



Leading home appliances manufacturer granted preliminary injunction against competitor

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Last year, Turkey's leading home appliance manufacturer filed two patent infringement actions, claiming the determination, prohibition and prevention of a patent infringement and seeking a preliminary injunction against an international company in the same sector for its coffee machine products.

The infringement actions were based on two patents protecting different features and methods of a Turkish coffee machine – the first electronic coffee machine dedicated solely to making traditional Turkish coffee.

Because Turkish IP court judges do not have a technical background, the court quickly decided to conduct an expert examination and appointed experts *ex officio* specialised in the technology field of the patents. The key fact was that the court considered the urgency of the situation and decided to conduct expert examination *ex parte*, without waiting for the completion of the notification process of the main complaint to the counterparty.

In the scope of the two separate cases, the expert reports found that the counterparty's Turkish coffee machines were within the scope of protection of the patents. Therefore, the court set an oral preliminary injunction hearing, where this time both parties would be present and would explain their claims and defence. At the end of the preliminary injunction hearing, in order to answer the defendants' objections, the court ruled for a supplementary expert examination by a different panel.

In the second round of expert examinations, the new experts again confirmed infringement against one of the patents. Considering that two expert panels had concluded that there was a clear infringement against the patent, the court granted a preliminary injunction which:

- prevented the production, sale, marketing, distribution, import, export and promotion of the infringing electronic Turkish coffee machine products; and

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- enabled the patent owner to seize the infringing products and promotional materials by collecting them from the relevant locations.

The patent owner could enforce the preliminary injunction in exchange of a guarantee bond decided by the court.

Although the counterparty objected to the first-instance court decision to grant the preliminary injunction, it has not appealed the decision before the higher district court. As the preliminary injunction has been efficiently granted against an international leading company in the coffee machine and home appliances sector, and within a reasonable timeframe, the case is a touchstone on the effectiveness of preliminary injunction decisions under Turkish law.

The case remains pending at the IP court, awaiting a final decision.

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