

Turkey introduces customs training seminars Turkey - Gün + Partners

Counterfeiting Government/policy

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Due to its location in the worldwide trade route, Turkey has a vital role in the fight against counterfeiting. The European Union and the Turkish government are therefore working together to increase training for Turkish customs officials and are looking to involve IP rights (IPR) holders wherever possible.

The latest customs training project organised by the Turkish Ministry of Customs and Trade (MoCT) in cooperation with the European Union involves a number of activities in some of Turkey's largest cities. The name of the project is "Technical assistance for border enforcement of intellectual property rights (IPR) for modernization of Turkish customs administration VIII" and the purpose of the project is:

to strengthen the administrative capacity of Turkish Customs Administration (TCA), raise awareness and increase the level of capacity among key stakeholders in order to enhance border enforcement of IPR within the implementation of the Union Customs Code.

In order to achieve this, a number of awareness-raising activities are being conducted including:

- seminars;
- in-service training; and
- study visits.

These activities are supplemented by IPR-related materials including short films, posters and information supplied on the MoCT website.

In an 18-month period during 2016 and 2017, 11 in-service training seminars will be held in 11 of Turkey's main cities and 550 customs officers are expected to attend. In addition, three regional seminars each with 125 attendees and two IPR awareness seminars with 250 attendees will be held in Istanbul, Ankara and Izmir. This means that around 25% of customs officers will have attended one of these seminars. Educational films will also be broadcast in the subways of Ankara and Istanbul for at least 10 days and IPR-related posters will be displayed in at least 60 ports and border-crossing points.

The project runs with the full cooperation of IPR holders. These rights holders are encouraged to make presentations on product identification at in-service training seminars and attend the exhibition of fake and genuine goods for identification purposes.

The training seminars have started to pay dividends in many regions and the number of customs suspensions has already increased.

During the seminars, instructors focus on the importance of customs IP applications filed online with the Customs General Directorate in Ankara. These applications will be evaluated by the directorate within 30 business days, validated almost always for a period of one year if accepted (and, of course, if the relevant IPR is valid for that upcoming year) and will cover all imports and exports as well as goods in transit at all Turkish customs gates and free-trade zones.

While the customs authorities are entitled to take *ex officio* action and suspend the suspected goods for three days – after which they will invite the IPR holders to check the shipments at issue and take any necessary action – as outlined the legislation, it is not common as the customs officials are usually reluctant to take such steps without a proper customs application filed by the IPR owner.

If there is a customs IPR application in place, the customs authorities will issue a temporary suspension decision and notify the IPR holder or its representative in Turkey. The IPR holder must then obtain samples or photos of the seized goods and a preliminary injunction decision or criminal seizure order within 10 working days. The rights holder can seek a 10-day extension of this period if it requires more time.

Furthermore, Article 57/6 of the Customs Law allows the destruction of counterfeit goods directly by the customs administration without a court order if a consensus is reached between the IPR owner and the owner of the fake goods. However, a lack of action on the part of the owner of the goods following notification by the customs authorities cannot be deemed to constitute acceptance of the destruction of the goods.

There is another project being considered by the European Union and the Customs General Directorate aimed at bringing the Turkish Customs Regulation into line with EU law. If it is enacted, products could be

destroyed within 10 days starting from the notification date, if the owner of the goods does not claim that the products are original. Although it is difficult to estimate when this may come into force, it will be greatly appreciated by IPR owners as it will make the destruction procedure much easier.

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