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Turkish government introduces restrictions on use of trademarks on tobacco products

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- Law Amending Some Laws and Decree-Laws Related to Health No 7151 entered into force on 15 November 2018
- Under Article 24, tobacco goods produced in, or imported into, Turkey shall be offered for sale using plain and standardised packaging
- Issues surrounding plain and standardised packaging to be addressed by Ministry of Agriculture and Forestry regulation

The control of tobacco consumption has been one of the top priorities of the Turkish government, and several measures have been adopted in recent years in order to regulate the packaging of tobacco products with a view to decreasing tobacco use. Plain packaging had also been considered, but no regulations had been issued so far.

On 15 November 2018 the Law Amending Some Laws and Decree-Laws Related to Health No 7151 entered into force. Articles 24 and 25 of Law No 7151 amended some articles of the Law on the Prevention and Control of the Hazards of Tobacco Products No 4207 dated 26 November 1996 and introduced new regulations regarding the packaging of tobacco products.

According to Article 24, tobacco goods produced in Turkey or imported into the country shall be offered for sale using plain and standardised packaging. The trademark's style, font, type size and location on the package, the colour of the package, as well as other texts, phrases and shapes, shall be designed in the same way. The trademark shall be written on one side of the packaging without exceeding 5% of the area. Logos, symbols or other signs shall not be used on the packaging. These rules also apply to tobacco cases that contain more than one type of tobacco product.

In addition, according to Article 23, warnings or messages in Turkish, together with illustrations indicating the damage that tobacco products can cause, shall be placed within a frame taking no less than 85% of the widest side of the packaging on every type of tobacco packaging and hookah bottles.

The issues surrounding plain and standardised packaging will be regulated by a regulation prepared by the Ministry of Agriculture and Forestry, taking into account the input of the Ministry of Health. According to Article 25 of Law No 7151, this regulation had to be issued within one month of the effective date of Law No 7151; however, at time of writing, no regulation had yet been issued. Article 25 also states that tobacco products which have been produced in Turkey or imported before 5 December

2018 shall be made compatible with these new rules within seven months, starting from 5 December 2018. This deadline may be extended by the Ministry of Agriculture and Forestry by up to six months.

Plain packaging for tobacco products has already been introduced in some countries, such as the United Kingdom, France, Australia and New Zealand. As a result, tobacco companies have brought domestic and international claims against the relevant authorities. With the coming into force of this new law, Turkey has joined the countries that require plain packaging for tobacco products. Although the details of the new rules will be determined by the regulation prepared by the Ministry of Agriculture and Forestry, several claims may be raised by those affected by the regulation based on their property rights, such as jeopardising the function of trademarks and the brand's image.

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