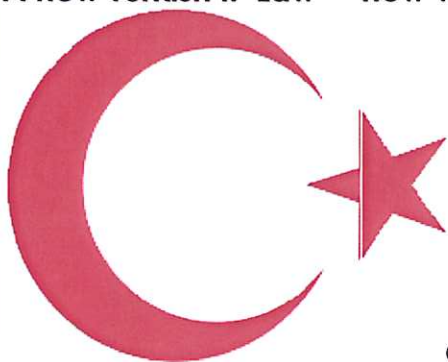


01 March 2016

## A new Turkish IP Law -- how will it affect designs?



On 24 February 2016 the Turkish Ministry of Science, Industry and Technology circulated the draft IP Law on the website of the Turkish Patent Institute (TPI), inviting comments and suggestions.

The draft law seeks to replace the Decree-laws pertaining to the protection of trade marks, patents, geographical indications and designs, all of which date back to 1995, by bringing all those rights together within the ambit of a single Code. It mainly incorporates provisions already found in the current decree laws, but introduces some new provisions too.

Among other reforms, the design chapter includes changes which achieve greater compliance with the relevant European Union directives -- especially those regarding harmonisation of EU law on spare parts. Other proposed changes in the design chapter include the following:

- The name of the chapter is to be changed from Industrial Designs to Designs, since protection is provided whether they are industrial or not.
- Novelty examination will be introduced for design applications. The TPI will conduct that examination ex officio.
- The criteria for distinctiveness have been changed to 'difference' (from 'significant difference').
- The opposition term has been shortened to 3 months (from 6 months).
- Unseen parts/devices cannot be registered as a design (i.e. parts of the engine).

The draft will be finalized after receiving the opinions of stakeholders. It will then be sent to the Parliament for discussion and enactment. It is expected that the Law will enter into force later in 2016.

Source: *Mutlu Yildirim Kose, Gün + Partners*

Posted by: Blog Administrator @ 09:08

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