

## Greece

### Administrative procedure

#### Opposition

No formal pre- or post-grant opposition procedure is available.

Observations cannot be made by third parties. Third parties may only obtain copies of the application and search report (Art. 7(12), (13) PA).

#### Appeal

No formal appeal is available.

A decision of the Industrial Property Organisation refusing a patent application for lack of susceptibility of industrial application or for exclusion from patentability (Art. 8(2) PA) may be contested following a petition for revocation before the Council of State.

### Civil procedure

#### Infringement

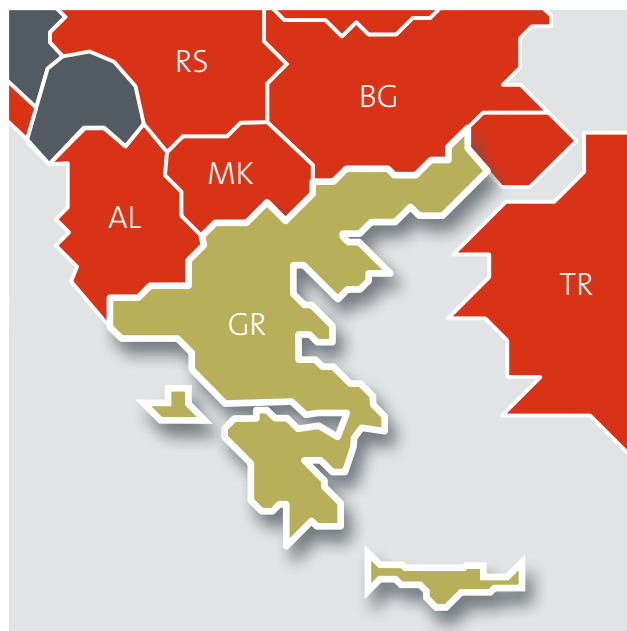
The Civil Court of First Instance is competent (the civil courts in Athens and Thessaloniki are the only courts in Greece competent in patent litigation matters (Law No. 2943/2001)). Additionally, both courts have judges specialising in IP law.

Infringement claims may be brought to the court before the patent is granted; however, in such a case the court may postpone the proceedings until the patent has been granted (Art. 17(3) PA).

The patentee or the exclusive licensee may lodge a civil action (Art. 17(1), (3) PA).

Criminal sanctions are not provided for.

Infringement is statute-barred after five years from the date on which the owner of the patent noted the infringement or the damage and the person who is obliged to give compensation, and at most twenty years after the infringement took place (Art. 17(4) PA).



#### Nullity/counterclaim for revocation

Nullification may be requested during the entire life of a granted patent. The patent will be invalidated by the court on grounds named in Art. 15 PA (lack of patentability, scope of the patent or insufficient disclosure).

A nullification action may be brought before the competent civil court by any person having a legitimate interest (Art. 15 Sec. 2 PA). While different panels of the civil court hear nullity and infringement claims, provisional measures may be requested during invalidity proceedings.

Patentees who are not residents of Greece may be sued or may lodge an action in the courts of the capital (Art. 15 Sec. 2 PA).

The nullification of a granted patent has retroactive effect and will also entail nullification of licences granted under that patent.

Partial nullification is available (Art. 15 Sec. 3 PA). Amendment of patent claims is not possible.

Invalidity may be raised as a defence following an objection. In the case of a pending invalidity action, the court trying the infringement case is not obliged to stay proceedings. Infringement cases are tried according to the provisional measures procedure, which is speedy, whereas an invalidity action takes some time before a decision is issued on the merits of the case.

## Remedies

Injunction, damages, payment of the derived benefits, recall or removal from the channels of commerce, destruction of infringing products (Art. 17(1), 17B, 17D PA).

## Other actions

Not available.

## Appeal

Ordinary appeal to the Civil Court of Appeal of Athens or Thessaloniki. Under certain circumstances an annulment (“cassation”) complaint may be filed with the Supreme Court.

## Parallel proceedings

A national court may stay proceedings in case of parallel EPO opposition proceedings until a final decision is issued. According to the case law<sup>1</sup>, Article 249 of the Greek Code of Civil Procedure allows the court to stay proceedings *ex officio* or upon petition of an interested party if the contested matter under review is pending before an administrative authority such as the Boards of Appeal of the EPO.

## Arbitration/mediation

Both mediation and arbitration are available for patent matters upon agreement of the parties. An independent accredited mediator is the competent authority for recourse to mediation. As of September 16, 2019 mediation is mandatory for patent disputes (Art. 182(1)(f), 206 Law no. 4512/2016).

In the case of arbitration, an arbitrator will decide the case, according to the relevant agreement of the parties.

## Enforcement

A bailiff is responsible for enforcing an order both during the procedure and after termination or final decision of the court.

## Compulsory licence

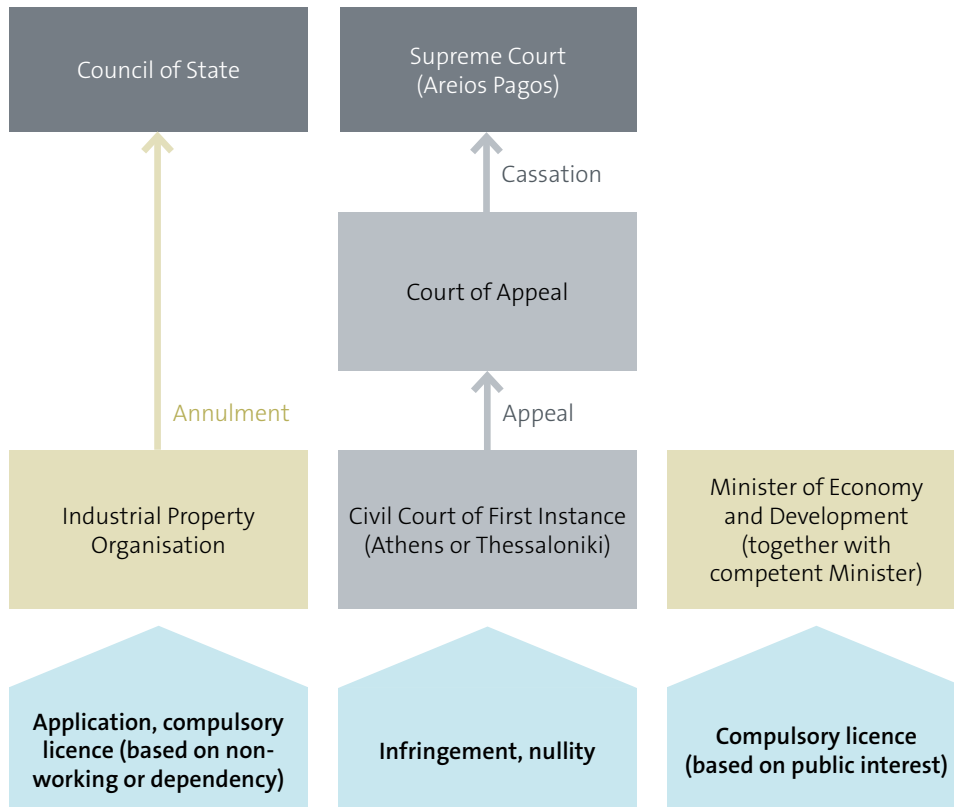
The competent authority for the grant of a compulsory licence is (a) the Hellenic Industrial Property Organisation (OBI) or (b) the Minister of Economy and Development together with any competent Minister (Art. 13(5) and 14 PA). A compulsory licence may be granted in cases of non-working or dependent patents upon petition of the interested party before the Hellenic Industrial Property Organisation (OBI) or in the case of public interest such as national defence or public health by a decision of the Minister of Economy and Development and any competent Minister, upon prior opinion of the Hellenic Industrial Property Organisation (OBI).

## Relevant national law

Law 1733/1987 on Technology transfer, inventions and technological information, as amended [cited as: PA]

<sup>1</sup> Decision 5249/2005 of the Court of First Instance in Athens.

## Competent authorities or courts



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