



The Regulation on the Code of Conduct and Discipline of the Turkish Patent and Trademark Office for Patent Attorneys and Trademark Attorneys

The Turkish Patent and Trademark Office has published the Regulation on the Code of Conduct and Discipline of Patent and Trademark Attorneys on May 17, 2017. Up to now, there has been no regulation directly referring to Code of Conduct and discipline of Patent and Trademark Attorneys. The rules for the attorneys were firstly regulated by the Law of the Establishment and Functions of Turkish Patent Institute no. 5000 dated November 06, 2003; however this law used to regulate only the conditions for being a Patent and Trademark Attorney and there was no direct reference to the code of conduct or discipline of attorneys.

As per Article 5 of this Regulation, the following basic Code of Conduct rules for Patent and Trademark Attorneys have been regulated:

- The attorney is obliged to refrain from any type of attitude and act that will harm the reputation of the profession and cannot abuse the duty.
- The attorney is obliged to serve to the clients as a reliable attorney and act as an independent attorney putting the clients' interests foremost, objectively, not considering his/her own personal feelings or interests.
- The attorney cannot accept a work for which she/he is aware that her/his time and competency will not be sufficient.
- The attorney cannot approach potential clients in an aggressive marketing manner with the aim of obtaining work unless a demand comes from the client.
- The attorney cannot provide information that will mislead the public at the workplace, in correspondence and advertising materials, or any other place or means.
- Without prejudice to the specific legislation provisions, publicity is permitted to Patent and Trademark attorneys on the condition that it is accurate and neutral, in harmony with basic principles such as honesty and appropriateness to professional confidentiality. On the other hand, the scope of such advertising excludes the right to disclose the client's name and/or to use the title and logo of an institution without explicit permission therefor, to purchase and sell or negotiate the industrial property rights of the client without instruction therefor, to use internet short cuts that would direct internet users to her/his own website or to another website from her/his website in a manner leading to unfair competition with colleagues.
- Should a Patent or Trademark attorney come into a situation where she/he would not be able to carry out her/his work even temporarily or would want to withdraw her/his services, she/he would have to inform the client immediately and take precautions to protect the client's interests.
- The attorney has an obligation to confidentiality and to not disclose either the work handed over to her/him and/or any information regarding the client, which she/he has obtained via other channels. This obligation of the attorney also continues after the termination of her/his power



to represent the client. The attorney carries this obligation, not only to her/his clients, but also to those who provide information to her/him even though they are not themselves being represented by the attorney.

- The attorney cannot provide opinions on files of which she/he is or should be aware, which are already handled by another attorney, unless the client explicitly declares her/his will for an independent opinion or a change of attorney.
- Should an attorney receive instructions regarding a file handled by another attorney, she/he informs the former attorney in writing. The former attorney conveys to the new attorney all the documents required for the follow-up of the file.

It is stated in the regulation that all attorneys are obliged to be aware of these codes of conduct and to provide also that her/his employees act in line with the above. Should an attorney not obey these codes, she/he will be subject to disciplinary penalties, as set forth in Article 6 of this regulation.

The disciplinary penalties include warning, condemnation, temporary dismissal from the attorney work and permanent dismissal from the attorney work.

As per Article 7, seven Disciplinary Board members will be appointed by the Ministry of Science, Industry and Technology for three years. One of these members will be from the Ministry of Science, Industry and Technology, three members will be from the Turkish Patent and Trademark Office and three members will be from among trademark or patent attorneys who have not been punished with any of the above mentioned sanctions. The Ministry is expected to appoint the members of the Disciplinary Board soon.

A complaint against an attorney is to be submitted to the Office with a written petition providing information on the complainant and the complaine and the grounds and evidence.

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