

**PRESIDENTIAL DECREE No. 259/1997**

**“Implementing Provisions of the Hague Agreement Concerning the International Deposit of Industrial Designs as ratified with law No. 2417/1996 and Provisions Concerning the National Title of Protection”**

THE PRESIDENT  
OF THE HELLENIC REPUBLIC

as added with Article 27 of Law No. 2081/1992 (Official Journal No. 154, A') and amended with Article 1.2a of Law No. 2469/1997,

Having regard to:

1. Article 4 of Law No. 2417/1996 on the “Ratification of the Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925, as revised in the Hague on November 28, 1960, and the Complementary Act of Stockholm of July 14, 1967, as amended on September 28, 1979” (Official Journal No. 139, A').

2. Article 29A of Law No. 1558/1996 on “Government and Governmental Bodies” (Official Journal No. 137, A'),

3. The fact that the provision of the present Presidential Decree do not produce any debit against the budget of the State,

4. The proposal by the Administrative Council of the Industrial Property Organization of December 12, 1996 (Item No. 4 of the 18th Meeting),

5. The opinion No. 301/1997 of June 26, 1997 of the Council of State following the proposal by the Minister of Development,

HAS DECIDED AS FOLLOWS:

**PART ONE**

**GENERAL PROVISIONS**

**Article 1**

**Scope of application**

This Presidential Decree shall apply to international deposits of industrial designs or models having effect to the Hellenic territory and to national deposits for the protection of designs of models.

**Article 2**

**Definitions**

1. For the purposes of national legislation:

a. “design or model” means the outward visible appearance of the whole or part of a product resulting from the specific features of, in particular, the lines, contours, colours, shape, form and/or materials of the

product itself and/or its ornamentation (Art. 3.1a of Law No. 2417/1996);

b. “product” means any industrial or handicraft product, including parts intended to be assembled into a complex product, packaging, getup, graphic symbols and typographic typefaces, but excluding computer programs (Art. 3.1.b of Law No. 2417/1996);

2. For the purposes of the present Presidential Decree:

a. “OBI” means the Athens-seated Industrial Property Organisation (Art. 1 of Law No. 1733/1987);

b. “WIPO” means the World Intellectual Property Organization as defined in Article 2 of the Patent Cooperation Treaty as ratified by

Greece with Law No. 1883/1990 (Official Journal No. 45, A');

c. "Agreement" means the Hague Agreement Concerning the International Deposit of Industrial Designs as ratified by Greece with Law No. 2417/1996 (Official Journal No. 139, A') (Art. 2 of the Agreement as ratified with Article 1 of Law No. 2417/1996);

d. "International Bureau" means the Bureau of the International Union for the Protection of Industrial Property located in Geneva (Art. 2 of the Agreement as ratified with Article 1 of Law No. 2417/1996);

e. "international deposit" of industrial designs and models means a deposit made according to the provisions of the Hague Agreement (Art. 2 of the Agreement as ratified with Article 1 of Law No. 2417/1996);

f. "national deposit" of designs and models means a deposit made at OBI for the grant of a national title of

protection (Art. 2 of the Agreement as ratified with Article 1 of Law No. 2417/1996);

g. "certified translation" means a translation made by a person or an authority entitled to certify translations;

h. "multiple deposit" means a deposit that includes more than one design or model;

l. "Ministerial Decision No. 15928/EFA/1253" means the Ministerial Decision of December 24, 1987 concerning the "Filing of an Application for the Grant of a Patent or a Utility Model Certificate at OBI and Keeping of Record Books" (Official Journal No. 778, B');

j. "priority claim" means a right of priority from a previous application, as provided in Article 4 of the Paris Convention of 1883 for the protection of Industrial Property, as ratified with Article 1 of Law No. 213/1975 (Official Journal No. 258, A').

## **PART TWO**

### **IMPLEMENTATION OF THE HAGUE AGREEMENT AS RATIFIED WITH LAW NO. 2417/1996**

#### **INTERNATIONAL APPLICATION - PROTECTION**

##### **Article 3**

###### **Filing of the application**

1. International applications may be filed either directly at the International Bureau in Geneva or through OBI in its premises in Athens or in its branches, if any (Art. 4 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

2. An international application may be filed through the intermediary of OBI, when the application originates from Greece.

3. An application shall be deemed to originate from Greece when the applicant has either a real and effective industrial or commercial establishment in the Hellenic territory or is a resident or national of Greece.

##### **Article 4**

###### **Language of the Application**

An international application shall be in the French or in the English language.

##### **Article 5**

###### **Documents of the Application**

1. An international application shall be filed in two copies and shall contain the mandatory elements prescribed in Article 5 of the Agreement. It shall be signed by the depositor or his representative (Art. 5 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

2. An international application may contain the optional elements referred to in Article 5.3 and 5.4 of the Agreement.

3. All contents of an international application shall be completed on the form provided by the International Bureau according to the accompanying written instructions.

#### **Article 6**

##### Receipt of an International Application

1. OBI shall receive the application to be deemed as an international one and shall immediately issue a receipt containing the number and the accompanying documents or elements and the date of their receipt.

2. OBI shall transmit by facsimile to the International Bureau the documents of an international application on the same day. The remaining accompanying elements as well as the original documents of the international application shall be mailed promptly by OBI to the International Bureau.

#### **Article 7**

##### Date of Registration of an International Deposit

The registration of the International Deposit shall be made by the International Bureau. The date on which the International Bureau received the international application in due form and the relevant payable fees, shall be deemed as the date of registration (Art. 6.2 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

#### **Article 8**

##### Payment of Fees

The fees prescribed for an international deposit or for its renewal shall be payable directly to the International Bureau in Swiss francs (Arts. 15 and 16 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

#### **Article 9**

##### Legal Effect of an International Registered Deposit

1. An international deposit registered in the International Design Register to which Greece is designated, shall have the same effect with a national deposit in respect of which all administrative acts have been complied with. Such an international deposit shall be protected according to the provisions on the registered national deposits of designs or models (Art. 7 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

2. Any international deposit originating from Greece shall have full effect in the Hellenic territory (Art. 7 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

3. The publication by the International Bureau of the registered international deposits in the International Design Bulletin and the related acts thereof, shall have the same effect with their publication in the Industrial Property Bulletin (EDBI) published by OBI.

4. As of the date of publication of the monthly International Design Bulletin, the contents thereof shall be open to inspection by the public in the premises of OBI.

#### **Article 10**

##### Duration of Protection

1. The term of protection of a registered international deposit of a design or model designating Greece shall be five years, which may be renewed subject to Article 29 of the

present Presidential Decree (Art. 11 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

2. The above mentioned protection shall commence on the date of the international deposit as defined in Article 6 of the Agreement (Art. 6 of the Agreement as ratified with Article 1 of Law No. 2417/1996).

**Article 11**

Termination of Protection in Greece

The protection in Greece of an international registered design or model shall terminate following an irrevocable decision as provided in Article 16 of the present Presidential Decree. This decision shall be communicated by OBI to the International Bureau which shall publish it in the International Design Bulletin and shall register it in the International Register.

**PART THREE**

**NATIONAL TITLE OF PROTECTION**

## **CHAPTER ONE**

### **NATIONAL PROTECTION - INVALIDITY**

#### **Article 12**

##### **Requirements for Protection**

1. A design or model as defined in Article 2.1a of the present Presidential Decree, shall be protected to the extent that it is new and has an individual character.
2. The protection of a design or model shall commence on the date of its registration.
3. A design or model shall be considered to be new if no identical design or model has been made available to the public before the date of filing of the application for registration, or, if priority is claimed, the date of priority. Designs or models shall be deemed to be identical if their features differ only in immaterial details.
4. A design or model shall be considered to have an individual character if the overall impression it produces on the informed user differs from the overall impression produced on such a user by any design or model which has been made available to the public before the date of filing of the application for registration, or, if priority is claimed, the date of priority.
5. In assessing the individual character the degree of freedom of the designer in developing the design or the model in relation to the technical requirements shall be taken into consideration.
6. A design or model of a product constituting a component part of a complex product shall only be considered to be new and to have individual character:
  - a. if the component part, when incorporated into the complex product, remains visible during normal use of the product, and
  - b. to the extent that these visible features of the component part fulfil in themselves the requirements as to novelty and individual character.
4. "Normal use" within the meaning of the above mentioned paragraph 6, shall mean any use other than maintenance, repair, or other similar services.

#### **Article 13**

##### **Disclosure**

1. For the purpose of applying Article 12.3 and 12.4 of the present Presidential Decree, a design or model shall be deemed to have been made available to the public, if it has been published following registration or otherwise exhibited, used in trade or otherwise disclosed, except where these events could not reasonably have become known in the normal course of business to the circles specialized in the sector concerned, operating within the Community, before the date of filing of the application for registration at OBI, or, if priority is claimed, the date of priority.
2. A design or model shall not, however, be deemed to have been made available to the public for the sole reason that it has been disclosed to a third person under explicit or implicit conditions of confidentiality.

#### **Article 14**

##### **Non-prejudicial Disclosures**

1. The novelty of a design or model shall not be affected in accordance with Article 12.3 of the present Presidential Decree, if the design or the model has been made available to the public during the 12-month period prior to the date of filing the application for registration, or, if priority is claimed, the date of priority for one of the following reasons:

a. the design or the model has been made available to the public by the designer, his successor in title, or a third person as a result of information provided or action taken by the designer, or his successor in title.

b. if the disclosure is a result of an abusive behaviour towards the designer or his successor in title, unless this behaviour has resulted to the registration of the design or the model.

2. The novelty of a design or model shall not be affected in case of display of the design or the model at an officially recognized international exhibition falling within the terms of the Convention on International Exhibitions signed at Paris on November 22, 1928 and ratified with Law No. 5562/1932 (Official Journal 221, A'). In such case, the disclosure to the public shall not exceed the period of 6 months prior to the date of filing at OBI and the depositor shall submit any evidence of the products so displayed to which the design or the model has been incorporated or applied subject to the requirements of the present Presidential Decree.

### **Article 15**

#### **Exceptions to Protection**

1. A design or model right shall not subsist, if:

a. a design or model is contrary to public policy or to accepted principles of morality.

b. the features of appearance of a product are solely dictated by its technical function.

c. the features of appearance of a product must necessarily be reproduced in their exact form and dimensions in order to permit the product in which the design or model is incorporated or to which it is applied to be mechanically connected to or placed in, around, or against another product so that either product may perform its function.

2. Notwithstanding paragraph 1b and 1c above, a design or model shall be granted protection when, under the conditions set out in Article 12, this design or model makes possible the multiple assembly or connection of mutually interchangeable products within a modular system.

### **Article 16**

#### **Invalidity**

1. A registered design or a registered model shall be declared invalid by means of a court's decision, if:

a. the holder of the registered design or the model is neither its designer, nor its successor, nor its owner under Article 17 of the present Presidential Decree.

b. the protected design or model does not fulfil the requirements of Articles 12 and 13 of the present Presidential Decree.

c. the features of the product's appearance or the features of its interconnection shall not be protected in accordance with Article 15.1b and 15.1c of the present Presidential Decree.

d. its exploitation or its publication is contrary to public policy or to accepted principles of morality.

2. For any additional matter, the provisions of paragraphs 2 and 3 of Article 15 of law No. 1733/1987 shall apply accordingly.

3. A design right may be declared invalid even after it has lapsed or has been surrendered.

4. A registered design or a registered model, which shall be declared invalid, is deemed to have brought a priori none of the effects provided for in the present Presidential Decree. The retroactive result of the invalidation shall not affect the decisions on infringement which have acquired the force of res judicata and have been executed prior to the date of issue of the decision on invalidation nor the contracts entered before the decision on invalidation, provided that they have been executed before the issue thereof.

## **CHAPTER TWO**

### **ENTITLEMENT TO A DESIGN OR MODEL - TRANSFER**

#### **Article 17**

##### **Entitlement to Protection**

1. The right to register a design or model shall vest in the designer or his successor in title. The person who files the application for the registration of a design or model is deemed to be its owner, without prejudice to the provisions of Article 18 of the present Presidential Decree.

2. If two or more persons have created a design or model under a common creative effort, provided that no different agreement has been concluded, the right to the design or the model shall vest in them jointly and in equal parts. Each co-owner is entitled to transfer freely his share and supervise the protection of the common registered design or model.

3. If the design or the model has been created by an employee, paragraphs 4, 5, 6, and 7 of Article 6 of Law 1733/1987 (Official Journal No. 171, A') shall apply accordingly.

4. If two or more persons have created substantially similar designs or models independently the one from the other, the right shall vest to the person who first filed the application for registration of a design or model or to the one who has a priority right over the rest pursuant to Article 22 of the present Presidential Decree.

#### **Article 18**

##### **Claims**

1. The holder of a design or model may, if a third party has filed an application for the registration of a design or model which relates to his design or model or substantial elements thereof without his consent, demand by action against the third party the recognition on his behalf of the rights conferred by the application or, in case a certificate for registration has been issued, its transfer. The co-owner of a registered design or model may demand the recognition of his right.

2. The action taken by the holder or the co-holder shall be brought within a period of two years from the publication date of the registration of the design or the model in the Industrial Property Bulletin (EDBI). For any additional matter, paragraphs 10 and 11 of Article 6 of Law No. 1733/1987 shall apply accordingly.

#### **Article 19**

##### **Transfer of Rights and Licensing**

1. The right to the registration of a design or model and the registered design or model may be transferred upon written agreement or inherited. The transfer shall be effected upon registration of the agreement or of the certificate of inheritance in the Design and Model Register and shall be published in the EDBI.

2. The holder of a registered design or model may licence his design or model to third parties upon written agreement. This licence shall be registered in the Design and Model Register and shall be published in the EDBI.

3. For any additional matter, the provisions of Article 12.1, .2, .3, .4, .5, and .6 of law No. 1733/1987 shall apply accordingly as well as the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal No. 171, A').

### **CHAPTER THREE**

#### **REGISTRATION PROCEDURE - CERTIFICATE - BOOKS**

##### **Article 20**

##### **Filing of Application - Conditions for Admissibility**

1. The filing of an application at OBI is required for the registration of a design or model.
2. An application shall contain:
  - a. A request for the registration of the design or the model in the Design and Model Register.
  - b. The full or trade name, the nationality, the residence or seat, in case of a legal entity and the address of the depositor.
  - c. The name of a representative in case that the depositor does not have a residence or seat in Greece and a statement of the depositor submitting to the jurisdiction of the Hellenic courts.
  - d. The designation of the article or articles in which it is intended to incorporate the design or the model.
  - e. A graphic representation or photograph of the design or the model suitable for reproduction pursuant to Article 21 of the present Presidential Decree.
3. The application may also include:
  - a. A list of the products in which the design or the model is intended to be incorporated or to be applied.
  - b. The classification of the products referred to in the above paragraph (a) into classes and subclasses according to the Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968 as implemented.
  - c. If the applicant is not the designer or the sole designer, a statement as to the origin of the right to the design or the model.
  - d. A request for priority from an earlier deposit pursuant to Article 22 of the present Presidential Decree and a declaration of the date of the earlier deposit and of the State in which the earlier deposit was effected.
  - e. A brief description, not exceeding 100 words, of characteristic features of the design or the model, including any colours; said description shall indicate the features characterizing the design or the model in accordance with its filed representation and shall not refer to technical particulars related to the operation of the article incorporating the design or the model, nor to its possible uses and nor to the manufacturing material.
  - f. A request for publication in colour.



g. A request for deferment of publication of the application for the registration of the design or the model as provided for in Article 23 of the present Presidential Decree, which may not exceed twelve months from the date of the deposit.

h. An indication that the design or the model has been shown at an officially recognized exhibition accompanied by a certificate stating the date on which the exhibition was held.

4. In case of deferment of the publication of the application for the registration of a design or model at OBI according to paragraph 3g above, the applicant may attach to its application a sample of the product to which the design or the model contained in the representation has been incorporated or applied. The sample shall be deposited in a sealed packet of 30x30 cm maximum in dimensions and not exceeding 4 kg in weight. The same graphic representation to the one accompanying the application shall be adhered to the packet's top side.

5. Several designs or models may be included in a single application which is characterized as multiple application, provided that the designs or models shall not exceed a total of 50 and that the products in which they shall be incorporated in or applied, all belong to the same subclass or to the same set or composition of items. In this case, the applicant shall pay to OBI an additional registration fee and an additional publication fee according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A'), which correspond to a percentage of the basic registration fee for each additional design or model. Where the multiple application contains a request for deferment of publication, an additional fee for deferment of publication shall be paid.

6. The receipts of payment of the filing and registration fee for the design or the model as well as of the fee for the first five-year period of protection payable according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A') shall be attached to the application.

7. The application shall be admitted for filing provided that the terms of the above paragraphs 2 and 6 of the very article of the present Presidential Decree are complied. The filing of the application is then deemed to be regular but not complete.

8. Within a period of four months from the filing date, the applicant shall complete any deficiencies or correct any errors in the drafting of the documents and of the rest of the papers in accordance with the above paragraphs 3, 4, and 5 of this article and shall pay the publication fee or the fee for deferment of publication. The filing of the application shall be then deemed to be complete.

9. If the application is not complete within the prescribed period, OBI shall refuse to register the application by a justified decision.

10. The date of regular filing of the application pursuant to paragraph 7 shall be deemed as the date of registration of the application.

## **Article 21**

### **Form of the Application**

1. The application shall be filed in two copies and shall be signed by the depositor or his representative. Article 2, 3, and 4 of the Ministerial Decision No. 15298/EFA/1253 shall be applicable accordingly.

2. The presentation of the application's documents and designs shall follow the specifications of Article 8 paragraphs 1, 2, and 3a, b, c, d, e, f, g and of Article 9 of the Ministerial Decision No. 15298/EFA/1253. Two black-and-white photographs or graphic representations of the deposited design or model shall be attached to the application. In case that the depositor

requests a publication in colour of the design or the model, these photographs or graphic representations shall be in colour.

3. The photographs and other graphic representations shall represent clearly the deposited article alone without shadows to the exclusion of any other object, person, or animal. The deposited article must be represented at least once in the position in which it is normally used.

4. The following shall not be admitted upon filing:

a. instantly developed photographs,

b. words or texts or characterizations or trade names or trademarks written on the object or on the picture or on the graphic representation,

c. photocopies of photographs or graphic representations,

d. photographs or graphic representations not suitable for offset reproduction,

e. photographs of dimensions larger than 16 x 16 cm.

## **Article 22**

### **Priority**

1. If an application for a design or model has been duly filed in a State member of the International Union for the Protection of Industrial Property, the depositor or the owner of the application shall enjoy for the purpose of filing an application in respect of the same design, a right of priority of six months from the date of filing of the first application. The priority right shall date back to the period of the first deposit.

2. A right of priority for the deposit of a design or model shall also exist from an earlier national deposit of a utility model and vice versa if the application is filed within 6 months claiming protection for the same object and a declaration of priority shall be filed at OBI containing the elements of paragraphs 3a below.

3. Within 10 months from the first duly filed application abroad, the following shall be filed at OBI:

a. a certificate of the competent authority of the State of the first duly filed application stating the number and the filing date of the application together with an official copy of the design or the model, and

b. a certified translation of the above mentioned certificate in Greek to which a copy of the design or the model shall be attached.

4. In case of priority claims on the basis of several foreign titles of protection, the date of the first foreign application shall be considered as the priority date.

## **Article 23**

### **Deferment of Publication**

1. When filing an application for registration of a design or model at OBI, a depositor may request that the data referred to in Article 20.2e, .3e, and f and paragraph 4 of the present Presidential Decree shall not be published. In such case, following the payment of a fee for the deferment of publication according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A'), OBI shall classify them as "NOT PUBLISHABLE" and shall keep them in a separate folder. These data shall not be

disclosed nor made accessible to the public before the expiration of the relevant period referred to in Article 20.3f of the present Presidential Decree.

2. Following a court's decision, the deferred data shall be made available to persons participating in a trial regarding the validity, the infringement or the claim of exclusive rights resulting from the protected design or model.

#### **Article 24**

##### **Certificate of Registration - Publication**

1. Four months after the filing date of the application and provided that the application for registration is regular and complete, OBI shall issue a certificate of registration of the design or the model without previously examining whether the terms provided in Articles 12, 13, 14 and 15 of the present Presidential Decree are met at the responsibility of the applicant.

2. Without prejudice to Article 23, the registered application for a design or model together with the documents attached thereto shall be published 4 months following the registration date. If a sample of the product in which a design or model is incorporated or to which it is applied has been filed pursuant to Article 20.4 of the present Presidential Decree, OBI shall mention it in the publication under a separate mention. For the purposes of publication, a publication fee shall be paid to OBI according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A').

3. As of the publication date of the application or the expiration thereof or interruption of the time of the deferred publication, third parties shall be entitled to request information and copies of the application, the description, the designs, or the models and of any other related element.

4. Elements of the registered application shall be published in the Industrial Property Bulletin.

5. Any publication in the Industrial Property Bulletin shall be made in a separate issue titled "Designs and Models". This issue shall contain elements related to the grant of certificates of registration of designs and models, to any transfer, renunciation and licensing, to the expiration date of the granted protection or to the invalidation of a registered design or model.

#### **Article 25**

##### **Books - Registers - Archives**

1. OBI shall keep a Register of designs and models which shall contain all registered designs or models, an archive of designs and models containing all respective folders and a book of reports for the registration of all applications for the registration of designs and models.

2. For the purposes of keeping of the data in the above registers, archives, and books, Article 4.2, .3, and .4 of Law No. 1733/1987 and Articles 10, 11, and 12 of the Ministerial Decision No. 15928/EFA/1253 shall apply accordingly.

### **CHAPTER FOUR**

#### **RIGHTS CONFERRED WITH THE DESIGN OR THE MODEL**

#### **Article 26**

##### **Content of the Right**

1. The registration of a design or model shall confer on its holder the exclusive right to use it and to prevent any third party not having his consent from using it.
2. The aforementioned use shall cover, in particular, the making, offering, putting on the market, importing exporting or using of a product in which the design is incorporated or to which it is applied, or stocking such a product for those purposes.
3. The rights conferred with a design or model upon registration shall not extend to:
  - a. acts done privately and for non-commercial purposes;
  - b. acts done for experimental or research purposes;
  - c. acts of reproduction of a design or model for the purposes of making citations or of teaching, provided that such acts are compatible with fair trade practice and do not unduly prejudice the normal exploitation of the design, and that mention is made of the source.
  - d. the equipment on ships and aircraft registered in another country when these temporarily enter the Hellenic territory;
  - e. the importation in Greece of spare parts and accessories for the purpose of repairing such ships or aircraft.
  - f. the execution of repairs on such ships or aircraft.
4. By deviation to paragraph 1 above, the rights conferred by the registration of a design or model shall be exercised by third parties who, five years after the first putting on the market of the product to which the design or the model is applied and following the payment of a fair and reasonable remuneration to the owner as agreed by the parties or in case of dispute, as decided by the competent Court provided in the present Presidential Decree, may use it on the following terms:
  - a. the product in which the design or the model is incorporated is a spare part of a mechanically operated vehicle, and
  - b. said use is intended to allow the repair of a mechanically operated vehicle, and
  - c. the public shall be informed of the origin of the product used for the repair under a permanent indication, such as the affixation of a commercial trademark or trade name or by any other suitable means.
5. Whoever uses a design or model or has made the necessary preparations for its use during the period of registration of an application for a design or model by a third party or during the priority date, shall be entitled to continue its use for his business and its necessities. This right may be transferred only with the business.
6. A registered design or model may be given as security or be the subject of rights in rem or of a confiscation.

## **Article 27**

### Scope of Protection

1. The protection conferred by a design or model right shall include any design or model which produces on the informed user a similar impression.
2. In assessing the scope of protection, the degree of freedom of the designer in developing the design or the model in relation to the technical requirements, shall be taken into consideration.

## **Article 28**

### Judicial Protection - Actions

1. In case of infringement, present or potential, of a registered design or model, the holder thereof is entitled to demand the cessation of the infringement and its omission in the future.
2. The provisions of paragraphs 2, 3, 4, 5, 6, and 7 of Article 17 of Law No. 1733/1987 shall apply accordingly.

## **Article 29**

### Term of Protection of a Registered Design or a Model

1. The term of protection of a registered design or model shall be five years from the date of filing the application at OBI. The term of protection may be renewed for periods of five years each up to a total term of 25 years from the date of filing of the application for the registration of the design or the model.
2. The request for renewal shall be submitted by the holder of a registered design or model or his representative and shall be accompanied by a receipt of payment of the renewal fee at OBI which is payable according to the conditions and procedure provided in Article 2.10g and Article 24 of Law No. 1733/1987 (Official Journal 171, A'). The renewal fee shall be paid in advance within the six month period before the last day of the month in which protection ends.
3. Upon expiration of the period prescribed in paragraph 2 and within a period of six months thereafter, the holder of a registered design or model or his representative may pay the fees due with a 50% surcharge. Failing this, the protection for the registered design or model provided by the present Presidential Decree shall terminate.
4. The renewal shall take effect from the date following the date on which the existing registration expires.
5. The renewal shall be recorded in the Design and Model Register.

## **CHAPTER FIVE**

### FINAL AND TRANSITIONAL PROVISIONS

## **Article 30**

A design or model registered in accordance with the provisions of the present Presidential Decree shall also be eligible for protection under the existing copyright law in Greece as from the date on which it was created or fixed in any form.

## **Article 31**

The present Presidential Decree shall enter into force as of the date of its publication in the Official Journal of the Hellenic Government. In the case of international designs or models deposited under the Hague Agreement the present Presidential Decree shall enter into force as of the date when the Hague Agreement entered into force in Greece, i.e. as of April 18, 1997.

The present Presidential Decree shall be published in the Official Journal of the Government.

The publication and execution of the present Presidential Decree shall be assigned to the Minister of Development.