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Turkey plans new trade mark law



On 24 February 2016 Turkey's Ministry of Science, Industry and Technology circulated a draft IP Law on the website of the Turkish Patent Institute (TPI) as part of a consultation exercise.

The intention of the Turkish government is to replace the current Decree-laws on the protection of trade marks, patents, geographical indications and designs -- which date back to 1995 -- with a single consolidating and amending Code. The trade mark chapter includes changes which seek to achieve greater compliance with the relevant directives of European Union. The following amendments have been put forward:

- The terminology for distinctiveness criteria should be changed to comply with EU trade mark legislation.
- Co-existence agreements will be accepted in overcoming the citations of earlier senior identical or indistinguishably similar trade marks as a ground of refusal by the TPI.
- The opposition term has been shortened to 2 months (from 3 months).
- Bad faith has been added into the law as a separate ground for opposition and cancellation.
- Opponents will be required to prove use of any mark(s) cited as a ground for the opposition, if requested by the applicant.
- The holder of a trade mark will not be able to argue that he has a registered right and that his use of a registered right cannot constitute infringement of an earlier mark.
- A simplified destruction procedure for counterfeiting items will be introduced.

The draft should be finalized after getting the opinions of the stakeholders and 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 @ 09:25

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