



POLICY NOTE OF WORKING PAPER 5.26

LEGAL AND REGULATORY FRAMEWORK AND INTANGIBLE ASSETS

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OBJECTIVE

Intangible assets (IA) are important for innovation studies. Additionally in the recent decade (mainly after 2000s) international agreements which are adopted for regulating international trade such as WTO Agreement and its annexes (such as TRIPS Agreement) forced the countries to establish strong IPR systems. Customs Union between EU and Turkey and being a candidate of EU member state, having a strong IPR system for Turkey became much more important. Turkey has established the basis of modern IPR system in 1990s. Starting from 1990s, Turkey has adopted several legislation in protecting and enforcing IPR. During this period, Turkey has also participated in several international agreements/conventions/treaties related to IPR. In this study it is aimed to analyse the existing legal and regulatory framework in Turkey and evaluate today's situation according to EU standards.

SCIENTIFIC/RESEARCH METHODS

During the study national and international IPR legislation (laws, decree laws, regulations, international agreements/conventions/treaties which Turkey is party) have been listed. Additionally the basic properties of national legislation have been evaluated. Deficiencies related to international implementations of IPR legislation have been evaluated.

POLICY VALUE-ADDED

Basic elements of a strong intellectual and industrial property protection in a country are;

- National and international legislation
- Administrative institutions
- Intellectual and Industrial Property Civil and Penal Courts
- Attorneys/representatives

Basic elements for copyright and related rights and industrial property rights are shown in the figures below.

The administrative institution for copyright and related rights is the Ministry of Culture and Tourism. Turkish Patent Institute (TPI) is the authorized government authority for industrial property issues.

Turkey is one the pioneers in the world which established trademark and patent system. The legal basis for the granting of patent and trade mark rights in Turkey goes back to the 19th century. Patent protection was based on the Patent Law of March 23 1879, and the protection of trademarks was introduced in the year 1871. There was no special legislation for the protection of industrial designs, geographical indications and topographies of integrated circuits in Turkey before 1995.

Although Turkey has adopted IPR legislation in 1990s and spent great efforts to inform public (mainly the related people in the industry and trade), at the moment we cannot state that public awareness is in the acceptable level. One of the important actions to be taken is to increase public awareness in respecting IPR and obtaining them.

Turkey has conducted very serious work and obtained very concrete results in establishing a new and modern IP system starting from 1990s until today. In the near future, amendments to existing IP legislation are needed. Mainly the unexamined patent system, procedures of utility model certificates and enforcement procedures need to be amended, and a new patent and trade mark attorneys' law must be entered into force. Additionally the penal sanctions in enforcement of the

IPR rights (mainly patents, industrial designs, geographical signs and topographies of integrated circuits) must be adopted.