from the date of submission of the application, if the application this is complete, without prior examination.
- Details of the registered application are published in the Special Bulletin of Industrial Property and in a separate issue entitled "Drawings and Models" and with the registration the beneficiary of a design acquires the exclusive right to use it and to prohibit any third party from using it without his consent.
- the registered design is declared invalid by a court decision, if the protected design does not meet the conditions





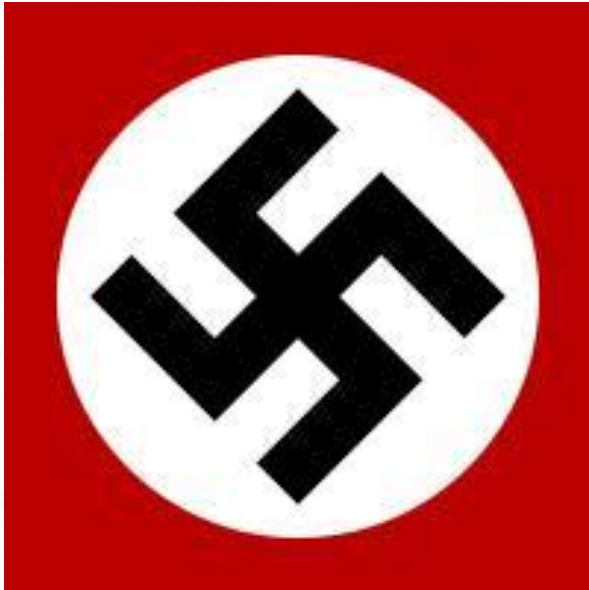
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# Exercise

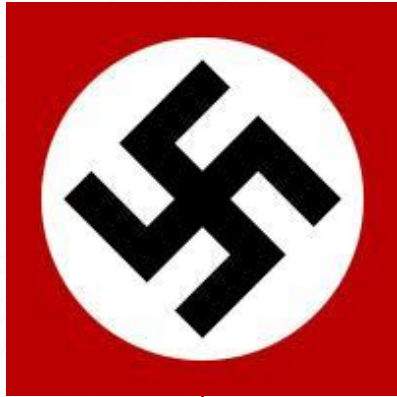


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Designs against morality or public policy





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An item which is not handicraft or  
industrial item cannot be protected







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Design exclusively dictated by its  
technical function





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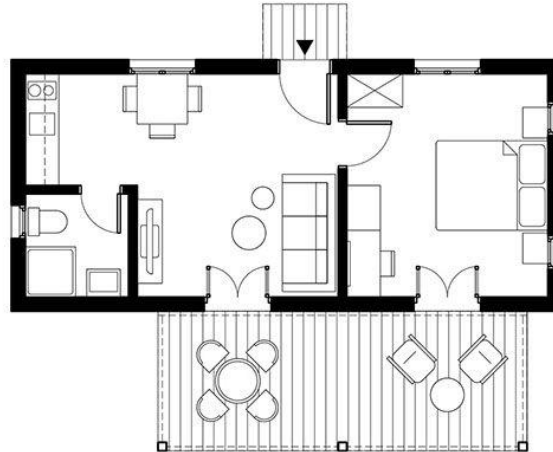


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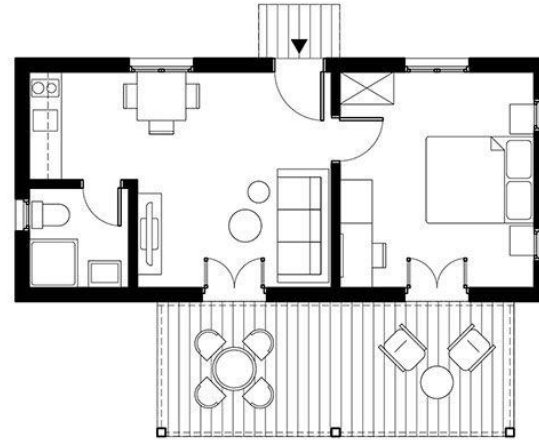


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Does not consist of outward  
appearance of a product

Protection as a design not as a flat





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The shape of the razor blades, their inclination,  
are excluded from the protection because they  
allow a technical function of the razor





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The appearance of a product imposed by the  
need to connect this product to another

This is the case of the form of an plug, the  
arrangement of the metal rods of which  
cannot be protected, because it essentially  
allows the compatibility of this product with  
another or the interconnection of different  
parts within a larger system





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Not visible characteristics of the  
appearance of parts of a complex  
product





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# Case Law

An example of invalidity



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(21) *Αρ. Αίτησης Σχ. ή Υπ.:* 20120600120

(15) *Ημερ. Καταχώρησης:* 05/11/2012

(17) *Ημ. Λήξης 1ης πενταετίας :* 5/11/2017

(71) *Καταθέτης(ες):* ΕΛΛΑΪΣ- UNILEVER HELLAS ΑΝΩΝΥΜΗ  
ΕΤΑΙΡΕΙΑ ΑΠΟΡΡΥΠΑΝΤΙΚΩΝ ,  
ΚΑΛΛΥΝΤΙΚΩΝ, ΤΡΟΦΙΜΩΝ, δ.τ. ΕΛΛΑΪΣ -  
UNILEVER HELLAS A.E.  
Χειμάρας 8, 15125 ΜΑΡΟΥΣΙ (ΑΤΤΙΚΗΣ),  
ΕΛΛΑΔΑ

(30) *Συμβ. Προτεραιότητα(ες):*

(72) *Δημιουργός(οι):* ΠΑΙΡΗΣ ΚΩΝΣΤΑΝΤΙΝΟΣ

(74) *Πληρεξούσιος:* ΧΑΤΖΗΠΑΝΑΓΙΩΤΗΣ ΜΙΧΑΗΛ  
Βουλής 31-33, 10557 ΑΘΗΝΑ (ΑΤΤΙΚΗΣ)

(74) *Αντίκλητος:* ΛΙΑΣΚΟΣ ΕΥΑΓΓΕΛΟΣ  
Βουλής 31-33, 10557 ΑΘΗΝΑ (ΑΤΤΙΚΗΣ)

(28) *Αριθμός Σχεδίων/Υποδειγμάτων:* 1

(51) *Διεθνής Ταξινόμηση:* 09-01

(54) *Προσδιορισμός Αντικειμένου:* ΠΛΑΣΤΙΚΗ ΣΥΣΚΕΥΑΣΙΑ ΧΩΡΗ-  
ΤΙΚΟΤΗΤΑΣ 2 ΛΙΤΡΩΝ ΧΛΩΡΙΟΥ-  
ΧΟΥ ΠΡΟΙΟΝΤΟΣ ΚΑΘΑΡΙΣΜΟΥ





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Invalidity based on:

- Lack of novelty: before the date of submission of the application for registration of the disputed design, including two chlorine-cleaning detergents were sold through the stores of the British chain with the distinctive title "T...", hinder its modernity
- The handle, the embossed hazard marking and the ability to adjust the safety cap are dictated solely by the technical operation of the packaging



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## DESCRIPTION OF THE DESIGN

- a) the cylindrical shape,
- b) the narrow middle "bottle", created by **curved perimeter** recess,
- c) the **handle** inscribed and integrated in the imaginary cylinder, and
- d) the **embossed vertical recesses** (ribs), which start from the height of the neck of the package and end in the middle of the curved recess.

- Photograph (gray color) does not include a cap, but only the ridges of the mouth
- an equilateral triangle is depicted at the base of the package
- in the brief description are listed as features of the disputed design the "possibility of adjusting the safety cap" and the "relief danger sign - triangle"
- application color was not claimed as a special feature of the appearance of the product to provide protection against another design regardless of the color of the latter





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## TECHNICAL FUNCTION OF THE HANDLE?

It is a feature of the appearance that performs a technical function  
**BUT** this function was not (proven to be) the only factor dictated her choice

**Other parameters** were taken into account directly related to the visual dimension of the product (conclusion made based on the placement of the handle etc.)

It is an **essential feature** of the disputed design, which **together with the other three above** determines the **overall impression** produced in the informed user.



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## INFORMED USER

Consumer who **buys cleaning products** and is **informed** consulting accent brochures for household items and conducting relevant internet searches.

This user is **familiar with the various designs** that exist in the field of cleaning products, has some knowledge of the elements that typically include those designs and, due to the wide range of knowledge he has, shows particular diligence.

## DEGREE OF FREEDOM OF THE CREATOR

Relatively high but limited by:

- the need to add the above characteristics required by specific legislation, ie the triangle at the base and the safety cap,
- a handle for easy transport and use of the product
- the nature of the container material (plastic – cheap)



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## **DEFENSE – INVALIDITY!** (objection raised during infringement process)

Other identical designs that have been revealed, made commercially available circulation before the application was filed





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## COURT ON INVALIDITY

### On novelty:

Other products were presented by the defendant but they were not identical

### On individual character:

1. In common:

- the cylindrical shape and
- the existence of a handle,

2. Essential differences:

- the curved perimeter recess is missing
- different vertical stripes

**Different overall impression on the informed user**

The infringing item is a plastic packaging of the product with the same main features with some differences:

- a) the narrow middle "bottle" was formed by blunt and not curved recess,
- b) the embossed vertical recesses (ribs) were shorter,
- c) the base of the neck was octagonal
- d) at the base of the cylindrical package there were small vertical dents .

The differences not strong enough to attract the special attention of the informed user and to differentiate the two packages in his perception





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## Decision on the infringement:

1. the defendant is required to stop the infringement of the design in question and withdraw from the trade the infringing product,
2. the defendant to pay a fine to plaintiff, amounting to ten thousand (10,000) euros, in case the defendant does not stop the infringement,
3. the defendant to omit in the future infringement, and in particular to manufacture, introduce, place on the market and advertise the aforementioned product infringing the rights thereto;
4. the defendant to pay a fine to the plaintiff in the amount of EUR 10,000 for any breach of the obligation to omit,
5. publication of the operative part of the decision
6. the defendant to pay the applicant 's partial costs



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