

The Effect of COVID-19 Outbreak on Deadlines in Protection of Intellectual and Industrial Rights

Following the enactment of The Law on Amendment of Certain Laws No. 7226 ("Law"), which entered into force upon publication in the Official Gazette dated 26 March 2020, the terms determined as per the Industrial Property Code ("IP Code"), applied either by the Turkish Patent and Trademark Office ("Office") or before the relevant courts as statute of limitations for filing lawsuits, has been suspended.

As per the Law, all terms suspended for the period between March 13, 2020 and April 30, 2020 (inclusive of both date) which will continue to run starting from 01.05.2020 from where it left off.

The suspension period has now been extended until June 15, 2020 (inclusive) following the enactment of President Decision (Extension Decision) dated 29 April 2020 and numbered 2480.

Within the scope of the Extension Decision, the terms relating to office actions, oppositions as well as the court actions to be filed against Office decisions, will be preserved as they were on March 13, 2020 and will continue on June 16, 2020 from where it left off.

As an additional note, the Law states that if there are 15 or less days for the expiry of a term as of June 15, 2020, that term will be deemed extended for further 15 days starting from the day following the end of the suspension period. If there are more than 15 days for the expiry of the term, the remaining period will be considered instead.

While the terms will be recalculated from June 16, 2020 by taking into consideration how they were preserved on March 13, 2020, it is possible to say that even the shortest remaining time is extended until at least June 30, 2020. In this respect, term expiring by March 13, 2020 will be extended until June 30, 2020.

On the other hand, terms of which the starting date falls under the suspension period will start to run as of June 16, 2020 and therefore the deadlines must be calculated starting from June 16, 2020.