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## Overview of Turkish IP Protection: Navigating Challenges

Turkish IP legislation is mostly in compliance with EU legislation. With the adoption of IP Code No. 6769 back in 2017, it is fair to say that legislation regarding trademarks, designs and patents is in line with international norms and standards. While the legal framework provides a solid foundation for IP rights protection, practical obstacles persist, revealing the need for further improvements.

A significant challenge has been the limited specialized knowledge among judges handling IP cases, resulting in delays, inconsistent decisions, and inefficiencies in both specialized IP Courts and the Regional Courts of Appeal. Prolonged examination periods, exemplified by delays in obtaining preliminary injunctions due to a reliance on expert reports, underscore the impact of this issue.

Effective enforcement is further hindered by complications with monetary compensation claims. While the IP Code has favorable provisions for calculating damages, practical implementation faces complexities, such as difficulty in appointing experts and examining commercial books, which significantly delay the process.

Despite these challenges, positive developments suggest progress in Turkish IP protection.

The Turkish Patent and Trademark Office ("the Office") has notably improved its online tools for administrative processes, streamlining prosecution and opposition proceedings. Guidelines provided by the Office contribute to the consistent application of rules, reducing trademark owners' action against the Office's decisions. Office opposition proceedings have become effective with respect to bad faith trademark applications. Additionally, as of January 10th, 2024, revocation claims for non-use will be processed by the Office, heralding an acceleration of non-use revocation proceedings.

Furthermore, customs authorities have become more cooperative with trademark owners, aiding in the identification and detention of counterfeit goods. Increased border detentions and improved communication channels show a proactive approach to combating IP infringement.

The expansion and reopening of specialized IP Courts reflect a commitment to enhancing the judiciary's capacity to handle IP cases. Currently there are 14 Civil IP Courts in total (Istanbul (8), Ankara (5) and Izmir (1)); and 9 Criminal IP Courts (Istanbul (6), Ankara (1),



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Izmir (1) and Antalya (1)). In addition to this the appointment of new judges to the Istanbul IP courts has brought some improvement to their processes.

Efforts by IP non-governmental organizations (NGOs) to engage with the Ministry of Justice, along with the Ministry's initiatives to provide IP training for both civil and criminal IP judges indicate a concerted effort to address the lack of IP knowledge among judges and rectify enforcement issues.

While challenges such as difficulty obtaining search and seizure warrants persist, notable improvements in addressing counterfeit issues have been made including increased courtapproved raids on counterfeit producers.

In conclusion, the collaborative efforts of various stakeholders and strategic reforms suggest promising progress in Türkiye's IP protection landscape despite remaining challenges. Initiatives addressing judicial expertise gaps, improvement of institutional procedures, and proactive measures against infringements reflect a commitment to strengthening national IP rights enforcement. As these efforts continue, Türkiye moves closer to establishing a more robust and effective IP protection framework.