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**INTRODUCTION TO THE INTELLECTUAL PROPERTY SYSTEM AND THE
SERVICES OF THE NATIONAL INTELLECTUAL PROPERTY OFFICES**

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INTRODUCTION

1. In the year 1995, Turkey conducted necessary legislative studies to establish an efficient and contemporary industrial property system and as a result, obtained very important concrete results. In this Article, the situation before 1995 and the present day situation in modern day Turkey in relation to industrial property protection are explained.

LEGAL BASIS OF INDUSTRIAL PROPERTY PROTECTION IN TURKEY BEFORE 1995

2. The legal basis for the granting of patent rights in Turkey for over the last hundred and twenty years was the patent Law of March 23, 1879. This Law was based on the French patent law, existing at that time. In view of its age and of its developments in the field of patent legislation since that time, the previous Law of 1879 must be regarded as no longer corresponding to modern trends in that field, as shown in recent patent laws enacted in a number of countries, in particular in Western Europe. It provided for a system of mere registration of patents without prior examination in relation to substance. This system foreseen in the Law was, however, no longer applied in its original form. The patent law in force between 1879 and 1995 excluded patent protection of pharmaceutical processes and products for human beings and animals. Agrochemical processes and products and all other inventions were protected.

3. Protection of trademarks was introduced in Turkey in the year 1871. Before June 27, 1995, the legal basis for the registration of trademarks in Turkey was constituted by Law No: 551 of March 3, 1965. This Law being rather recent was modern in its concepts and took into account international developments in that field of legislation which had occurred up until that time. Under the trademark Law in force between 1965 and 1995, service marks could not be protected.

4. There was no special legislation for the protection of industrial designs and geographical indications in Turkey until June 27, 1995. Since Turkey had no special legislation on this issue, the judiciary has shown great awareness in the need to provide protection through copyright, trademark, unfair competition and jurisprudence.

5. Administration of the industrial property legislation containing only trademark and patent protection was entrusted to a department of the Ministry of Industry and Trade until June 24, 1994.

6. Turkey was party to the London Act of the Paris Convention for the protection of industrial property and the Convention establishing the World Intellectual Property Organisation (WIPO).

ELEMENTS OF THE INDUSTRIAL PROPERTY PROTECTION SYSTEM:

7. Protection of industrial property rights in a country is an important factor in encouraging the invention activities, application of new technologies to industry, increasing foreign investment and supporting national and international trade.

8. An efficient and strong protection of industrial property rights in a country can be secured by establishing a system comprising of the following elements;

- a government authority to conduct all the administrative works related to industrial property rights;
- legal status of the attorneys to represent the applicants;
- laws in the international standards and accession to related international agreements/treaties;
- special courts.

All these elements must exist without exception and work efficiently, otherwise the system cannot work.

9. Turkey has aimed to establish an efficient and strong industrial property system by realising all its elements in 1994, and has reached its goals as described below.

MODERN INDUSTRIAL PROPERTY PROTECTION LEGISLATION ENTERED INTO FORCE IN 1994 AND 1995:

10. At the beginning of 1990's, Turkey was negotiating with the European Union, a Customs Union and participated in the Uruguay Round of the GATT negotiations that lead to the establishment of the World Trade Organization (WTO). At this time, Turkey decided to establish a strong, efficient and contemporary industrial property protection system in order to increase the competitiveness of its industry, promote foreign investment and create a better environment for international cooperation in industrial fields.

11. In order to establish an efficient industrial property protection system, Turkey adopted in 1994 and 1995, 2 Laws, 6 Decree Laws, 2 Decrees and 13 Regulations in all. The first step following these revolutionary actions was the Establishment of Turkish Patent Institute on June 24, 1994.

TURKISH PATENT INSTITUTE (TPI):

12. The Turkish Patent Institute is a special government authority having administrative and financial autonomy and responsible for the administration of industrial property rights and related international agreements to which Turkey is party. The main functions of TPI are to;

- perform registration pursuant to provisions of relevant Acts of industrial property rights protected by law and carry out procedures for protection of such rights;
- act as mediator in the performance of license transactions as an expert before Courts;
- register license agreements and assignment transactions;

- monitor use of inventions, perform procedures necessary for the guidance of technological transfers, evaluation of new technologies and maintain the archives;
- cooperate with international institutions and with other institutions abroad of similar constitution;
- with the approval of the concerned Ministry, represent the country before international institutions;
- contribute with a view to protecting the interests of the country in the preparation of international agreements regarding industrial property rights and ensure application within the country of such agreements;
- ensure co-operation with institutions and establishments active in the fields of technological research and development and with data banks, either domestic or abroad, set up documentation centres, submit such data and information to the benefit of the public;
- issue various publications pertinent to industrial property rights and publish periodically the Turkish Industrial Property Gazette;
- conduct activities for the guidance and information of persons and institutions at home in the field of industrial property rights.

13. Establishment of Turkish Patent Institute to perform the tasks described above is the most important step in the development of Turkish industrial property system. The strength of the industrial property system covering patents, utility models, trademarks, industrial designs, geographical signs ... etc. is directly related to the performance of the procedures of registration and preparation of documentation for information in the fields of industrial property rights.

14. Today, the Turkish Patent Institute operates under the Ministry of Industry and Trade and employs a total of 240 persons.

15. The Turkish Patent Institute realises the necessary protective function of industrial property rights in Turkey. This is the classical and best organised function of the Institute. The Institute performs an information function by keeping systematized and convenient collections of national and international documents related to industrial property.

16. The Decree Law 544 dated June 24, 1994, for the Establishment and Functions of Turkish Patent Institute has special provisions for selection, assignment and registration of patent, trademark and industrial design attorneys.

International Agreements/Conventions/Treaties in the Field of Industrial Property :

17. Turkey is party to the following International Agreements/Conventions/Treaties related to industrial property:

- Paris Convention for the Protection of Industrial Property;
- Convention Establishing World Intellectual Property Organisation (WIPO);

- Agreement Establishing World Trade Organisation (WTO) and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS);
- The Patent Co-operation Treaty (PCT);
- The Strasbourg Agreement Concerning the International Patent Classification (IPC);
- The Madrid Protocol Relating to MADRID Agreement Concerning the International Registration of Marks;
- The Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks;
- The Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks;
- The Locarno Agreement Establishing an International Classification for Industrial Designs;
- The Budapest Agreement on the International Recognition of the Deposit of Micro-organisms for The Purposes of Patent Procedure.

ACTIVITIES OF THE TURKISH PATENT OFFICE (TPI)

18. While carrying out the works for adoption of the legislation, TPI has conducted the activities for developing the infrastructure and establishing cooperation with the patent offices in other countries and international organisations. These activities are summarised below:

Until the end of 1998, TPI has signed protocols or agreements with;

- European Patent Office;
- Georgia Patent Office;
- Swedish Patent Office;
- Danish Patent Office, and;
- Russian Patent Office.

for bilateral cooperation. On the other hand, TPI has signed protocol for technical co-operation with the patent offices of Azerbaican, Kyrgyzistan, Kazahstan, Tajikistan, Georgia and Mongolia.

19. According to the legislation, the patent and trademark attorneys are selected according to a qualification examination given by the TPI. Today, 152 patent and 261 trademark attorneys are registered and working in Turkey.

20. In order to train the industry and related parties between 1996 and 1998, TPI organized 115 seminars in Turkey in between 1996-1998. During this period, the new Turkish industrial property system was presented to the USA, France, the United Kingdom, Japan, Germany, Russia, China and Bulgaria, through the various Seminars.

21. An Internet web site of TPI under the address <http://www.turkpatent.gov.tr> has been opened in 1998.

22. TPI has opened branch offices with the cooperation of Universities in Istanbul and Izmir. TPI is conducting a technical co-operation project with German Patent Office with the support

of the German organisation for technical cooperation (GTZ). The cost of this project is approximately 4,000,000 DEM. A second project costing 15,000,000 USD has just begun.

23. In September 1998, TPI completed establishing the Total Quality Management System according to the ISO-9002 standard and obtained the Quality Assurance Certificate.

24. In order to promote the patent, utility model and industrial design registration applications for the public, the TPI and the Undersecretariat of Foreign Trade introduced a "Patent, Trademark and Industrial Design Application Expenses Support Code" which entered into force in February 1998. Furthermore, a Technology Award is given annually to the Turkish Industrialists and Businessman Association annually to promote technology utilisation and development.

25. The number of patent, utility model, trademark and industrial design applications in Turkey are given in the following Tables. Although trademark and patent protection in Turkey started in 1871 and 1879 respectively, the statistical information for patent and trademark applications were administered since 1981. Utility model and industrial design protection started in 1995.

TRADEMARK APPLICATIONS IN TURKEY

YEARS	DOMESTIC	FOREIGN	TOTAL
1981	1.986	1.327	3.313
1982	3.496	602	4.098
1983	3.310	660	3.970
1984	4.015	861	4.876
1985	4.814	953	5.767
1986	4.197	1.230	5.427
1987	5.723	1.227	6.950
1988	4.409	1.398	5.807
1989	4.985	1.673	6.658
1990	7.899	3.240	11.139
1991	8.249	2.345	10.594
1992	10.512	3.140	13.652
1993	12.178	2.923	15.101
1994	11.591	2.668	14.259
1995	12.650	3.248	15.898
1996	15.652	4.515	20,167
1997	15.908	4.803	20.711
1998	14.365	4.964	19.329

PATENT APPLICATIONS IN TURKEY

YEARS	DOMESTIC	FOREIGN	TOTAL
1981	157	368	525
1982	126	385	511
1983	157	354	511
1984	153	447	600
1985	132	461	593
1986	175	551	726
1987	138	760	898
1988	154	746	900
1989	154	894	1.048
1990	138	1.090	1.228
1991	136	1.073	1.209
1992	190	1.062	1.252
1993	168	1.071	1.239
1994	148	1.244	1.392
1995	178	1.520	1.698
1996	187	718	905
1997	210	1.329	1.539
1998	213	2.279	2.492

UTILITY MODEL APPLICATIONS IN TURKEY

YEARS	DOMESTIC	FOREIGN	TOTAL
1995	34	3	37
1996	178	3	181
1997	213	11	224
1998	281	18	299

INDUSTRIAL DESIGN APPLICATIONS IN TURKEY

YEARS	DOMESTIC	FOREIGN	TOTAL
1995	1.506	27	1.533
1996	1.646	164	1.810
1997	1.956	185	2.141
1998	1.829	220	2.049

CONCLUSIONS :

26. Efficient protection of industrial property rights is very important for the industry and trade of all countries. Turkey has conducted very serious work and obtained very concrete results in establishing a new and modern industrial property system. The main reason for these studies is the benefits it brings Turkey's industry and economy and the estimated gains in its national and international trade. For these reasons, Turkey has adopted its national legislation and made it not only fully compatible but also more strict, better and more effective than the TRIPS standards, more than most of the developed countries and all of the developing countries.

27. The Turkish industrial property protection system introduced between 1994 and 1995 provided for the introduction of all the elements of industrial property system. It was called the Turkish industrial property revolution. This revolution created a very good environment for investment and technology transfer.

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