

Opposition systems

Türkiye

Law No. 6769 on Industrial Property provides a post-grant opposition. Third parties may oppose to the decision of granted national Turkish patents within six month of the date of the publication of the grant of a patent in the Official Patent Bulletin.

Notice of opposition shall not be deemed to have been filed if the opposition has not been filed within the above time limit, the opposition fee has not been paid, or if the opposition has not been filed according to the Regulations.

According to Article 99 of the Law No. 6769 on Industrial Property the opposition may be filed on the grounds that:

- (a) the subject-matter of the patent is not patentable under Articles 82 to 83;
- (b) the patent does not disclose the invention in accordance with Article 92 (in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art);
- (c) the subject-matter of the patent extends beyond the content of the application as filed, or, if the patent was granted on a divisional application or on a new application filed under Article 110(b), beyond the content of the earlier application as filed.

The Office shall communicate the notice of opposition to the proprietor of the patent and shall give him the opportunity to file his observations and to amend, where appropriate, the description, claims and drawings within three months as of the date of this notification.

If the Board is of the opinion that at least one ground for opposition prejudices the maintenance of the patent, it shall revoke the patent and in this case, consequences of nullity which are specified in Article 139 will appear. Otherwise, it shall reject the opposition.

If the Office is of the opinion that, taking into consideration the amendments made by the proprietor of the patent during the opposition proceedings, the patent and the invention to which it relates

- (a) meet the requirements of this Law, it shall decide to maintain the patent as amended;
- (b) do not meet the requirements of this Law, it shall revoke the patent.