



FICPI-Turkey arranged its third roundtable meeting on “Conflict of interest” principle, on interpretation of which patent and trademark attorneys have questions, following the enforcement of the Regulation on the Code of Conduct and Discipline of Turkish Patent and Trademark Office for Patent Attorneys and Trademark Attorneys (hereinafter referred to as "the Regulation"). The Board of Directors of FICPI-Turkey has chosen this subject following observations at the seminars organised last year with the aim of providing information, experiences and awareness for the Turkish Attorneys on the Regulation, where it was concluded there were discrepancies and confusions amongst attorneys on the subject of conflict of interest.



Mr. Uğur Aktekin, the Chairman of the Board of FICPI – TURKEY, moderated the meeting and 18 participants were present including other FICPI-TURKEY members. Following the opening speech, Mr. Aktekin began discussions stating that even though conflict of interest is a new topic for patent and trademark attorneys, coming into agenda following the enforcement of the Regulation. As

per Law of Obligations, attorneys should be acting in the interests of their clients in any case.

He mentioned the Article 5/2 of the Regulation, which states that *“the attorney is obliged to serve to the clients as a reliable attorney and act as an independent attorney putting the clients’ interests foremost, objectively, not considering his/her own personal feelings or interests”*, stating that the phrase *“client’s interest”* brings into mind the question of under which conditions the attorney should not take over a new case of another right holder considering the interests of the current client, and as to whether it will amount to conflict of interest if the attorney takes over the new case.

He then mentioned the relevant articles of Lawyers’ Act and Code of Conduct for Bar Association stating that Lawyers’ Act is quite strict on conflict of interest, where the concept of “same case” is interpreted in quite a broad manner. As for code of conduct rules abroad, the principle of not taking over the case of a party whose interest is against the interest of an already represented party remains at the forefront, while such representation might be allowed in some regions in the case of a written consent.

Some examples were presented: first on trademarks and then patent matters. The participants were asked for their opinions and comments and to share their experiences on both trademark and patent matters. Different opinions were presented during the discussions, some of which were quite strict where it was stated that representing two opposite parties would create conflict of interest in any time and case, while some were more flexible where representing the opposite parties in different times and specific cases should not create conflict of interest. On the other hand, the participants agreed on the common ground that each case should be evaluated under its own conditions and transparency and good faith are very important during the process.

As a final note, Mr. Uğur Yalçın, who is a member of FICPI-Turkey and also the Office Disciplinary Board, stated that the Board considered drafting a guideline for attorneys as to code of conduct rules and they would organize a meeting with attorneys for receiving their feedbacks. He further added that the attorneys generally try to act in good faith, but they are not so acquainted with rules; thus, they should be educated.

FICPI-Turkey successfully finalised its third roundtable meeting with appreciation of the participants for shedding a light on such a disputable matter and will continue arranging roundtable meetings on such hot topics for providing such discussion platforms for Turkish trademark and patent attorneys.