

【トルコ産業財産法施行規則】

REGULATION

From Turkish Patent and Trademark Office:

**REGULATION ON APPLICATION OF THE INDUSTRIAL PROPERTY
LAW**

BEGINNING PROVISIONS

Purpose, Scope, Basis and Definitions

Purpose and scope

ARTICLE 1- (1) The purpose of this Regulation is to issue the procedures and principles to be applied in the protection of the rights regarding the brand, geographical indication, design, patent, utility model and traditional product names via certification and other transactions related to these rights.

(2) This Regulation consists of the principles, rules and terms related to the applications of the brand, geographical indication, design, patent, utility model and traditional product names.

Basis

ARTICLE 2 – (1) This Regulation is prepared based on the Industrial Property Law no. 6769 dated 22/12/2016.

Definitions

ARTICLE 3 – (1) In application of this Regulation the following means as follows;

a) Emblem: The marking that shows the geographical indications and the traditional product names are registered in accordance with the provisions of this

Law no. 6769 and created by the Institute; used together with the registered name on the product or packaging or in case, due to the specifications, it is not used on the product or packaging, applied by the title holders as easily visible and is mandatory to use regarding the geographical markings,

b) Biological material: Any item that contains genetic information and can reproduce by itself or can be reproduced in a biological system,

c) Budapest Treaty: Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure to which we entered with the Cabinet Decree no. 97/9731 and dated 5/8/1997,

ç) Bulletin: The related publication, in which the issues indicated in this Regulation without any concern on the publication media,

d) Agreement Establishing the World Trade Organization: The Agreement Establishing the World Trade Organization that was found appropriate to be approved via the Law no. 4067 and dated 26/1/1995 and put into force via Cabinet Decree no. 95/6525 and dated 3/2/1995,

e) Contact information: Address information as well as electronic mail address, if any, registered electronic mail address and telephone number and similar information available for contact,

f) Law: Industrial Property Law no. 6769 dated 22/12/2016,

g) Identification information: For real persons, name, surname, if Turkish national R.T. id number; for legal entities name or commercial title and tax number, for public institutes and associations and occupational organizations in the quality of public Institutes name and tax number, if the identification information is related to the trademark representative or patent representative also the Registry number,

ğ) Institute: Turkish Patent and Trademark Office

h) Board: The Board within the Reevaluation and Examination Department,

ı) Locarno Agreement: The Locarno Agreement on International Classification of the Industrial Designs to which we enter by the Cabinet decree no 97/9731 and dated 5/8/1997,

i) Madrid Agreement: The Madrid Agreement Concerning the International Registration of Marks and the Relating Protocol to which we entered with the Cabinet Decree no. 97/9731 and date 5/8/1997,

j) Trademark representative: The persons who represent the right owners in the Institute in issues regarding the trademarks, design and geographical indications and traditional product names,

k) Nice Agreement: Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks to which we entered by the Cabinet Decree no. 95/7094 date 12/7/1995 and its amendments,

l) Patent Cooperation Treaty: The treaty that established the international application system of patents to which we entered with the Law no. 4115 and dated 7/7/1995,

m) Paris Convention: The Convention dated 20/3/1883 on Formation of an International Union for the Protection of the Industrial Properties that is acknowledged via the Cabinet Decree no. 7/10464, dated 8/8/1975 and the amendments duly put in force via Republic of Turkey related to this Convention,

n) Patent representative: The persons, who represent the right owners in the Institute in issues regarding the utility model and design rights,

o) Industrial property right: Trademark, geographical indication, design, patent and utility model,

ö) Class: For trademarks each class that the goods or services subject to registry reside in, for designs product class that the designs are applied based on Locarno Agreement,

p) Registry: The recording medium, in which the information regarding the industrial property rights and traditional product names,

r) Announcement: The announcement related to the fee tariff that shall be applied by the Turkish Patent and Trademark Office in accordance with the Law on Establishment and Duties of the Turkish Patent and Trademark Office no. 5000 dated 6/11/2003 Article 6 Clause 2 Item (f) and Article 25,

s) Fee: The fee, if any, including tax and dues, identified by the Institute according to the related to the legislation provisions regarding the services defined in the scope of this Regulation.

CHAPTER ONE
Trademark
PART ONE
Trademark Application
SECTION ONE
Place and Date of the Application, Application Conditions

Place and Date of the Application

ARTICLE 4 - (1) The real persons and legal entities within the scope of the Law Article 3 can apply to the Institute for trademark registration.

(2) Application date is the date, hour and minute that the application form and the information and documentation necessary for application are received by the Institute. An international application to which Turkey is the contractor within the scope of Madrid Protocol is deemed to be made on the first hour and minute of the international application date. In case that there are more than one international applications on the same date the one with the smaller international registry number shall be deemed made before.

Application form and the information which the application form should carry

ARTICLE 5 - (1) Trademark application is delivered to the Institute via filling the application form considered valid by the Institute in electronic media. Otherwise the application is removed from process and in case of a request the fee collected is returned to the applicant.

(2) The following information is mandatory to be on the application form:

- a) Identification and contact information of the applicant(s).
- b) If the application is made by a representative the Identification and contact information of the representative.
- c) The information related to the priority request, if any.
- ç) Trademark sample meeting the terms indicated in the Law Article 4 and this Regulation Article 7.

- d) If letter(s) other than Latin alphabet are used in the trademark sample, their Latin alphabet equivalents.
- e) The class numbers according to the Nice Agreement of the goods or services subject to trademark application and their list organized according to these numbers.
- f) Signatures by the authorized person(s).
- g) The information showing that the application fee, the fee of the additional classes if there are more than one good or service class in the application scope and fee related to the priority right request, if any, are paid.
- ğ) Information related to deed of consent, if any.
- h) Information on the joint representative, if any.
- i) Number of additional pages, if any, and information on attachments.

The documents to be attached to the application form

ARTICLE 6 - (1) The following documents shall be attached to the application form:

- a) If priority right is requested to be utilized, the original of the document taken from the competent authorities showing the priority right and the Turkish translation of this document that is approved by a sworn translator.
- b) If the application is made for a joint trademark or a guarantee trademark then the technical specifications.
- c) If there is a deed of consent, the notary approved original of the consent or a notary approved sample of the said deed of consent.

Presentation of the trademark sample

ARTICLE 7 - (1) If signs that can be perceived by the visual sense like the words, shapes, letters, numbers, shape of the goods or packaging or signs composed of a combination of these are made subject to a trademark application then the trademark sample is submitted to the Institute with the application form.

(2) If the application is requested to be registered as a sound trademark, this should be explicitly indicated in the application form and the recording of the sign available to listen and store in digital media should be submitted to the Institute.

(3) If the application is requested to be registered as a three dimensional trademark, this should be explicitly indicated in the application form, also the visuals showing the view from one or more sides that shall ensure the protection subject shall be clearly and accurately understood shall be delivered to the Institute. These visuals should consist of views from at most 6 different angles and be as not to disrupt the integrity of the trademark.

(4) If the application is requested to be registered as a color trademark, this should be explicitly indicated in the application form, the color visual forming the mark should be presented and the color code of which the validity is acknowledged by the Institute should be indicated. If the color(s) is/are used within the solidified elements like a shape, figure, picture or word with definite borders, the mark shall not be evaluated as a color trademark and the terms of the first Clause shall be applied.

(5) If the application is requested to be registered as a motion trademark, this should be explicitly indicated in the application form and a visual or a motion or still visual series defining the motion forming the mark should be delivered to the Institute. The visuals should be as not to disrupt the integrity of the trademark.

(6) The terms of this article are applied on the presentation of a sign that resides outside the ones listed above to an extent proper to its qualities. In that case, the applicant submits a visual presentation, digital recording, written explanation or another visual that he/she deems fit via especially views, shapes, drawings or characters to the Institute.

(7) Application can also submit a written explanation related to the presentation of the mark besides the ones obligated by this article.

(8) If the Institute decides that the presented visual is not clear, accurate or understandable enough, or if it deems necessary, it may request all kinds of information, documents and explanations related to the mark subject to application.

(9) If the presented visuals do not meet the terms indicated in this article or a nonconformity is detected in between the information, visuals and explanations submitted to the Institute related to the application, two months period is given to the applicant to correct the imperfections. In that case the application date shall be finalized as of the date, hour and minute the information or documentation that

corrects the imperfections is received by the Institute. In case that the imperfections are not corrected in this period, the application is removed from process.

SECTION TWO

Examination of the Application

Procedural Examination

ARTICLE 8 - (1) The Institute examines a trademark application regarding the Articles 4, 5 and 6.

(2) Application date finalizes as of the date, hour and minute the signed application form carrying the identification information indicated in the Article 5 Clause 2 Item (a), the trademark sample that meet the terms indicated in the Law Article 4 and this Regulation Article 7, the list of goods or services subject to application and the information showing the application fee is paid are delivered to the Institute.

(3) If, among the elements indicated in Clause 2, it is seen that the identification information, signature, application form, trademark sample, application fee are missing or the goods and services subject to application are not indicated, two month period is given to the applicant to correct the imperfections. In case the imperfections are removed within this period the application process continues. In that case the application date finalizes as of the date, hour and minute the information and the documentation correcting the imperfections are delivered to the Institute. If the imperfections are not corrected within the given period the application is removed from processing.

(4) In the application containing more than one classes, if the information related to the payment of the fee corresponding to all of the classes of the goods and services within the scope of the application is seen not to be submitted, two month period is given to the applicant to remedy the imperfection regarding the additional class feed. If the imperfection is corrected within given time the application date is

not affected. However if the imperfection is not corrected within given time period the Article 9 Clause 5 provision is applied.

(5) If the imperfections within the scope of the Article 5 Clause 2 Item (d) are corrected and the technical specifications indicated in the Article 6 Clause 1 Item (b) is not submitted, two month period is given to the applicant to remedy the said imperfection. If the imperfection is corrected within given time the application date is not affected. However if the imperfection is not corrected within given time period the application is removed from the process.

(6) If the fee related to the priority right indicated in the Article 5 Clause 2 Item (g) is not paid or the document indicated in the Article 6 Clause 1 Item (a) is not submitted to the Institute within three months from the date of application in accordance with the Law Article 13, the priority right cannot be utilized.

(7) If there is more than one applicant and if a joint representative is not indicated no imperfection notification shall be made regarding this condition and the applicant whose name is listed first in the application form is deemed to be the joint representative.

(8) If the technical specifications indicated in the Article 6 Clause 1 Item (b) is related to a guarantee trademark, it is mandatory to indicate the identification and contact information of the applicant(s), a single correspondence address for the application, the trademark sample, the common properties of the goods or services the trademark guarantees, how the trademark shall be used on which goods or services, the methods of using the trademark, the especially authorized persons for using the trademark, how the usage right of the trademark will be acquired, how and in what frequency the audits shall take place after the usage right of the trademark is given and the sanctions to be applied in case of a contradictory use against the technical specifications.

(9) If the technical specifications indicated in the Article 6 Clause 1 Item (b) is related to a joint trademark, it is mandatory to indicate the identification and contact information of the applicant(s), how and in what frequency the audits related to the application shall take place and a single correspondence address for the application, the trademark sample, how the trademark shall be used on which goods or services, the terms of use of the trademark, the businesses authorized to

use the trademark, the membership conditions of the society these business form, the sanctions to be applied, if any, in case of a contradictory use against the technical specifications.

(10) In case the technical specifications do not contain the issues indicated in the Clauses 8 and 9 or it is contradictory to the public order or general ethics, six months period is given to the applicant to correct the said imperfections. If the imperfections are not corrected in given time the application is removed from process.

Classification

ARTICLE 9 - (1) The goods or services subject to the application are classified according to principles indicated in Nice Agreement in accordance with the Law Article 11.

(2) Goods or services requested for registry should be presented as classified according to the Nice Agreement and indicating goods or services class numbers.

(3) If general wordings or statements that are deemed by the Institute to be explained are used in the goods or services list, two months period is given to the applicant to explain these. In case the imperfections are corrected in this period the application date is not affected and the application process continues. In case the explanation is not submitted to the Institute in given time period the general wordings and statements requested to be explained are removed from the list.

(4) The Institute is authorized to make any necessary editing on the classes the goods and services on the application form belong to and the class numbers. If general terms including the general statements used in Nice Classification are used in the application, the statement or term used are interpreted as including the goods and services their literal meaning covers explicitly. If the goods and services list is not organized in accordance with the principles within the Nice Agreement, when needed, the Institute requests from the applicant to pay within two months the classification list editing fee for the editing it shall perform. If the information regarding that the said fee is paid is not given to the Institute in this period the application is removed from process.

(5) In the applications containing more than one class, in case that the information regarding that the additional class fee is paid is not submitted to the Institute within the two month period given by the Institute, the application is reviewed for the classes corresponding to the paid fee by considering the written order of the good

or service classes on the application fee. However in determining the good and service classes corresponding to the paid fee the request of the applicant is taken into account, if present.

Deed of Consent

ARTICLE 10 - (1) It is mandatory that the deed of consent to be presented within the scope of the Law Article 5 Clause 3 is issued including the items below, as the signed form acknowledged valid by the Institute and is approved by the notary public.

a) The identification and contact information of the applicant(s) that the deed of consent is given to.

b) If the consent form is submitted at the application stage the trademark sample subject to the consent; or if it is submitted in the objection to the decision stage the application number subject to the consent.

c) The identification and contact information of the applicant(s) or trademark owner(s) giving consent and the application or registry numbers of the ante-dated application or trademarks subject to consent

ç) The goods or services consented for and their class numbers.

d) If the consent form is signed by the representative in the name of the applicant or trademark owner, a power of attorney with notary approval containing consent authority or a notary public approved copy of such a power of attorney.

(2) If the consent form does not contain the items indicated in the Clause 1, the applicant is given two months period to correct the imperfections. If the said imperfections are not corrected within due time the request is deemed not done.

(3)The consent form can be submitted to the Institute with the application form or until a decree is given on the objection in case of objection to the decree. In case that the consent form is not submitted to the Institute despite there is a consent request, no imperfection notification is done and the request is deemed not done.

(4) If there are exclusive license owners recorded in the registry, it is required that the written consent of these should be presented.

(5) The consent should be unconditional. After the deed of consent is submitted to the Institute the given consent cannot be withdrawn.

(6) It is mandatory that a separate consent form is submitted for each trademark application.

SECTION THREE

Publication of the Application, Registry, Publication of the Registry and Priority

Publication of the Application

ARTICLE 11 - (1) A trademark application of which the application conditions are met completely and that is not rejected in accordance with the terms of the Law Articles 15 and 16, shall be published in the Bulletin that is published periodically including the following information:

- a) Application number and date
- b) Nationality and identification and contact information of the applicant.
- c) Trademark sample.
- ç) List of goods or services and the class numbers which they belong to.
- d) In case of a partial rejection of the application the rejected goods and services.
- e) Representative information, if any.

(2) The Institute can publish an additional Bulletin independent of the periodically published Bulletin.

(3) If the rejection of the application in accordance with the terms of the Law Articles 15 and 16 is decided after the publication of the application, the rejection decision is separately published.

Registry

ARTICLE 12 - (1) A trademark application is registered via completion of the stages indicated in the Law Article 22 and the information related to the payment of the registration fee is submitted to the Institute within the two months period given by the Institute. If the registry fees are paid short, one month additional time is given to the applicant to remedy the said missing amount. If the information related to the payment is not submitted or the shortage of fee is not corrected within the indicated time period the application is removed from the process and the fee collected is returned upon request.

Publication of the Registration

ARTICLE 13 - (1) The trademarks registered in accordance with the Law Article 22 are published in the Bulletin including the information within the Registry record. The trademarks residing within the scope of the Law Article 22 Clause 2 are not considered as registered trademarks, the application process is continued from the incomplete stage and this condition is published in the Bulletin. However

if two years have passed from the date of registration, the registration status of the trademark is not affected by the incomplete stage.

The information required to be recorded on the registry

ARTICLE 14 - (1) The following information are present in the Registry:

- a) Trademark registration number, application and registration dates.
- b) Trademark sample.
- c) The nationality, identification and contact information of the applicant.
- ç) Goods and services subject to registration.
- d) Class numbers of the goods and services subject to registration.
- e) Representative information, if any.

Request of the priority right

ARTICLE 15 - (1) If the priority right requested in accordance with the provisions of the Law Article 12 and this Regulation Article 6 is considered proper by the Institute, in the trademark registration certificate and in Registry the information regarding the priority right is given.

(2) In the requests of priority right based on the presentation in the national or international exhibits opened in Turkey, the exhibition priority certificate that is taken from the competent authority, showing clearly and completely the trademark the goods or services exhibited used, including the photograph(s) of this trademark, indicating the official opening date of the exhibit and the date the goods are placed on exhibit or the services are present and the approved sample of the trademark is submitted.

(3) In the requests of priority right based on the presentation in the exhibits opened in the states that are a party to the Paris Convention and the Agreement Establishing the World Trade Organization, the document that is issued by the competent authority that opened the exhibition, regarding the trademark the goods or services presented are used on and that includes the issues indicated in the Clause 2 and the approved sample of the trademark are submitted.

(4) In the priority right request, the country, date and the number of the application creating the priority right are indicated.

(5) In case there are more than one priority right requests, separate fees are paid for each priority right request made.

Issuance of priority right certificate

ARTICLE 16 - (1) The priority right certificate requested based on the trademark application duly made in Turkey is given upon the request of the trademark owner on condition that the information related to the payment of the fee is submitted to the Institute.

SECTION FOUR

Division of the Trademark Registry Application

Division

ARTICLE 17 - (1) A trademark application, upon the request of the applicant, until the application is registered by the Institute can be divided into two or more applications. The registered trademarks cannot be divided.

(2) It is mandatory that the information below should be given for the division:

a) Request form

b) Information showing that the fee is paid.

(3) As the result of the division process, the goods or services in the scope of the first application can be distributed among the divided applications. A separate application number is given to each divided application. The divided applications with new application numbers are independent from the first application and the applications formed by the division of the first application and each divided application continues to be processed separately. The divided applications keep the date of application and the priority right, if any, of the first application. The divided applications cannot be rejoined.

(4) The division performed after the publication of the application is also published separately.

(5) The request of division of the application is not approved in the following conditions:

a) If the application requested to be divided is subject to objection to publication, the goods or services subject to objection reside in different applications due to division.

b) In case that the application requested to be divided is subject to rejection decision of the Institute, the goods or services subject to rejection reside in different applications due to division.

c) The presence of rightful reasons that require the rejection of the division request.

SECTION FIVE

Renewal

Renewal

ARTICLE 18 - (1) A trademark with expired protection period is renewed in condition that the renewal fee is paid and the trademark owner requests and this condition is published on the Bulletin.

(2) The information and documents below should be given for the renewal:

a) Request form.

b) Information showing that the fee is paid.

(3) Only renewal of a single trademark can be requested by one renewal request.

Partial renewal

ARTICLE 19 - (1) The trademark can be renewed for a part of the goods or services within the scope of the registration.

(2) The information and documents below should be given for the renewal:

a) Request form containing also the class numbers of the goods or services requested for renewal.

b) Information showing that the fee is paid.

c) If the request is done by the representative the power of attorney containing explicitly the authority for partial renewal

ç) If the requesting applicant is a real person, the notary approved statement of signature or notary approved copy of the said statement

d) If the requesting applicant is a legal entity, the notary approved authorized signature lists or notary approved copy of the said lists.

e) The statement by the right owners recorded in the registry approving the partial renewal.

(3) It is obligated that all the businesses included in the group should act together for the partial renewal of a joint trademark.

(4) The duly made renewal request is recorded in the Registry and published in the Bulletin.

(5) In case imperfections are detected in the items listed in paragraphs 2 and 3, no imperfection notification is sent to the applicant and the request is considered under the provisions of article 18.

SECTION SIX

Other Transactions to be Recorded in the Registry

License

ARTICLE 20 - (1) Trademark owner can give licenses to be used in all or part of the goods or services belonging to its trademark.

(2) For the record to the Registry and publication of the license, the following information and documents should be given:

- a) Request form containing the registry number and trademark name of the trademark subject to license.
- b) License agreement indicating the signatures and statements of the licensor and the licensee, the goods or services subject to the license, the trademark registration number, the trademark name and the license price and license period, if any, in case that the license agreement is in a foreign language additionally the Turkish translation approved by a sworn translator.
- c) The information showing that the fee is paid.

Correction of mistakes

ARTICLE 21 - (1) For the review of the request regarding the correction of the mistakes in the name and address of the applicant and the spelling errors or errors of fact in the Registry, the Institutes is applied to with the request form including the trademark application or registration number as well as the error and the correction to be made.

(2) The requests including corrections in the contents within the trademark application, in the trademark sample or in the goods or services within the scope of the trademark application or registration are not accepted.

Withdrawal of the application

ARTICLE 22 - (1) The applicant can withdraw the application completely or partially before the registration of the trademark.

(2) The following documents should be given for the application to be withdrawn:

- a) The request form containing the number of the application requested to be withdrawn and the list of goods or services subject to the withdrawal request including their class numbers.
- b) If the request is done by the representative the power of attorney indicating explicitly the withdrawal authority.
- c) The statement approving the withdrawal by the right owners recorded in the Registry

- c) If the requesting applicant is a legal entity, the notary approved authorized signature lists or notary approved copy of the said lists.
- d) If the requesting applicant is a real person, the notary approved statement of signature or notary approved copy of the said statement.
- (3) The duly made withdrawal requests results in removal of the application from the process and this condition is published in the Bulletin.
- (4) If there are more than one applicant, the withdrawal request for the trademark application shall be signed by all the applicants. In accordance with the Law Article 147, the person who is the joint representative has no right to sign the withdrawal request of the application in the name of the other applicants.

Waiving the trademark right

ARTICLE 23 - (1) The trademark owner can waive all or part of the goods or services within the scope of the registry of the trademark.

(2) The following documents should be given for waiver of the trademark right.

a) The request form containing the registry number of the trademark to be waived and if a part of the goods or services within the scope of the registry of the trademark will be waived, the list of these goods or services indicating also their class numbers.

b) If the request is done by the representative the power of attorney indicating explicitly the waiver right.

c) The statement approving the waiver by the right owners recorded in the Registry.

c) If the requesting applicant is a legal entity, the notary approved authorized signature lists or notary approved copy of the said lists.

d) If the requesting applicant is a real person, the notary approved statement of signature or notary approved copy of the said statement.

(3) The expiration of the trademark right due to duly made waiver request is published in the Bulletin.

(4) If there are more than one applicant, the waiver request for the trademark application shall be signed by all the applicants. In accordance with the Law Article 147, the person who is the joint representative has no right to sign the waiver request of the application in the name of the other applicants.

PART TWO

The Trademark Applications Made in the Frame of the Madrid Agreement Concerning the International Registration of Marks and the Relating Protocol

The international trademark applications made in the scope of the Madrid Protocol

ARTICLE 24 - (1) In the frame of the provisions of the Madrid Agreement Concerning the International Registration of Marks and the Relating Protocol, in the examination of the international trademark applications sent to the Institute by the World Intellectual Property Organization and in assessment of all kinds of request related to international applications and registrations, the provisions of the said Madrid Agreement and the Regulation on Application of the Madrid Agreement Concerning the International Registration of Marks and the Relating Protocol issued in the Official Gazette no. 23637 dated 12/3/1999 are taken as basis.

Origin office application and requests

ARTICLE 25 - (1) Based on a trademark that is registered or in application process in the Institute, in case that the international applications made in the scope of the provisions of the Madrid Protocol or the requests related to the international applications are requested to be delivered to the World Intellectual Property Organization; the Institute performs the necessary transactions in the frame of the Regulation on Application of the Madrid Agreement Concerning the International Registration of Marks and the Relating Protocol indicated in the Article 24. For the said requests to be taken into assessment the following information and documents should be given:

- a) Request form.
- b) Official form provided by the World Intellectual Property Organization, duly completed regarding the related request in English
- c) The information showing that the fee of notification of the origin office requests to the World Intellectual Property Organization is paid.

Substituting a national registration with an international registration

ARTICLE 26 - (1) In accordance with the Madrid Protocol Article 2 duplicated Article 4 Clause 2, upon a direct request to the Institute made by the trademark owner, the substitution of a national registration with an international registration is recorded in the Registry and the said condition is notified to the World Intellectual Property Organization.

(2) For the substitution process to be performed the following terms should be met together:

- a) The national and the international applications should be in the same owner's name.
 - b) The protection field of the international application should also cover the specified contractor.
 - c) All the goods and services within the national application should also be present for the contractor indicated in the scope of the international application.
- (3) For the substitution process the following information and documents should be given:
- a) Request form.
 - b) The information showing that the fee is paid.

Transforming an international registration to a national registration

ARTICLE 27 - (1) In case the international application or registration loses its power for any reason in the origin office within the scope of the Madrid Protocol Article 6 Clause 4, the trademark owner can request the international registration to be transformed into a national registration in accordance with the Madrid Protocol Article 5 duplicated Article 9. This request should be submitted to the Institute within three months from the cancellation of the international registration.

- (2) For the transformation process the following information and documents should be given:
- a) Request form.
 - b) The Turkish translation approved by a sworn translator of the goods or services subject to the transformation process.
 - c) The information showing that the fee is paid.

PART THREE

Objection, Proof of Usage and Reconciliation

Objection to the publication

ARTICLE 28 - (1) When a trademark application published in the Bulletin should not be registered in accordance with the provisions of the Law Articles 5 and 6, the related objections are done by the related persons within two months from the publication of the application.

- (2) Objection to the publication is made to the Institute with the signed objection to the publication form on which the justifications related to the objection are written in detail by indicating the Article and Clause counterparts in the related legislation.

(3) The objection justifications and fee can be completed within the objection period. If the objection justifications and the information showing that the objection fee is paid are not submitted within this period the objection is deemed not done and the fee collected is returned upon request.

(4) The Institute gives the applicant a period of one month to state its views related to the objections. The Institute, if deems necessary, can give parties a period of one month for additional information, documents and making explanations related to the justifications. In case the requested information, documents and the views are not submitted within these periods the objection is assessed in the scope of the current information and documents.

(5) The parties can submit additional information and documents to support the views, claims and justifications they proposed until the decree is given regarding the objection.

Proof of Usage

ARTICLE 29 - (1) For the Law Article 19 Clause 2 to be applied the applicant should notify the Institute clearly and in writing the request related to the proof of usage within the period in which it should submit the view related to the objection to the publication. The requests related to the proof of usage that is not made in due time and do not meet the indicated conditions are deemed not done.

(2) The request of proof of usage is made clearly, explicitly and unconditionally. In this request, the registry numbers of the trademarks for which the proof of usage are requested should be clearly indicated. Otherwise the request is deemed not done.

(3) In case the applicant requests, the Institute gives the demurrer one month period to present evidences related to the having rightful reasons regarding that it has been seriously using or not using the trademark in Turkey that is justification to the objection, regarding the goods or services shown as basis to the objection, within five years period before the application or priority date of the application subject to the objection. In case that the demurrer does not submit evidence within due time or the evidences presented are not related to the objection and if there is no other objection justification or another trademark shown as justification to the objection the Institute rejects the objection.

(4) The Institute, if deems necessary, gives the applicant a period of one month to state its views related to the evidences presented by the demurrer. In case the applicant states views in this period the demurrer is given one month period to

submit its views related to this. In case the applicant does not state views in due time the Institute assesses the objection in the scope of current evidences.

(5) The applicant can withdraw its request for proof of usage. In this case the request is deemed not done.

(6) The demurrer can submit its trademark it showed as justification to the objection, evidences related to having rightful reasons regarding it has been seriously using or not using the trademark in Turkey, of which it demurred to the publication regarding the goods and services subject to the objection with the objection to the publication form. If the applicant makes a request for proof of usage in due time, if the evidences presented at the time of objection to the publication are sufficient for proof of usage, the assessment of the objection is passed to without giving the demurrer the one month period stipulated in the Clause 3. In case that the presented evidence are not considered sufficient by the Institute the period stipulated in Clause 3 is given to the demurrer for presentation of additional evidences.

The evidences to be presented in the cases of proof of usage

ARTICLE 30 - (1) The evidences presented within the scope of Article 29 should be clear, understandable and reliable as to give the parties the opportunity to assess and establish views without a need for another information. The evidences presented by the demurrer should include the sufficient information regarding the issues of quality, place, time, scope of usage of the trademark subject to objection regarding the goods or services it is registered to and the way of usage of the trademark.

(2) The evidences can include all kinds of supportive documents like packaging, label, price list, catalogue, receipt, photograph and newspaper adds. In this case the parts within the documents that prove the usage of the trademark subject to objection should be marked and clearly indicated.

(3) The evidences are presented in writing and together with a detailed evidence list indicating clearly that each fact is proven with which evidences. If the product samples are requested to be reviewed for evidences, instead of the samples of said products, a sufficient definition photograph of the products taken in detail including the color properties are submitted.

(4) The ones requested by the Institute being excluded, after the end of the periods given in the scope of Article 29 evidences cannot be submitted, the submitted evidences shall not be taken into account by the Institute. In case that the evidences are in a foreign language, the Institute can give a two month period for submission

of Turkish translation approved by a sworn translator for all or part of these evidences. If the translations are not submitted in due time, the mentioned evidences are not considered in the objection review.

(5) The responsibility of presentation of the evidences in due time, in order and in an organized way is on the parties. Regarding the evidences of which the quality, content and connection to the trademark subject to objection cannot be clearly understood, that are not legible, not sorted regularly, not presented as a list and not connected to the claims, the Institute gives one month period for the mentioned imperfections to be corrected. In case the imperfections are not corrected in this period the mentioned evidences are not taken into account during objection review.

(6) The provisions of this article are applied on the evidences to be presented in the objections to publication and decision to the extent they conform with the quality.

Objection to the decision

ARTICLE 31 - (1) The parties suffered damages from the decisions of the Institute can demur within two months after the notification date of these decisions.

(2) Objection to the decision shall be submitted to the Institute with the signed objection to the decision form on which the justifications related to the objection are written in detail by indicating the Article and Clause counterparts in the related legislation. The objections that do not contain a procedural imperfection are reviewed by the Board

(3) The objection justifications and fee can be completed within the objection period. In case that the objection justifications and the information showing that the objection fee is paid are not submitted within this period the objection is deemed not done and the fee collected is returned upon request. If the documents are given as complete, the review can start without waiting the completion of the objection period.

(4) The Board gives the parties a period of one month to state their views related to the objections. The Board, if deems necessary, can give parties a period of one month for additional information, documents and making explanations related to the justifications. In case the requested information, documents and the views are not submitted within these periods the objection is assessed in the scope of the current information and documents.

(5) The parties can submit additional information and documents to support the views, claims and justifications they proposed until the decision is given regarding the objection.

(6) After the objection to the decision period is ended objection justifications cannot be changed and new justifications cannot be added.

Reconciliation

ARTICLE 32 - (1) The Institute can call the parties to reconciliation during the review of the objections to the publication and the objections against the decisions given in accordance with the Law Article 19 Clause 3. In that case the parties deliver their statements regarding the reconciliation within one month from the notification done to them by the Institute to the Institute in writing. If one of the parties does not answer positively to the reconciliation offer in due time the reconciliation invitation is deemed rejected and the Institute continues the objection review from where it is left.

(2) If the parties are represented by the representatives before the Institute, the representative is obligated to inform promptly the reconciliation invitation and that the conflict is available to be resolved by mediation.

(3) If the parties desire to reconcile and inform the Institute that they will apply to a mediator, the objection review is postponed for three months. However, in case that the parties make a request together during this time this period can be extended for up to three months.

(4) If the reconciliation process finalized due to one of the reasons organized in the Law on Mediation in Legal Conflicts no. 6325 dated 7/6/2012, the original or a notary approved copy of the report issued regarding that the parties have agreed, not agreed or how the mediation activities are finalized is delivered to the Institute within one month after the reconciliation activities end. If the parties agree, upon delivery to the Institute of the report that is issued by the parties and gained decision status in according to the Law no. 6325, the transactions related to the application are continued conforming to the results of the reconciliation. If the report is not delivered in this period or the parties could not agree the Institute continues the review of the objection from where it is left.

(5) The period that passes from the beginning of the mediation process to the end of it is not taken into account in calculation of the period of prescription.

Withdrawal of the objection

ARTICLE 33 - (1) The objections to publication and decision can be withdrawn before the Institute decrees on the objection.

(2) The following documents should be submitted to the Institute for the objection to be withdrawn.

- a) The form containing the request for withdrawal of the objection
- b) If the request is done by the representative the power of attorney including explicitly the authority to withdraw.
- c) If the requesting demurrer is a legal entity, the notary approved authorized signature lists or notary approved copy of the said lists.
- ç) If the requesting demurrer is a real person, the notary approved statement of signature or notary approved copy of the said statement.

Fee of objection to the decision

ARTICLE 34 - (1) The fee of objection to decision the Institute collects in the single sided transactions related to the trademark applications, if the objection is accepted, is returned to the applicant upon request. No refund is given in the decisions of partial acceptance of the objection the Institute gives for these objections. Also no refunds are given in the cases that the rejection decision given in the scope of the Law Article 5 Clause 1 Item (ç) is removed due to reasons that the trademark justification for the rejection is out of power at the date the objection is reviewed or transfer, address, type, title changes, deed of consent related to the trademark or application justification or subject to the rejection or is removed as the result of acceptance of the claim of differentiation based on usage in the scope of the Law Article 5 Clause 2.

CHAPTER TWO

Geographical Indications and Traditional Product Name

PART ONE

Application

Application right and conditions

ARTICLE 35 - (1) The ones indicated in the Law Article 36 have the right to apply for a geographical indication and traditional product name registration.

(2) The geographical indication or traditional product name application is delivered to the Institute by filling out the application form considered valid by the Institute in electronic media. The application performed otherwise is removed from process and in case of a request the fee collected is returned to the applicant.

(3) In the scope of the geographical indication application the information and documents below should be included:

- a) Identification and contact information of the applicant(s).

- b) The information regarding which of the ones that have application right indicated in the Clause 1 it belongs and the documents showing this condition.
- c) In case the real person or legal entity applicant is the only producer the information and documents proving the issue
- ç) The name of the geographical indication requested for registration, origin name or information regarding it being a protected geographical indication, information related to the product group under Clause 5 and information and documents proving the conformity to the protected geographical indication definition or origin name.
- d) Product definition, technical information and documents explaining the physical, chemical, microbiological and sensory properties of the product and where necessary, of the raw material.
- e) Information and documents defining and determining clearly the borders of the geographical area and when needed the map showing the geographical borders.
- f) In protected geographical indication applications; information and documents explaining the ones of the production, processing of the product and the processes related to the product that shall be performed within the borders of the geographical area.
- g) The information and documents related to the production method and local production techniques as well as the procedures and traditions that give the product its properties, if any.
- ğ) The information and documents proving the connection of the quality, fame or other properties of the product subject to geographical indication registration within the scope of the geographical indication definition to the mentioned geographical area.
- h) The information and documents related to the historical background of the product in the geographical area in question
 - ı) The information and documents explaining in detail the audit style in accordance with the Article 45 and also including the sample audit draft.
 - i) The information explaining the usage ways of the geographical indication and if any, the special procedures related to labeling and packaging.
 - j) In applications originated from foreign countries, in case the inscription subject to geographical indication includes letters outside the Latin alphabet, the Latin alphabet counterparts of these and if possible the Turkish translation.
 - k) If the application is performed by the representative the identification and contact information of the representative
 - l) The information regarding the payment of the application fee.

(4) In the scope of the traditional product name application the information and documents below should be present:

- a) Identification and contact information of the applicant(s).
- b) The information regarding to which of the ones that have application right indicated in the Clause 1 it belongs and the documents showing this condition.
- c) The traditional product name requested to be registered, information related to the product group under the Clause 5 and information and documents proving it is conforming with the traditional product name.
- ç) Product description, technical information and documents explaining the physical, chemical, microbiological and sensory properties of the product and where necessary, of the raw material.
- d) The production method in which the raw materials within the contents of the product and properties of other components as well as the product preparation techniques indicating product characteristics are explained.
- e) The information and documents explaining in detail the audit style in accordance with the Article 45 and also including the sample audit draft.
- f) The information explaining the usage ways of the traditional product name and if any, the special procedures related to labeling and packaging.
- g) In applications originated from foreign countries, in case the inscription subject to traditional product name includes letters outside the Latin alphabet, the Latin alphabet counterparts of these and if possible the Turkish translation.
- ğ) If the application is performed by the representative the identification and contact information of the representative
- h) The information regarding the payment of the application fee.

(5) The product groups that are indicated in the Law Article 37 and cannot be used as extending the scope of the right incurring from the registration defined by the Law Articles 44 and 45 are indicated in the application according to the following categories:

- a) Cheese
- b) Dairy products except cheese and butter
- c) Saturated fats including butter and oils.
- ç) Ice creams and edible ices.
- d) Non alcoholic beverages.
- e) Chocolate, candy and derivative products.
- f) Bakery and pastry products, dough based products, desserts.
- g) Seasoning/flavoring, sauces and salt for the food.
- ğ) Processed and unprocessed meet products.

- h) Honey.
- i) Processed and unprocessed fruits and vegetables and mushrooms.
- i) Dishes and soups.
- j) Beers and other alcoholic beverages.
- k) Tobacco.
- l) Rugs and carpets.
- m) Fabrics.
- n) Handicrafts except carpets, rugs and fabrics.
- o) Other products.

Review of the application

ARTICLE 36 - (1) The geographical indication and traditional product name applications are reviewed by the Institute as of their conformity with the Law Articles 33 to 37 and 39.

(2) In case the information on identification of the applicant is not present on the form the application is deemed not done. In case the information on identification of the applicant is detected to be missing or erroneous the Institute requests these imperfections to be corrected within a month. In case the imperfections are not corrected in due time application is deemed not done. The decision related to the applications being deemed not done is a final decision of the Institute and cannot be subject to objection in the scope of the Law Article 40.

(3) In case it is seen that the terms on the Law Articles 37 and 39 and this Regulation 35 and 37, excluding the information on identification of the applicant, are not met the Institute requests these imperfections are corrected within three months. In case the applicant requests in this period, additional periods of three months, no more than twice, are given for the imperfections to be corrected. In case the imperfections are not corrected in due time or the documents and information submitted are deemed insufficient by the Institute the application is rejected.

(4) The Institute can request technical opinions from the related Institutes and associations, to be delivered within a period of one month, in order to assess the technical information given in the scope of the application. If the related Institutes and associations request fee for the opinions this fee is paid by the Institute.

(5) The applications reviewed and found appropriate in the scope of this article are published in the Bulletin.

The applications originated from foreign countries

ARTICLE 37 - (1) International agreement provisions being reserved, for the applications originated from foreign countries, additional to the issues indicated in the article 35, the original of the official certificate regarding that the name and sign subject to the application are protected in the origin country or in the international community, the audit terms indicated in the article 45 are provided for in the origin country or the international community and the origin country or the international community provides equal protection to the applications from Turkey or the copy of this certificate approved by competent authorities as well as the Turkish translation of these approved by a sworn translator are submitted to the Institute.

(2) If the application originated from foreign country is same with a geographical indication or traditional product name protected in Turkey, the review is made considering the risk that the regional and traditional use and the similar names are confused to each other by the consumer. In this regard the Institute may request that the applicant to take measures to remove the mentioned confusion risk and deliver the related documents and information within three months. The usage of the geographical indications and the traditional product names in this condition can only be permitted in case the origin country where they are produced is indicated clearly and visibly. In case the application is published in the Bulletin in the announcement and if it is registered in the registry certificate this issue is especially indicated.

(3) The geographical indications belonging to the foreign countries that are stipulated to be protected within the scope of two or multiple party agreements to which our country is a party or which our country negotiates on a later date than the date the Law comes into force, if otherwise stated by the related agreements, with the condition that the name of the mentioned geographical indication and the summary of the registry information in the origin country is published in the Bulletin before the agreement comes into force, no objections made against the publication in the scope of the Law Article 40 Clause 2 or the objections made are rejected by the Institute as final; on condition that within the period to be defined by the Institute from the date the agreement becomes effective it is recorded in the Registry and published in the Bulletin in accordance with the Article 41, it benefits from the protection provided for the registered geographical indications by the Institute after the agreement becomes effective. Also the information of the registry record of this geographical indication in its origin country is made available in Turkish and English for the public by the Institute.

Publication of the application

ARTICLE 38 - (1) The following information are given in the publication of the geographical indication application in the Bulletin:

- a) Application date and number.
- b) The identification and contact numbers of the applicant.
- c) The name and type of the geographical indication application
- ç) The product and the product group,
- d) Borders of the geographical area
- e) Definition of the product and its connection with the geographical area.
- f) Production method
- g) In protected geographical indication applications, which of the production, processing of the product or processes related to the product are made within the indicated geographical area.
- ğ) The detailed explanation of the audit type.
- h) If there is a usage style of the geographical indication, special procedures, if any, regarding labeling and packaging.
- ı) In the application originated from foreign countries, in case the inscription subject to registration includes letters outside the Latin alphabet, the Latin alphabet counterparts of these and if possible the Turkish translation.
- i) Information of the representative, if any.

(2) The following information is given in the publication of the traditional product name application in the Bulletin:

- a) Application date and number.
- b) The identification and contact numbers of the applicant.
- c) The traditional product name.
- ç) The product and the product group.
- d) The information showing that the products meet at least one of the conditions indicate in the Law Article 34 Clause 3.
- e) Product description.
- f) The production method indicating the characteristics of the product.
- g) The detailed explanation of the audit style.
- ğ) The a usage style of the traditional product name, special procedures, if any, regarding labeling and packaging.
- h) In the application originated from foreign countries, in case the inscription subject to registration includes letters outside the Latin alphabet, the Latin alphabet counterparts of these and if possible the Turkish translation.
- ı) Information of the representative, if any.

PART TWO

Objection

Objection and review of the objection

ARTICLE 39 - (1) The applicant can demur to the Institute via filling a signed digital objection form in which the justifications regarding the objection are indicated, within two months from the notification date of the decision, related to an application rejected in the scope of the Law Article 38.

(2) Third persons with the claim that the registration request is not conforming with the Law Articles 33 to 37 and 39 or any right owner in the scope of the Law Article 48 can demur to the Institute within three months from the date the application is published in the Bulletin via digitally filling the signed objection form in which the justifications related to the objection are indicated.

(3) If the justifications related to the objection made in the scope of the Clauses 1 and 2 or the information related to the payment of the objection fee is not submitted to the Institute in due time the objection is deemed not done.

(4) The applicant is informed on the objection made in accordance with the Clause 2. In case the applicant does not submit its opinions on the objection to the Institute within one month from the date of notification the objection is reviewed in the scope of current information and documents.

(5) The objection made in the scope of the Clauses 1 and 2 are reviewed by the Board. The Board requests additional information and documents from the parties in case it deems necessary. In case the additional information and documents are not submitted within one month from the date of notification the objection is reviewed in the scope of current information and documents.

(6) The Board can request opinions from the related Institutes and associations, to be delivered within a period of one month, in order to assess the issues given in the objection. If the related Institutes and associations request fee for the opinions this fee is paid by the demurrer to the related Institutes or associations. The information related to the payment is submitted to the Institute within the same time period. In case the requested payment is not done in due time and the information on the payment is not submitted to the Institute the objection is reviewed in the scope of current information and documents.

(7) In case a modification is made on the application as the result of the review of the objection, the final form of the application is published in the Bulletin indicating separately the modified part. This publication cannot be demurred.

(8) In case the application is rejected as the result of the objection the decision is published in the Bulletin.

Reconciliation

ARTICLE 40 - (1) During the review of the objections by the third persons with the claim that the registration request is not conforming with the Law Articles 33 to 37 and 39 or any right owner in the scope of the Law Article 48 the Institute can call the parties for reconciliation. In that case the parties deliver their statements on reconciliation to the Institute within one month from the notification sent to them by the Institute. If one of the parties does not give positive response to the reconciliation offer the reconciliation invitation is deemed to be rejected and the Institute continues the review of the objection from where it is left.

(2) If the parties are represented by the representatives before the Institute, the representative is obligated to inform the represented promptly the reconciliation invitation and that the conflict is available to be resolved by mediation.

(3) If the parties desire to reconcile and inform the Institute that they will apply to a mediator, the objection review is postponed for three months. However, in case that the parties make a request together during this time this period can be extended for up to three months.

(4) In case that the reconciliation process finalized due to one of the reasons organized in the Law on Mediation in Legal Conflicts no. 6325 dated 7/6/2012, the original or a notary approved copy of the report issued regarding that the parties have agreed, not agreed or how the mediation activities are finalized is delivered to the Institute within one month after the reconciliation activities end. In case the parties agree, upon delivery to the Institute of the report that is issued by the parties and gained decree status in according to the Law no. 6325, the transactions related to the application are continued conforming to the results of the reconciliation. In case that the report is not delivered in this period or the parties could not agree the Institute continues the review of the objection from where it is left.

(5) The period that passes from the beginning of the mediation process to the end of it is not taken into account in calculation of the period of prescription.

PART THREE

Registration and Modification Requests

Registration

ARTICLE 41 - (1) The application to which no objections made within three months from the date of the publication in the Bulletin, the objections made are rejected as final or which is modified as the result of the review of the objections is registered in the condition that the registry fee is paid within two months from the notification date and the information of the payment is submitted to the Institute within same period and it is recorded in the Registry. The registered geographical indications and traditional product names are published in the Bulletin as including the information contained in the registry certificate.

(2) The following information is present on the geographical indication registration certificate:

- a) The registration number and date.
- b) The application number and date.
- c) Identification and communication information of the registering person.
- ç) Name and type of the geographical indication.
- d) Product and product group.
- e) Borders of the geographical area.
- f) Description of the product and the connection with the geographical area.
- g) Production method.
- ğ) In protected geographical indication applications; which of the production, processing of the product or processes related to the product are made within the indicated geographical area.
- h) Detailed explanation of the audits
- ı) Usage type of the geographical indication, special procedures, if any, related to the labeling and packaging.
- i) In applications originated from foreign countries, in case the inscription subject to registration includes letters outside the Latin alphabet, the Latin alphabet counterparts of these and if possible the Turkish translation.

(3) The following information are present in the registration document of the traditional product name:

- a) The registration number and date.
- b) The application number and date.
- c) Identification and communication information of the registering person.
- ç) The traditional product name.
- d) Product and product group.

- e) The information showing that the product meets at least one of the conditions indicated in the Law Article 34 Clause 3.
 - f) Description of the product.
 - g) The production method indicating the product characteristics.
 - ğ) Detailed explanation of the audits
 - h) Usage type of the traditional product name, special procedures, if any, related to the labeling and packaging.
 - ı) In applications originated from foreign countries, in case the inscription subject to registration includes letters outside the Latin alphabet, the Latin alphabet counterparts of these and if possible the Turkish translation.
- (4) The information on the registration certificate are present in the Registry record.

Modification requests

ARTICLE 42 - (1) If there is a modification in the properties subject to registration of the registered geographical indication or traditional product name due to reasons like seasonal changes, technological developments and development of new methods in production or there are errors on the information present on the registration certificate the modification request can be done to the Institute by the ones with interests.

(2) The modification requests shall be submitted to the Institute via digitally completing the signed modification request form. The following information and documents should be present in the modification requests:

- a) The identification and contact information of the requestor as well as the information and documents explaining his/her interest regarding the modification related to the registered geographical indication or traditional product name.
- b) The issues subject to the modification request among the properties indicated in the registration certificate, their justifications and the evidence related to them as well as the parts requested to be modified in the Registry.
- c) Representative information, if any.
- ç) Information on payment of the modification request

(3) If there are imperfections in the issues indicated in the Clause 2 Items (a), (b), and (ç) the Institute requests the mentioned imperfections to be corrected in three months. If the imperfections are not corrected in due time, the request is deemed not done.

(4) The modification request that meets the conditions indicated in the Clauses 2 and 3 is reviewed in the scope of the Law Article 38 and the modifications found proper are published in the Bulletin. The mentioned modification can be demurred

to within three months from the publication date. The objections made in the scope of the Law Article 40 are reviewed according to the same article. In case of no objections or the objections are rejected as the result of the review the modifications are published in the Bulletin and finalized as of that date. The modifications that are finalized and recorded in the Registry are applied by the related persons at most within a year after the publication date.

(5) If the modification requestor is not the registering person the Institute informs the registering person before publishing the modification in the Bulletin and request him/her to submit opinions, if any, in one month from the date of the notification. If the modification is published in the Bulletin the registering person can duly demur. The Institute requests from the registering person that the modifications are applied by the related persons in case the modifications are finalized.

Change in the applicant or the registering person

ARTICLE 43 - (1) If the applicants or registering persons of the geographical indications or traditional product names are decided by a court not to be meeting the conditions indicated in the Law Articles 36 and 49 or ex officio determination of this condition by the Institute or the modification declaration is notified to the Institute in writing by the registering persons, this decision, determination or declaration, is published in the Bulletin. It is mandatory for the modification declaration is submitted to the Institute with the signed modification form by the applicants or the registering persons.

(2) In the three months period following the publication, if the ones that meet the conditions indicated in the Law Article 36 are requested to be recorded as applicants or registering persons, the requestors apply to the Institute in writing with the signed modification request form acknowledged valid by the Institute and completed digitally. The following information should be present within the scope of the modification request:

a) Identification and contact information of the requestor as well as the information and documents showing him/her meeting the conditions indicated in the Law Articles 36 and 49.

b) Representative information, if any.

(3) If there are imperfections regarding the issues indicated in the Clause 2 Item (a) the Institute requests that the mentioned imperfections are corrected within two months. If the imperfections are not corrected in due time, the request is deemed not done.

- (4) In case there are more than one modification request in the scope of the Clause 2 the Institute accepts the requests it deems most proper considering the issues like performing the auditing activity effectively, competence to represent the manufacturers of the product. If the request is accepted the modification is published in the Bulletin.
- (5) If there are no requests or the requests made are not found proper the geographical indication or the traditional product name right ends and this condition is published in the Bulletin.
- (6) If the applicant or the registering person and the person meeting the conditions indicated in the Law Articles 36 and 49 agree then the modification request is submitted to the Institute including the following issues;
- a) Identification and contact information of the requestor as well as the information and documents showing that he/she meets the conditions indicated in the Law Articles 36 and 49.
 - b) Representative information, if any.
 - c) Modification contract.
 - ç) Information on payment of the modification fee.
- (7) If the request is accepted the modification is published in the Bulletin. In cases the Institute deems necessary regarding the modification contract, it can request all kinds of evidences including notary public approval.
- (8) In case the contract under the Clause 6 is not found proper by the Institute the modification request is rejected.

PART FOUR

Usage, Audit and Waiver

Usage of the registered geographical indication and traditional product name

ARTICLE 44 - (1) The registered geographical indications and traditional product names shall be used by the ones active in production or marketing of the products proper to the terms indicated in the Registry. Manufacturers and the ones among the marketers that affect the products' properties subject to registration via being in the supply chain without being producers, make declarations to the registering person regarding that they are performing activities regarding the geographical indication and the traditional product name. This declaration is done within six months after the publication of the geographical indication and the traditional product name registration in the Bulletin; whereas for the ones that shall start the

production and marketing of the product subject to the registered geographical indication and traditional product name after the registration it is done within six months after the date of beginning to the production and marketing activities. There is no obligation of notification to the registering person of the ones that are performing only sales activities. The registering person adds the notifications made to him/her to the list indicated in the Article 45 and keeps it updated continuously. This list, the basis for the audits performed within the scope of the same article, is submitted to the Institute upon request.

(2) The persons with the right to use the registered geographical indications or traditional product names use the said geographical indication or the traditional product name on the product or the packaging together with the emblem. It is mandatory to use the emblem regarding the geographical indications.

(3) In case that the geographical indication or the traditional product name cannot be used on the product or the packaging together with the emblem due to the quality of the product, the emblem and the registered sign or name are kept in the plant where it can be seen easily by the ones who have the usage right.

(4) The usage of the traditional product name without emblem is not subject to the provisions of the Law or the Regulation.

Auditing the usage

ARTICLE 45 - (1) The auditing the usage of the geographical indication or the traditional product name covers all the activities related to the auditing of the conformity of the usage to the properties indicated in the registration at the stages of production, launching or distribution of the products carrying the registered geographical indication or the traditional product name or while the product is on market.

(2) Auditing is performed by the auditing authority recorded in the Registry, of which the competence is approved by the Institute. The auditing authority should be objective, have the competent and sufficient number of personnel for performing the audits, sufficient resources and hardware. The Institute can ask for the information and documents necessary for proving the competence of the auditing authority. The modification in the auditing authority recorded in the Registry can be done with the approval of the Institute.

(3) The auditing authority also controls the usage of the emblem indicated in the Article 44 while auditing the conformity of the products carrying the registered geographical indication or traditional product name to the properties indicated in the registration.

(4) The registering person keeps the list of the manufacturers of and ones active in the marketing of the products carrying the registered geographical indication or traditional product name in order to be a basis for the audit. The registering person shall send this list to the Institute and other related Institutes and associations when requested.

(5) The audit plan is established by the auditing authority considering the audit frequency indicated in the registration. Separate reports are issued for each audited. The reports of which the contents are differentiated according to the scope of the registration and the quality of the product to be audited covers especially the issues below:

- a) Identification and contact information of the audited, if production or marketing is performed in more than one address the addresses of the related locations,
- b) Identification information and signatures of the ones in the auditing authority and the officer of the audited place.
- c) Audit date and the amount, batch number and similar information about the audited product.
- c) The additional information and documents, if any, the audited should ready for the auditing to be performed efficiently.
- d) The audited properties taking the registration certificate information as basis and whether these properties are found conforming.
- e) For the nonconforming usages, the measures to be taken and if a new audit is suggested in this regard the details about it.
- f) The conformity of the usage of the emblem.

(6) Of the audit reports signed as two copies, one copy is given to the auditing authority and other is kept by the audited.

(7) The reports prepared as the result of the audits performed are notified tot the registering person by the auditing authority. The registering person reviews the reports delivered to him/her and in case issues contradictory to the registration are seen applies to the necessary legal actions.

(8) The registering person prepares a report for the reports notified to him/her. The audit reports of which the form is announced by the Institute contain especially the following issues:

- a) Identification and contact information of the audited and the addresses of the locations audited.
- b) Separate for each audited, the date of the audit, the amount of the product audited, the measures applied for the products found nonconforming with the

properties indicated in the registration, the legal actions applied to, if any, due to the nonconformity to the registration.

c) The conformity of the usage of the emblem.

(9) The audit reports are submitted to the Institutes once a year. However in case of a complaint, the Institute can request for the reports to be delivered before due time. The period related to the submitting of the audit reports starts on the date that the registration is published on the Bulletin.

(10) If imperfections are seen as the result of the review of the audit reports by the Institute, the imperfections asked to be corrected via notifying the registering person. If the imperfections are not corrected in due time or it is seen that the auditing activities are not performed according to the procedure the provisions of the Law Article 43 are applied.

(11) The Institutes, when deems necessary, can ask for additional information and documents related to the auditing activities.

(12) The registering person can request the costs related to the audit from the audited.

(13) The audit indicated in this Book covers the audits performed by the auditing authority indicated in the registration and the provisions for the audit of the geographical indications and traditional product names under Veterinary Services, Plant Health, Food and Fodders Law no. 5996 dated 11/6/2010 and the other laws are reserved.

Waiver of the right and the responsibility which the registration provides

ARTICLE 46 - (1) The person registered the geographical indications or traditional product names can waive the rights which the registration provides and the responsibilities related to the auditing of the usage. The waiver request is done in writing to the Institute with a signed form. The following information and documents should be given for the waiver request:

a) If the request is done by the representative the notary approved power of attorney containing explicitly the authority for waiver or the notary approved copy of the power of attorney.

b) The statement showing the registering person's waiver from the rights and responsibility.

c) If the requesting applicant is a legal entity, the notary approved authorized signature lists or notary approved copy of the said lists, If it is a real person, the notary approved statement of signature or notary approved copy of the said statement, if it is public Institutes or associations or occupational Institutes in the

quality of public Institute the original or same as original copy of the document showing the authority to waiver.

(2) If there are imperfections on the issues indicated in the Clause 1 it is requested that they are corrected within one month. Otherwise the waiver request is deemed not done.

(3) The waiver request found proper is published in the Bulletin.

(4) Within the three month period after the publication in the Bulletin, in case the ones carrying the terms indicated in the Law article 36 make a request of change for the registering person, this request is reviewed in the scope of the provisions of the Law Article 43.

(5) In case no request of change for the registering person is made within the three month period, the geographical indication or the traditional product name is deleted from the Registry at the end of this term and the information related to the deletion is published in the Bulletin. The waiver is effective as of the record in the Registry.

CHAPTER THREE

Design

PART ONE

Design Application

SECTION ONE

Place and Date of the Application

Place and Date of the Application

ARTICLE 47 - (1) The real and legal persons within the scope of the Law article 3 can apply to the Institute for design registration.

(2) Application date is the date that the application form and the information and documentation necessary for application are received by the Institute.

SECTION TWO

Application Conditions

The application and the elements to be on the application

ARTICLE 48 - (1) Design application is delivered to the Institute by filling out the application form considered valid by the Institute in electronic media.

Otherwise the application is removed from process and in case of a request the fee collected is returned to the applicant.

(2) The following elements are included in the design application:

- a) Identification and contact information of the applicant(s).
- b) The picture, drawing, graphic, photograph or similarly prepared visual presentation carrying the terms indicated in the Article 50, reflecting the view of the design and available for multiplication via publishing.
- c) A manual, if desired.
- ç) The name of the product the designed used or applied on.
- d) Identification and contact information of the designer or the designers in the design group.
- e) The request for anonymity of the designer, if any.
- f) The information on how the right to request registration is acquired from the designer(s).
- g) The information related to the priority request, if any.
- ğ) The publication postponement request, if any.
- h) If the application is done by a representative, the Identification and contact information of the representative.
- ı) The information showing that the application fee, publication fee, the fee of the additional designs if there are additional designs and fee related to the priority right request, if any, are paid.
- i) The signatures by the authorized person(s).
- j) If there is a publication postponement request the sample carrying the terms indicated in the Article 54.

The right to be indicated as the designer

ARTICLE 49 - (1) The designer is the person designed the design subject to protection.

(2) The identification and contact information of the designer(s) are present in the Registry, the priority documents and Bulletin publication.

(3) If the design(s) within the design application are formed by more than one person, which design is made by who are indicated in the application form.

(4) The designer has the right to request that his/her name is indicated as the designer in case it is not indicated in the application. However, the designer can also request that his/her name to be kept confidential. In case that there are more than one designer the names of the designers who requested to have their names

kept confidential are kept confidential and their names are not given in the publication.

(5) In case that the applicant is not the designer or is one or several of the designers, the way the applicant acquired the right to make a design application from the designer(s) is explained in the application.

Visual presentation

ARTICLE 50 - (1) The visual presentation is the view of the design or the product to which the design is applied that reflects the view of the design and prepared as picture, drawing, graphic, photograph or in a similar way available for multiplication by publishing.

(2) The visual presentations are submitted in size of minimum 8x8 cm and maximum 16x16 cm.

(3) Submitted visual presentations should be in quality that will be available for multiplication via publishing and provides the ability to distinguish the visual properties of the design clearly and explicitly. If the design subject to registration is three dimensional, for the design to be understood better, the visuals reflecting the design clearly and explicitly with all sides are submitted.

(4) In the visual presentations given as photographs the product the design(s) is applied to should be on a flat, plain background. Whereas the visual presentations submitted as drawings are drawn by drawing tools or digital means and to give the 3D view of the product shadows and parallel lines are used.

(5) If a part of the design is requested to be taken under control, in the visual presentations submitted as drawings the elements not requested for protection are indicated with dotted or dashed lines, whereas in the visual presentations submitted as photographs the parts the protection is requested for are clearly marked and bordered. In the visual presentations submitted as photographs if it is not possible to do the marking with lines due to technical reasons the parts the protection is not requested for can be shown as blurred or shadowy.

(6) Additional visual presentations are the view of the same design acquired from different sides without disrupting the integrity of the design for the design subject to registration to be understood better, and different views reflecting the cross sections and the usage properties of the design can be considered as additional visual presentations.

(7) Except the design subject to registration, views containing another object, accessory, measurement or explanatory texts, showing the products with axis and

sizes are not accepted as visual presentations. More than one view cannot be placed within the same visual presentation.

(8) If the registration subject is typographic characters, in the visual presentation a text formed of the typographic characters is given as an additional visual presentation.

(9) The visual presentation including trademark element does not give the design owner a trademark right.

(10) If the design or the product the design applied to is formed of written statements or carries these statements, the mentioned written statements do not provide a right in an exclusive quality over the concept the statements describe to the design owner.

Manual

ARTICLE 51 - (1) The manual is the written text in which the visual properties of the design or the product which the design is applied to are described.

(2) The manual is given at the stage of application, optionally.

(3) The visual properties related to the additional visual presentations submitted are described in the manual prepared for these.

(4) Besides the visual properties of the design or the product the design is applied to, the statement like the technical and functional properties of the product and the production methods being included in the manual does not affect the scope of the protection.

Product Name

ARTICLE 52 - (1) Designs are defined by using the products or the classes, subclasses and names corresponding to the products indicated in the Locarno Agreement. The product names described in the application and not present in the Locarno Classification are defined by the Institute.

The fees related to the application transactions

ARTICLE 53 - (1) The fees related to the application consist of design application and publication fees and priority and publication postponement request fees, if any.

(2) The fee collected for each design application is the design application fee. The applications containing one design are considered single and the applications containing more than one design are considered multiple applications. For each

additional design present in the multiple applications the additional design fee indicated in the Announcement shall be paid.

(3) For each 8x8 cm field requested to be published a publication fee is paid. In case the size of a visual presentation exceeds 8x8 cm additional publication fee is taken. If there is a publication postponement request the fee valid for the year in which the payment for publication fee is paid, shall be paid.

(4) In case a priority right is requested the priority fee shall be paid. In case more than one priority right is requested separate fees for each priority right requests shall be paid. In case the priority right fee is not paid the request to utilize the priority right is deemed not done.

(5) In case the publication postponement is requested for each design a publication postponement fee shall be paid.

(6) In case the design application and publication related fees are not paid and the information regarding the payment is not given to the Institute in due time the application is deemed not done.

(7) In case the design application is withdrawn, the design application fee paid is not returned however the other fees related to the application are returned upon request. In case that the design application is rejected or removed from processing the design application fee and the priority fee, if any, shall not be returned, the publication fee and publication postponement fee, if any, related to the application shall be returned upon request.

(8) In case that the designs within a multiple application are divided due to having different Locarno Classifications or exceeding hundred items, the design application fee related to the designs removed from the scope of the application is returned upon request.

Sample

ARTICLE 54 - (1) If the application subject is a 2D design and there is a publication postponement request made, instead of the visual presentations requested in the Article 50, a sample of the designed or design applied product of maximum 20x30 cm size can be given with the application.

Multiple applications

ARTICLE 55 - (1) Registration of more than one design can be made as a single application under the name of multiple application.

(2) The visual presentations and manuals related to the multiple applications are organized in accordance with the Articles 50 and 51. A separate numbering is made for each visual presentation.

(3) Except ornamentations and pattern designs, for the designs or the products the designs applied on to be subject to a multiple application these products should be under the same class.

(4) A multiple design application can include a maximum of 100 designs.

(5) The Institute makes arrangement in the classifications of the designs or the products the design is applied on indicated in the application form in accordance with the principles indicated in the International Classification of the Designs. In case that the designs within a multiple application are divided due to not being in the same class or exceeding hundred items, the Institute requests from the applicant or its representative a notification on which designs shall be taken to processing within two months period. Also within this period, in case the divided designs are subjected to a new application, for the application date the date of the divided file is taken as basis. If priority right is requested in the first application this right is given for each divided application.

(6) The designs consisting a multiple application or multiple registration are assessed separately.

SECTION THREE

Priority right

Requesting priority right

ARTICLE 56 - (1) The applicant or its representative indicates the priority right he/she wants to benefit from in the application form.

(2) In case the priority right is requested to be benefited from in the application, the original of the approved priority certificate given by the competent office of the country in which the first application is made and the Turkish translation of the document approved by a sworn translator are submitted to the Institute within three months. In case the priority right request fee is not paid, paid short or the approved Turkish translation of the priority certificate is not present, the Institute gives two months time for these imperfections to be corrected. In case the imperfections are not corrected in this period the request for utilizing priority right is deemed not made.

- (3) In case that the priority right is based on the presentation in the exhibits opened in Turkey, a document taken from the competent authority containing photograph(s) showing the exhibited product clearly and completely and showing the date the product visibly placed in the exhibition and the official opening that of the exhibit is submitted.
- (4) For the products exhibited in the exhibitions in the foreign country or countries a document issued by the competent authorities opening the exhibit and containing the issues in the Clause 3 is submitted.
- (5) The priority right usage period is six months. This period starts on the date the first application incurring priority right is made. The application date is not included in this period.
- (6) In case more than one priority right is requested for a design, the priority right starts with the first valid privilege date.
- (7) In the priority right request, the country, date and number of the application incurring the priority right are indicated.
- (8) In case the priority right request is found proper this condition is recorded in the Registry and noted on the design registration certificate.
- (9) To which design(s) requested for registration the priority certificate presented for the multiple applications belongs to is indicated in the application.

The change in ownership of priority right

ARTICLE 57 - (1) In case that the applicant in the first application done in a foreign country is different from the applicant in Turkey, how this change occurred and the date of the change and the names of the persons party to this change are declared in the application.

Issuing priority right certificate

ARTICLE 58 - (1) The priority right certificate requested based on the duly made design application or registration in Turkey is given upon request of the design owner in the condition that the information on payment of the fee is given to the Institute.

SECTION FOUR

Review of the Application, Correction of Imperfections and Finalizing the Application Date

Review of the application and finalizing the application date

ARTICLE 59 - (1) The application date is finalized as of the date the signed application form including the identification information of the applicant and the visual presentation of the design are given to the Institute. The protection start date is the date the application is finalized.

(2) The design application is reviewed in the scope of the Law Article 64.

(3) A design registration request of which the subject and scope are contradictory to the provisions of the Law Article 64 Clause 6 will be rejected by the Institute.

Correction of imperfections and finalization of the application date

ARTICLE 60 - (1) In case an imperfection is detected in an application regarding the information and documents under the Law Article 61 Clause 1 Items (a) and (b), the Institute gives one month period for these imperfections to be corrected. The design application is finalized as of the moment these imperfections are corrected.

(2) The Institute gives two months for the correction of imperfections outside of the Law Article 61 Clause 1 Items (a) and (b). These imperfections do not affect the finalization of the application date.

(3) In case the imperfections are not corrected within periods indicated in the Clauses 1 and 2 the design application is deemed not made.

(4) In case the imperfections regarding the priority right are not corrected the designs subject to the application cannot benefit from the priority right.

SECTION FIVE

Registration, Registry Record, Publication and Publication Postponement

Registration and Registry Record

ARTICLE 61 - (1) The application of which the application conditions are met completely and is conforming to the provision of the Law Article 64 is recorded in the Registry.

(2) The following information is present in the Registry record:

a) Date and number of the application.

b) Registration number, date of the design and the date and number of the Bulletin the design is published in.

c) Application type and the design number within the application.

ç) Priority information, if any.

- d) Nationality and identification and contact information of the design owner.
- e) Identification and contact information of the designer(s)
- f) The visual presentation of the design
- g) The name and class of the design or the product the design is applied to.
- g) Transfer, license, renewal and similar records related to the design registration.
- h) Representative information, if any.

Publication

ARTICLE 62 - (1) The design recorded in the Registry is published in the Bulletin covering the issues below:

- a) Date and number of the application.
 - b) Registration number and date of the design
 - c) Number of designs
 - c) Priority information, if any.
 - d) Nationality and identification and contact information of the design owner.
 - e) Identification and contact information of the designer(s)
 - f) The visual presentation of the design
 - g) The name and class of the design or the product the design is applied to.
 - g) Representative information, if any
- (2) Modifications and renewal transactions related to the registered designs are also published in the Bulletin.
- (3) The Bulletin is published periodically. The Institute can issue additional Bulletin when needed.

Publication postponement

ARTICLE 63 - (1) The applicant can apply for publication postponement together with the application for thirty months starting on the date of application or priority, if any.

- (2) The application with publication postponement request that is not rejected in accordance with the provisions of the Law Article 64 is registered and recorded in the Registry. However the visual presentation of the design and the information and the documents related to the application file are kept closed for examination of the third parties.
- (3) The identification of the applicant, the application date, the class of the design or the product the design is applied on and the publication postponement request are published in the Bulletin.

- (4) The Institute opens to examination of the third parties and publishes all the records and documents related to the application on the date the publication postponement ends or upon request of the right owner on a previous date. However if the information on the payment of the publication fee and only the sample of the product the design is used in or applied to is given during the application the visual presentation of the design proper to publication should also be submitted to the Institute before the publication.
- (5) If the visual presentations of the designs of which the publication postponed due to sample submitting and the publication fees are not paid, two month time is given to the applicant or the representative from the date of notification for payment of the fee and submitting the missing visuals.
- (6) The design application of which the publication postponement period ends and the imperfections are corrected in due time are published in accordance with the content indicated in the Article 62. In case the imperfection are not corrected in due time the rights granted to the design are deemed never incurred starting from the date of application.
- (7) The publication date of the design with publication postponement is the date the visual presentations are published.
- (8) In multiple applications, publication postponement request can be done for a part of the designs within the application.
- (9) The publication fee to be paid for the postponed designs is the fee determined for the year the payment is done.

PART TWO

Objection

Objection to the decision and registration

ARTICLE 64 - (1) The applicants suffered damages from the decisions of the Institute can demur against the rejection or partial rejection decisions given in accordance with the Law Article 64 within two months after the notification date of these decisions.

(2) Objection to the decision is made to the Institute with the signed objection to the decision form on which the justifications related to the objection are written in detail. The objections that do not contain a procedural imperfection are reviewed by the Board.

(3) Third parties can demur in writing to the registration certificate to be given within three months from the publication date by paying the fee via claiming that the design is nonconforming with the definitions given in the Law Article 55 Clauses 1 and 2, does not carry the terms indicated in the Articles 56 and 57, is within the scope of the Article 58 Clause 4 and Article 64 Clause 6 Item (c), that the application is ill-minded and contains the unauthorized usage of an intellectual property right.

(4) For the objection to the registration decision to be valid the following information and documents should be submitted to the Institute:

a) The objection application form prepared according to the Design Publication Objection Form and explaining the objection justifications and the proving information and documents.

b) The information showing that the fee of objection to the registration decision is paid.

(5) In the Publication Objection Form it is indicated that which information and documents are submitted related to the design subject to objection and the design subject to objection is marked and clearly shown in the submitted documents.

(6) The Turkish translation approved by a sworn translator of the information and documents submitted to the Institute are also submitted.

(7) Instead of all of the documents like magazine, catalogue, book, brochure that are shown as basis for the objection, the colored and clear photocopies of the covers and the pages on which the design or the product the design is applied to that are shown as basis for the objection and the parts that contain date are submitted. The mentioned cover and the pages belonging to the same issue are indicated.

(8) The objection justifications and fee can be completed within the objection period. In case that the objection justifications and the information showing that the objection fee is paid are not submitted within this period the objection is deemed not done and the fee collected is returned upon request.

Review of the objection

ARTICLE 65 - (1) The objections made against the decree of the Institute and the registration decree in accordance with the Law article 67 are reviewed by the Board. The Board can request additional information and documents from the parties during the review period in required period and frequency.

(2) At the stage of reviewing the objections made against the decree of the Institute in accordance with the Law article 67 paragraph 1 and when deemed necessary the

opinion of the applicant is taken and it is requested that the applicant will notify the Board of its opinion in one month from the date of notification. In case that the opinion is not submitted in this period the objection is assessed in the scope of current information and documents.

(3) The objections the third parties make against the publication of the design registration in accordance with the Law article 67 paragraph 2, are notified to the applicant for him/her to declare opinions and it is requested that the opposing views are notified to the Board within one month from the date of notification. Additional information and documents can be requested from the demurrer to be given with a month from the notification date. In case that the additional information and documents requested and the opinion against the objection are not submitted the objection is assessed in the scope of current information and documents.

(4) If there are any imperfections except the objection fee within the information and documents indicated in the Article 64 Clause 4, the Institute gives one month period for the correction of the imperfections. In case that the imperfections are not corrected in this time the objection to the registration decision is deemed not done. In case that the same objection is made by multiple persons, the correspondences are made to the first person on the objection application form.

(5) During the objection period or at the stage of reviewing the objection, in case that it is detected that there are imperfections in the application in the scope of the provisions of the Law Article 64 and this Regulation, the processes are continued from the incomplete stage and the decrees taken when deemed necessary are published in the Bulletin.

(6) In case the objection made in accordance with the Law Article 67 Clause 2 is accepted the registration of the design is made invalid. In case the objection made against part of the design in accordance with the Law Article 64 Clause 6 Items (b) and (c) and with the reason of unauthorized usage of the intellectual property right is accepted, only the registration of that part is made invalid. After partial invalidity for the continuity of the registration, the remaining part should meet the terms of protection and keep its design identity. At the stage of the review of an objection made against a multiple application, the design registration that are not subjected to the objection but seen to be declared invalid from the documents attached to the objection are declared invalid ex officio in accordance with the procedure indicated in the Clause 4.

(7) In case that the total or partial invalidity of the registration is decision, the invalidity decision is published in the Bulletin.

(8) If the Board decision is towards the complete or partial continuation of the registration a design registration certificate is issued.

(9) The objection review fees paid for the design registrations declared invalid by the Institute are returned to the demurrer upon request.

Withdrawal of the objection

ARTICLE 66 - (1) The objections to publication and decision can be withdrawn before the Institute decides on the objection.

(2) The following documents should be submitted to the Institute for the objection to be withdrawn.

a) The form containing the request for withdrawal of the objection

b) If the request is done by the representative the power of attorney including explicitly the authority to withdraw.

c) If the requesting demurrer is a legal entity, the notary approved authorized signature lists or notary approved copy of the said lists.

ç) If the requesting demurrer is a real person, the notary approved statement of signature or notary approved copy of the said statement.

PART THREE

Other Transactions to be Recorded in the Registry

SECTION ONE

Renewal

Renewal

ARTICLE 67 - (1) A design with expired protection period can be renewed in condition that the renewal fee is paid and this condition is published on the Bulletin.

(2) The information and documents below should be given for the renewal:

a) Request form.

b) Information showing that the fee is paid.

(3) In multiple applications, partial renewal transaction can be done. The information and documents below should be given for the partial renewal:

a) Request form containing the numbers of the designs requested for renewal.

b) Information showing the fee is paid.

c) If the request is done by the representative the power of attorney including explicitly the authority to withdraw.

- c) If the requestor applicant is a legal entity, the notary approved authorized signature lists or notary approved copy of the said lists.
- d) If the requestor applicant is a real person, the notary approved statement of signature or notary approved copy of the said statement.

SECTION TWO

Correction of Errors

Correction of Errors

ARTICLE 68 - (1) the request regarding the correction of the mistakes in the name and address of the applicant and the spelling errors or errors of fact in the Registry is done to the Institute with the request form. The design application or registration numbers and the errors requested to be corrected are indicated in the request form.

SECTION THREE

License

License

ARTICLE 69- (1) The usage authority related to the right incurring due to a design application or registration can be subject to a license agreement to be valid within all or part of the national borders.

(2) The following information and the documents should be given for the license request to be recorded to the Registry:

- a) Request form
- b) License agreement indicating the signatures and statements of the licensor and the licensee, the name of the design subject to the license, the registration number, if it is a multiple application the serial numbers, the license price and license period, if any, in case that the license agreement is in a foreign language additionally the Turkish translation approved by a sworn translator.
- c) The information showing that the fee is paid.

SECTION FOUR

Waiver from the Rights Due to the Registration

Waiver

ARTICLE 70 - (1) The design owner can waive all or part of the design rights due to the application or registration. In partial waivers the design serial numbers are indicated. In case that the right owners are more than one for a design recorded in the Registry, in order to waive the registration consent of all the right owners is required, while the right owners can waive from their own rights.

(2) The following documents should be given for waiver of the design right.

a) The request form

b) If the request is done by the representative the power of attorney indicating explicitly the waiver authority.

c) The statement approving the waiver by the right owners recorded in the Registry.

ç) If the requesting applicant is a legal entity, the notary approved authorized signature lists or notary approved copy of the said lists.

d) If the requesting applicant is a real person, the notary approved statement of signature or notary approved copy of the said statement.

(3) The expiration of the design right due to duly made waiver request is published in the Bulletin.

(4) In case there are more than one design owner, the waiver request for the design right shall be signed by all the owners. In accordance with the Law Article 147 Clause 1 the person who is the joint representative has no right to sign the waiver request for the design right in the name of the other right owners.

CHAPTER FOUR

Patent and Utility model

PART ONE

Application, Patent Grant and Objection

SECTION ONE

Application and Priority right

Required documents for patent application and the finalization of the application date

ARTICLE 71 - (1) Patent application includes;

a) Application form,

b) The description describing the invention subject,

c) Claims,

- ç) Drawings referred in the description or claims,
 - d) The summary,
 - e) The information showing the application fee is paid.
- (2) For the application is to be processed the elements indicated in the Law Article 90 Clause 3 are submitted to the Institute as indicated below:
- a) The patent granting request.
 - b) The identification and contact information of the applicant.
 - c) The description written in Turkish or any one of the languages indicated in the Law Article 90 Clause 2 or reference to a previous application.
- (3) The description that will be submitted in accordance with the Clause 2 Item (c) can be prepared conforming with the Article 75 and also given as written text in which the invention is explained clearly, in detail and completely to ensure the applicability. In case a previous application is referred to, the application date, application number of the previous application and in which country it was made are indicated. The parts in the manual and drawings, if any, of the previous application that are referred to are also indicated.
- (4) For the application date to be finalized all of the elements indicated in the Clause 2 should be submitted to the Institute. In case that one of these elements is missing on the date they are submitted to the Institute the application is not processed in accordance with the Law Article 9 Clause 1 and this condition is notified to the applicant. In case that all of the elements indicated in the Clause 2 are not given to the Institute the missing elements cannot be completed later on.

Completion of the application elements

ARTICLE 72 - (1) In the application made by the elements indicated in the Article 71 Clause 2 and taken into process, in case that at least one of the elements below is lacking, these imperfections are corrected within two months of the application date without a need for further notice.

- a) Information indicated in the Article 71 and not given during application.
 - b) Claims
 - c) Drawings referred in the description or claims,
 - ç) The summary,
 - d) The information showing the application fee is paid.
- (2) If the description submitted in accordance with the article 71 Clause 2 or other elements indicated in the Clause 1 with the description are given in one of the official tongues of the states party to the Paris Convention or Agreement Establishing the World Trade Organization or applying the reciprocity principle,

the Turkish translation of these elements and declaration stating this translation is same as the one given in foreign language are given to the Institute within two months after application date without need for further notice.

(3) In case a reference is given to a previous application during the application, an approved copy of the referred previous application including manual, requests and drawings, if any, and in case the approved copy is in a foreign language its Turkish translation and declaration stating this translation is same as the one given in foreign language are given to the Institute within two months after application date without need for further notice. In case that a reference is made to a previous application during the application and some of the drawings or parts of the previous application are not referred to the description completed later is organized by removing the references and explanations related to the drawings or parts that are not referred to from the description of the referred application.

(4) In case the elements indicated in the Clauses 1, 2 and 3 are not completed within the indicated time the application is deemed withdrawn and this condition is notified to the applicant. The elements completed later on cannot exceed the first scope of the applications.

The applications entering national stage in the scope of Patent Cooperation Treaty

ARTICLE 73 - (1) The application that shall enter the national stage in accordance with the Patent Cooperation Treaty Articles 22 and 39 is submitted to the Institute together with the information related to the payment of the fee indicated in the Announcement and the elements under the Article 71 Clause 1 within thirty months period starting from the international application priority date, if there is no priority starting from the international application date. If the application is not submitted to the Institute within thirty months period a three month period is additionally given. The additional fee indicated in the announcement is paid together with the application fee for the applications made in this additional period. In case the application is not submitted to the Institute within three months period given additional to the thirty months period, in accordance with the Regulation on Patent Cooperation Treaty Article 49 Clause 6:

a) Submitting the application to the Institute within the periods indicated below, which ever ends first,

1) Twelve months period after the end of the thirty month period from the application or priority date and

- 2) Two months period after the reason for not conforming the thirty months period is removed.
- b) Indication of the reasons related to the nonconformity to the mandatory thirty months period despite the care required by the terms was given and submitting the information and evidences supporting the mentioned reasons.
- c) The application fee and the related additional fee indicated in the Announcement are paid,
are necessary.
- (2) The previous annual fees of the applications that shall enter the national stage via the Patent Cooperation Treaty are paid with the application on the date of entry to the national stage without additional fees. The previous annual fees that are not paid on the date of entry to the national stage shall be paid within six months from the on the date of entry to the national stage together with the additional fees indicated in the Announcement. The annual fees are paid taking the amounts in the Announcement valid on the date of payment as the basis.
- (3) The application date of the patent or utility model applications that shall enter the national stage via the Patent Cooperation Treaty in accordance with the Clause 1 is the international application date. In case the elements indicated in the Clause 1 are given in a foreign language, their Turkish translations are submitted to the Institute within two months after the date of entry to the national stage without a need for further notice. For the applications divided from the applications that entered the national stage via the Patent Cooperation Treaty, the legislation provisions that is in effect on the date the application have entered the national stage are applied.
- (4) In case that the international application made in the scope of the Patent Cooperation Treaty cannot enter the national stage in accordance with the provisions of the Clause 1 or the information and evidences given in accordance with the Clause 1 Item (b) are not accepted by the Institute the application is deemed withdrawn in accordance with the provisions of the same treaty Article 24 Clause 1.

Application form

ARTICLE 74 - (1)The application form carries the following information:

- a) Invention heading.
- b) Identification and contact information of the applicant(s)
- c) If the application is performed by the representative the identification and contact information of the representative

- c) Information on priority right request, if any.
 - d) Identification and contact information of the inventor(s) and in case the inventor desires to keep his/her name confidential the statement related to the request.
 - e) In case that the applicant is not the inventor or is one or several of the inventors, the statement indicating the way the applicant acquired the right to make a patent application from the inventor(s).
 - f) If the application is divided the number of the previous application.
 - g) If the application is an additional patent application the number of the original patent application.
 - g) If the application is an application made in accordance with the Law Article 110 Clause 3 Item (b) the number of the first application.
 - h) If the invention depends on a genetic source, the statement related to the geographical roots of this source and if the geographical roots are not known where this source taken from. If the invention is based on traditional knowledge connected to the genetic source the statement related to the geographical roots of this source of the information and if the geographical roots are not known where this information is taken from.
 - 1) In case that the application is related to the inventions made in the projects supported by the public Institutes and associations in the scope of the Law Article 122, the name of the public Institute or association providing the support.
 - i) The signature of the applicant or representative , if any, and the date. If there are more than one applicant in the application the patent granting request signed by the joint representative assigned or by the first applicant indicated in the application form in case a joint representative is not assigned or by the representative if the application is made through a representative.
 - j) Statement related to the early publication request.
 - k) Information on which language the description is submitted.
 - l) Information on payment of the application fee
 - m) In case there is a research request with the application the related statement and the information on payment of the fee.
 - n) In the applications that enter the national stage via international or regional agreements, the international or regional application number, publication number and if patent is granted the Bulletin date related to grant of the patent.
- (2) The genetic source indicated in the Clause 1 Item (h), in the Article 101 Clause 3 Item (i), in the Article 104 Clause 2 Item (k) and in the Article 111 Clause 1 Item (ö) describes all kinds of genetic material that carries value for today or future, contains functional hereditary units, originates from plant, animal, microbe or other.

Description

ARTICLE 75 - (1) The description is written clearly and in detail in the quality to ensure applicability of the inventions by an expert on the related technical field of the invention. All the properties of the invention subject to application are explained completely without hiding anything. The description covers the following sections in order:

- a) Invention heading: The invention heading indicated in the application form is placed at the beginning of the description. The invention heading basically defines the technical development subject to invention and does not cover the terms in quality of trademark.
- b) Technical field: It indicates the technical field the invention is related to.
- c) Known status of the technique: For the invention to be understood, researched and examined the likes of the invention subject within and out of the country are given in detail in the extend of the knowledge of the applicant. Giving references to the likes of the invention subject, the differences of the invention requested to be protected from these are explained in detail ensuring the comparison.
- ç) The technical problems the invention aim to solve: Which technical problem(s) the invention aims to solve are explained. Even if the technical problem is explicitly indicated in the application, the invention is defined to the extent that the technical problem and the solution are understood and referring to the known status of the technique the advantages, if any, of the invention are indicated.
- d) Explaining the drawings: A short definition for each drawing, if any, is made, the numbers and definitions of the parts placed on the drawings are explained.
- e) Explanation of the invention: The invention requested to be protected with patent is explained in detail as not to give place to any doubts and misunderstanding, referring to the drawings, if any, and via giving examples. While the parts and their functions on the drawings at the end of each part the number is indicated inside parenthesis.
- f) The way of industrial application of the invention: How the invention can be utilized in industry and how the invention can be applied or used are indicated.

(2) The description is mandatory to be presented in the form and order indicated in the Clause 1. However, due to the nature of the invention, a different explanation form provides the invention to be understood better this obligation is not applied.

Claims

ARTICLE 76 - (1) The application includes one or more claims in which the invention is described in sufficient detail and clearly stated. The requests define the technical properties of the invention subject requested to be protected.

(2) Each claim is written as a single sentence. The claims, in case it is appropriate to write in two parts, are written in two parts as the part forming a part of the known status of the technique when brought together and necessary for the definition of the issues forming the subject requested to be protected and a part that characterizes and indicates concisely the technical properties requested to be protected when comes together with the first part. In this case, in order to separate the parts statements like "including, characterized by, consists of, contents, formed of, as property, distinctive property" or other statements with similar meanings are used. In the claim the invention is not defined only with a result desired to be reached.

(3) In an independent claim, the main properties of the invention should be indicated. One or more dependent claims can follow an independent claim. The dependent claims should carry all the properties of the claims it is dependent to. At the beginning of the dependent claims reference to the independent claim should be made and then the additional technical properties requested to be protected are indicated. In a dependent claim another dependent claim can be referred to. All the dependent claims that reference any previous claim(s) are grouped in the most convenient way.

(4) In a dependent claim references to more than one claims can be given separately by using "or".

(5) The provisions of the Law Article 91 Clauses 1 and 2 being reserved, a patent application can contain more than one independent requests belonging to the same category under the product, method, apparatus or usage categories in case one of the status below occurs:

a) More than one related products are present

b) Different usages of the apparatus or product are present

c) While alternative solutions are developed to a problem, it is not proper to protect these alternatives under one claim.

(6) The claims are written in a number to indicate the properties of the invention and in a reasonable number considering the core of the invention.

(7) Unless it is a must, the technical properties of the invention cannot be described by referencing the description or drawings in the claims. The claims do not contain statements especially like "as told in the description", "as shown in the drawings" and so on.

(8) The basis for the claims is the description and the claim should define the subject requested to be protected, should be clear and concise and should not exceed the scope of the application. During the application in case that the description and the claims are given together, the technical properties given on the claims but not on the description should be added to the description. In case that only the description is given during the application the technical properties present in the claims given later on and not present within the description cannot be added to the description.

Drawings

ARTICLE 77 - (1) The drawings are made by permanent, black, condense and dark enough and well defined lines. No coloration is done on the drawings. All the lines in the drawings are drawn in general by the help of drawing tools or drawing software.

(2) Photographs are not accepted as drawings however in the cases that the invention cannot be visualized in any other way, where microscopic visualization in micron level is necessary the photographs can be used. Flow charts and diagrams are accepted as drawings.

(3) Cross sections are indicated with shading without preventing the clear view of the reference marks and main lines.

(4) The scale of the drawings and their graphical applications shall be as to ensure distinguishing easily of all the details in the photographic or digital multiplication made via downsizing at a rate of two thirds.

(5) All the numbers, letters and reference markings on the drawings shall be simple and clear. The brackets, circles or quotation marks are not used with the numbers and letters.

(6) The elements of the same shape shall be in proportion unless a difference creation regarding the proportions is mandatory for the shape to be clear.

(7) The height of the numbers or letters cannot be less than 0.32 cm or type size 9. In case letters are placed on the drawings the Latin alphabet and when necessary Greek alphabet are used.

(8) Sam drawing can contain several shapes. If shapes on two or more pages form a complete shape when connected, these shapes are organized in a way that the complete shape can be put together without any part of the shapes seen on various pages being concealed. Different shapes are organized on the page(s) preferably in vertical position, clearly separated from each other, without leaving empty spaces on the page. If the shapes are not organized in the vertical position, they can be

organized in horizontal position with the top side of the shapes being on the left side of the page. Different shapes are numbered in consecutive numbers different from the page numbers.

(9) Reference markings not indicated in the description or claims are not shown on the drawings. Similarly the reference markings not shown on the drawings, are not indicated in the description or claims. When the reference markings are used the same properties in all the application are indicated with the same reference signs.

(10) Drawings do not contain written statements. In order for the drawings to be understandable, when required, single word or words like "water", "steam", "open", "closed" or "AB section" can be used.

Summary

ARTICLE 78 - (1) At the beginning of the summary the invention heading indicated in the application form is placed.

(2) The summary contains the basic properties found in the description, claims and drawings, if any, and via indicating the technical field the invention is related to ensure that the technical problem, the resolution of the problem at the level of the invention and the basic usage(s) of the invention are understood clearly.

(3) The summary is written to form an effective tool to be used in the research on the technical field the invention is related to.

(4) Where applicable, the chemical formula that characterizes best the invention among all the formulas within the application is placed in the summary. The summary does not contain statement regarding the claimed value of the invention or the speculative application of the invention. The summary preferably consists of maximum 150 words.

(5) If the application contains drawings, after the technical properties indicated in the summary, preferably, the reference markings related to these properties are written in parenthesis. The number of the shape requested for publication is indicated at the end of the summary. The Institute can publish other shape(s) that it considers to be characterizing the invention better.

Statements that should not be on the patent application

ARTICLE 79 - (1) A patent application cannot contain the following:

- a) Statements and other issues contradictory to the public order or general ethics.
- b) Except the comparisons made related to the known status of the technique, humiliating statements or information related to the value or validity of the patents or patent applications of the third parties or products or procedures of these parties.

- c) The statements or other issues that are clearly irrelevant or unnecessary.
- (2) If a patent application includes statements or elements indicated in the Clause 1 Items (a) and (b) the Institute can remove these statements or elements.

Explanation or the invention containing gene sequence and presentation of sequence lists

ARTICLE 80 - (1) Applicability to industry or function of a gene sequence or a partial gene sequence are explained by description or claims.

(2) If nucleotide or amino acid sequences are disclosed in a patent application, the description also includes a nucleotide or amino acid sequence list prepared proper to the current standards of the World Intellectual Property Organization. The sequence list is submitted with the application as an annex to the application on a separate page with the heading "sequence list" coming after the description. The sequence list is delivered in electronic media.

(3) The Institute can request the sequence list prepared proper to the Clause 2 in a data carrier appropriate to the current standards of the World Intellectual Property Organization in addition to the application elements. In that case a declaration is given regarding that the information recorded on the data carrier is same with the written sequence list.

(4) In case that the sequence list is given corrected upon the notification made in accordance with the Article 96 Clause 2, the sequence list is given with a declaration stating that it is not exceeding the scope of the application.

(5) A sequence list submitted after the application date is not accepted as a part of the description.

Explanation or the invention containing biological material and depositing the biological material

ARTICLE 81 - (1) If an invention is related to a biological material that is not available for public and cannot explained sufficient enough in the patent application for an expert on the related technical field to be able to apply the invention or includes the usage of this material, in case the conditions below are met, the invention is accepted to be disclosed in accordance with the Law Article 92:

- a) Delivering of a sample of the biological material on or before the application date to a competent deposit Institute established appropriate to the Budapest Treaty or recognized by the Institute.

- b) Application containing the information available for the applicant related to the characteristic properties of the deposited biological material on the date of application.
- c) The name of the deposit Institute and the access number to the deposited biological material given by this Institute indicated on the patent application.
- (2) The biological material deposited in accordance with the Clause 1 becomes unavailable in the deposit Institute, in case that this material is re-consigned in accordance with the Budapest Treaty the copy of the document given by the deposit Institute regarding the delivery of the material is submitted to the Institute within four months after the deposit date, indicating the number of the patent application or certificate, this availability is considered as not been interrupted.
- (3) The information under the Clause 1 Item (c) are given within the following periods which ever ends first:
- a) Within sixteen months from the application date or privilege date, if any, in case it is not submitted in this period, before the completion of the technical preparations necessary for the application to be published.
- b) Until the date the request of publication of the application is made according to the Law Article 97 Clause 1.
- c) In one month after the notification made by the Institute to the applicant on the issue that a right is formed related to the review of the application file in accordance with the Law Article 102 Clause 2.
- (4) As of delivery of the information in the Clause 1 Item (c) to the Institute it is deemed that the applicant unconditionally and irrevocably consent on the matter of making the deposited biological material available for public.
- (5) The deposited biological material is available to all upon request after the date the patent application is published and before that date to the people with authority to review the application file in accordance with the Law Article 102 Clause 2. This access is conducted via giving a sample of the biological material to the requestor.
- (6) A sample of the biological material is given, in condition that the requestor commits to the applicant or patent owner that he/she shall not give this biological material or any biological material derived from this to the third parties and use this material for only experimental purposes until the date the patent right expires or the patent application is revoked, withdrawn, deemed withdrawn, unless the applicant or patent owner explicitly declares waiver. If the requestor is using the biological material under a mandatory license this commitment is not looked for.

(7) The request on the Clause 5 is made with an announce form to the Institute. The Institute approves that a patent application is made related to the deposited biological material and the requestor has the authority to retrieve a sample of this material, in this form. This request is also made to the Institute after the patent is granted. The Institute sends one copy of the approved request to the deposit Institute and one to the patent applicant or patent owner.

Indicating the inventor in the application

ARTICLE 82 - (1) The inventor is indicated in the application in accordance with the Law Article 90 Clause 5. In case that the applicant is not the inventor or is one or several of the inventors, the way the applicant acquired the right to make a patent application from the inventor(s) is explained in the application.

(2) The inventor can request that his/her name to be kept confidential. In case that there are more than one inventors, the names of the inventors who requested to have their names kept confidential are kept confidential and their names are not given in the publication.

(3) In order for a person who is not indicated as an inventor in the application to be added to the Registry as an inventor written consents of the applicant or patent owner and the inventors are required.

(4) Upon a request to the Institute of a person whom being an inventor is finalized with a court decision, the said person is recorded in the Registry as the inventor.

(5) Upon application or request of the patent owner together with the consent of the person who is indicated as the inventor through error in the patent application or in patent, correction on the Registry is performed.

Divided application

ARTICLE 83 - (1) Over an application in the ongoing process a divided application can be made as not exceeding the scope of the application and until the date the decree of certification of the application is published in the Bulletin.

(2) A divided application to be done from a patent application about which the decree that there is no invention integrity present is given by the Institute, is done in relation to the invention subjects indicated in the notification and in accordance with the provisions of Clause 1.

(3) Regardless of the invention integrity, the applicant can make a divided application in accordance with the provisions of Clause one on his/her own will.

- (4) Provided that it is within the scope of the first application, the application date for each divided application is the date of first application. If priority right is requested in the first application this right is granted to all divided applications.
- (5) The previous annual fees of the divided applications are paid on the date of divided application request or within two months time from that date indicated in the Law Article 95 Clause 2 without a need for further notification and without additional fees. In case that the previous annual fees are not paid in this period the divided application is deemed withdrawn.
- (6) The request for search for the divided patent application is done with the application or with no need for further notice within twelve months from the date the divided application request is given to the Institute via paying the research fee indicated in the Announcement.
- (7) The request for search for the divided utility model application is done with the application or with no need for further notice within two months from the date of the notification of the application having no imperfections regarding the conformity to the procedural terms or the imperfections being corrected in due time via paying the research fee indicated in the Announcement.
- (8) In case divided applications are made again over an already divided application, the status of the application it is divided from is taken into consideration.

Requesting priority right

ARTICLE 84 - (1) The priority right request is done together with the application or within two months from the date of application via paying the fee indicated in the Announcement and the priority right certificate is submitted to the Institute within three months from application date. Otherwise the priority right request is deemed not done. In the priority right request the country, number, date of the application incurring the priority right is indicated.

(2) In case that the priority right certificate is available for the international applications entering the national state the priority right certificate is considered as submitted to the Institute.

(3) In case of more than one priority right request, a separate fee is paid for each priority right request made.

(4) Priority right certificate includes the Registry page of the application incurring the priority right and the description, claims and drawings, if any. In case that the application incurring the priority right is submitted previously to the Institute the priority right certificate is deemed to be submitted. Also in case that the submitted

priority right certificate is in a foreign language the Turkish translation of the Registry page is given with the priority right certificate.

(5) In case that the application incurring the priority right is not in Turkish and the validity of the priority right is necessary for the detection of the of patentability of the said invention, the Turkish translation of the application incurring priority right or a statement regarding that the application is completely same with the application incurring the priority right. Otherwise the priority right request is deemed not made in accordance with the Law Article 146.

(6) In the national and international exhibitions opened in Turkey and official or officially acknowledged exhibitions opened in the states party to the Paris Convention, the real and legal entities presenting the product covering the patent or utility model subject, within twelve months of the date of exhibition, for benefiting from the priority right sue to the exhibition in making a patent or utility model application in Turkey, deliver at least a photograph showing clearly and completely the product covering the subject of patent or utility model and a certificate approved by the Institute organizing the exhibition showing the date the product placed on exhibition visibly and the date of official opening. The said photograph should show the properties of the product exhibited with sufficiency for an expert in the related field to understand the invention subject to patent or utility model clearly and without any doubt.

Issuing priority right certificate

ARTICLE 85 - (1) The priority right certificate related to the priority right incurred due to the application to the Institute, is issued by the Institute upon the request of the applicant provided that the fee indicated in the Announcement is paid. The priority right certificate contains the Registry page of the application incurring the priority right and an approved copy of it.

Additional Patent

ARTICLE 86 - (1) For an additional patent application, the original patent is taken as the known status of the technique in the innovation assessment done in accordance with the Law Article 83 Clauses 1 and 3. In assessment of the invention step indicated in the Law Article 83 Clause 4 the original patent application is not taken into consideration as the known status of the technique.

(2) The protection period of the additional patent starts on the date of the application of the additional patent and it is until the end of the term of the original

patent. No annual fees are paid for the additional patents and additional patent applications.

(3) In case it is detected by the Institute that the additional patent application does not have the necessary connection with the original patent application, the additional patent application is transformed to an independent patent application and if there are annual fees to be paid as of the date of the additional patent application these fees should be paid without additional fees within three months of the notification date. In case the necessities are not fulfilled the provisions of the Law Article 101 Clause 4 are applied. The protection period of the application transformed by the Institute from an additional patent application to an independent patent starts with the date of the application in which it is detected that it does not have the necessary connection with the original patent application and it is 20 years from that date.

(4) In case that the original patent's invalidity is decreed this decree does not mandatorily result in invalidity of the additional patents. However, within three months of the notification of the invalidity decision to the patent owner or representative, for the additional patents to be transformed to independent patents if no request is made together with the information showing that the unpaid annual fees, if any, for the original patent are paid without additional fees the invalidity of the patent results in invalidity of the additional patents. In case the necessities are not fulfilled the provisions of the Law Article 101 Clause 4 are applied.

(5) In case that the original patent owner waives the patent rights or withdraws the original patent application or it is deemed withdrawn or it is revoked or deemed invalid due to nonpayment of the annual fee, then the additional patent is transformed into an independent patent. For the transformation to be performed the condition causing the additional patent to be transformed to an independent patent should be finalized. Even if it is transformed to an independent patent the protection period of the additional patent is until the end of the period of the original patent causing the transformation. After the transformation for the additional patent to go on its processes as an independent patent, the Institute notifies the patent owner that it is necessary for the unpaid annual fees of the original patent should be paid in full without additional fee within three months from the notification date. In case the necessities are not fulfilled the provisions of the Law Article 101 Clause 4 are applied.

(6) In case of an additional patent application or an additional patent transforming into an independent application or patent, the annual fees after transformation are

paid as the date of payment term shall be the date of additional patent application or the application date of the additional patent.

(7) The processes of the application or patent transformed from an additional patent application or an additional patent are continued as of the date the annual fees are paid.

SECTION TWO

Physical Properties of the Patent Application Elements

Conformity for multiplication

ARTICLE 87 - (1) All the elements of the application are submitted directly or electronically as it is possible to multiply.

(2) If the application is made on physical documents there shall be no holes, wrinkles or folding on the pages.

(3) If the application is made on physical documents only one face of each page shall be used.

(4) Each element of the application starts in a new page.

(5) If the application is made on physical documents all the pages of the application should be easy to turn and bound as easy to separate and rebind when they are separated for multiplication.

Size of the pages

ARTICLE 88 - (1) Pages of all the elements forming the application shall be in A4 size. If the application is made on physical documents the pages shall be foldable, strong, white, flawless, flat and durable.

(2) The provisions of the Article 77 Clause 9 and Article 93 Clause 3 being reserved, the pages in all the elements of the application are used in vertical direction.

Margins

ARTICLE 89 - (1) The margins of the pages containing the manual, requests and summary shall be 2 cm from top, 2 cm from bottom and 2.5 cm from left and 2.5 cm from right at minimum; 4 cm from top, 3 cm from bottom and 4 cm from left and 3 cm from right at maximum.

Numbering of pages

ARTICLE 90 - (1) All pages of the application elements are numbered with consecutive numbers in order of manual, requests and summary.

(2) Page numbers shall be centered at the top or bottom of the page.

Numbering of lines

ARTICLE 91 - (1) Preferably the lines of each page of the manual and requests are numbered in multiples of five at every five lines. Line numbers shall be on the right end side of the left margin.

Writing of the text

ARTICLE 92 - (1) The application form, manual, requests and summary shall be prepared in electronic media.

(2) When necessary, only graphical symbols and characters, chemical or mathematical formulas can be written or drawn by hand.

(3) Text is written in 1.5 line spacing. All the contents of the text is written with dark and permanent color and with characters of 0.32 cm or 9 type size in minimum for the height of capital characters.

Formulas and tables in the text

ARTICLE 93 - (1) The application form, manual, requests and summary do not contain drawings. The manual, requests and summary can contain chemical or mathematical formulas.

(2) The manual and summary can contain tables. The requests can contain tables only if the subject of the requests requires a table.

(3) If tables and chemical or mathematical formulas cannot be presented in the vertical position they can be presented in the horizontal position. The tables, chemical or mathematical formulas given horizontally are placed as their top side will correspond to the left side of the page.

Terminology and signs

ARTICLE 94 - (1) the value and all data shall be given using the units appropriate to the international standards and where appropriate, using the metric system where the international units system is used. In these statement the technical terms, formulas, signs and symbols that are acknowledged widely in their field shall be used. Terminology and signs shall show consistency among all the elements of application.

Documents submitted later on

ARTICLE 95 - (1) The documents given later on related to the patent application elements shall also be in accordance with the provisions of the articles 75 to 79 and 87 to 94. All kinds of request forms given after the application date, excluding the attachments, shall be signed.

SECTION THREE

Patent Granting Transactions

Review for conformity with the procedural terms

ARTICLE 96 - (1) The Institute shall review the application the elements indicated in the Article 71 Clause 1 are complete or the elements are completed in accordance with the Article 72 regarding;

- a) whether the information required to be submitted in the application form indicated in the Article 74 are submitted in full,
- b) whether the elements submitted in accordance with the Articles 74 to 78 and 80 are in accordance with the procedural terms indicated in the provisions of the Articles 87 to 94.

(2) If an imperfection is seen in the application as the result of the procedural review, the applicant is requested to correct these imperfections within two months from the notification date. In case the imperfections are not completed in due time the application is rejected and this condition is notified to the applicant.

(3) If the application is seen to have no imperfections in conformity to the procedural terms or the imperfections are completed in due time the processes are continued in accordance with the Article 97 and this condition is notified to the applicant.

(4) In the applications that enter the national stage in the scope of Patent Cooperation Treaty, if it is seen that there are no imperfections in conformity to the procedural terms according to the Clause 3 or the imperfections are completed in due time the application and research report are published under the scope of the Article 101 and the provisions related to the patent applications are applied starting from the stage of the provision of the Article 102 Clause 2.

Research request and preparation of the research report

ARTICLE 97 - (1) The research request is given in accordance with the Law Article 96, together with the application or without any need for notification within

twelve months from the application date, provided that the fee indicated in the Announcement is paid. Otherwise the application is deemed to be withdrawn.

(2) For the research report to be organized it is required that the applicant makes a research request in accordance with the paragraph 1 and the application should be complete regarding the conformity to the procedural terms in accordance with the Article 96 or the imperfections should be corrected in due time.

(3) The research report is organized regarding the requests in consideration with all of the manual. In the research report whether the invention subject to the patent application is new and the documents that are available on the date the report is prepared and that shall be considered in the decision whether it contains an invention step. While organizing the research report, the views of the third parties related to the possibility to grant the patent for the invention subject to the patent application, if any.

(4) To which requests of the application each document is related, and when appropriate, which part of the indicated document is related to the application are indicated in the research report.

(5) The documents published before the privilege date, in between the privilege date and the application date, on the application date or after are indicated distinctively in the research report.

(6) The documents related to the oral statements, usage or statements made in any other way before the application date are indicated in the research report together with the publication date and if any, the date of the unwritten statement.

(7) The research report contains the classification of the invention subject to application made according to the international classification.

(8) While the research report is organized, if it is seen that the summary or invention heading do not serve the purpose of giving technical information related to the invention subject to the application, the summary or invention heading is reorganized by the Institute and finalized and attached to the research report and informed to the applicant.

(9) The organized research report is notified to the applicant together with one copy of each document indicated in the report and the research report is published in the Bulletin. The unwritten documents referred in the research report are not sent to the applicant.

(10) In case the research report is ready before the application publication, the research report and application are published together. If the research report is prepared after the publication of the application it is published separately from the application.

(11) If the application is published before the summary or invention heading modified in accordance with the Clause 8 are republished.

Known status of the technique

ARTICLE 98 - (1) The known status of the technique cover everything that is accessible to the public, disclosed in anywhere in the world before the application date, via written or oral introduction or through usage or in any other way.

(2) The first contents of the national patent or utility model applications dated before the application and published on the date of application or after are considered as the known status of the technique.

(3) Among the international patent applications done in accordance with the Patent Cooperation Treaty, the applications of patent and petty paten entered to national status in accordance with the Patent Cooperation Treaty Articles 22 and 39 and the Article 73 Clause 1 are considered as the known status of the technique.

(4) The European patent applications meeting the requirements under the European Patent Convention on Granting European Patents Article 153 Clause 5, based on international applications and European patent applications indicated by Turkey in accordance with the European Patent Convention Article 79 and for which the related indication fee is paid are considered as the known status of the technique.

The research report in case that the application containing not patentable subject or invention or the manual or requests are not clear

ARTICLE 99 - (1) In the case that all of the requests of the application are under the scope of the Law Article 82 Clauses 2 and 3 or the manual or all the requests are not sufficiently open thus preventing the organization of the research report, it is informed to the applicant that the research report cannot be issued. In case the research report cannot be organized, the applicant is given three months from the notification date to submit the objection against the said decree or the modifications in the application. In the case that no objections are made or no modifications are submitted in this period or the submitted modifications or objections are not accepted the application is revoked. In case the objection or the modifications are accepted the research report is organized for all requests or the researchable requests.

(2) In case that the application contains request(s) that are not under the scope of the Law Article 82 Clauses 2 and 3 or that are clear enough the research report is organized regarding these requests.

Research report in case there is no unity of invention

ARTICLE 100 - (1) If it is detected that there is no unity of invention in the patent application in accordance with the Law Article 91, the research report related to the first invention mentioned in the requests is organized. The applicant can make a divided application for the other request that reside out of the invention integrity and are not researched provided that it does not exceed the subject of this application.

Publication of the application and search report

ARTICLE 101 - (1) In accordance with the article 96 and 119, the patent or utility model application that has no imperfections regarding the conformity to the procedural terms or the imperfections are corrected in due time, is published in the Bulletin upon the completion of the eighteen months period after the application or priority, if any, date or before this date upon the request of the applicant for early publication.

(2) The publication of application contains the publication cover page, manual, requests and drawings, if any, that contain the ones indicated in the Clause 3. In case before the technical preparations of the publication are completed the search report is ready it is also published with the application. If the search report is prepared after the technical preparations of the publication are completed it is published separate from the application.

(3) The publication of the application includes the elements below:

- a) Application date and number.
- b) The identification and contact information of the applicant
- c) The identification and contact information of the inventor if not requested to be kept confidential.
- ç) The identification and contact information of the patent representative, if any.
- d) Invention heading.
- e) Country, date and number of the application subject to priority right
- f) International patent classification of the invention
- g) The publication date and number of the application.
- ğ) The summary
- h) Shape(s) that characterizes the invention
- ı) In the applications enter the national stage via international or regional agreements the international or regional application number, publication number and the Bulletin date related to the granting of the patent.

i) If the invention is based on a genetic source or a traditional knowledge related to a genetic source, information on the geographical roots of this source or information if the geographical roots are known, if not information on where it is taken from.

(4) If the application is published before the summary or invention heading modified in accordance with the Article 97 Clause 8 are republished.

(5) During patent granting transactions if any modifications are done on the information on the Registry page, manual, requests and drawings, if any, the modified pages are also published.

(6) The applications that are rejected, withdrawn or deemed withdrawn before the completion of technical preparations of the publication are not published.

(7) The views to be submitted by the third parties to the patent application in accordance with the Law Article 97 Clause 2 are given to the Institute together with their justifications.

Review request

ARTICLE 102 - (1) The applicant requests from the Institute to review his/her application via paying the fee within three months from the notification date of the research report. The applicant can submit views on research report in this period and make modifications, if any, on the manual, requests or drawings. The review request cannot be withdrawn.

(2) For the applications enter to the national stage in the scope of the Patent Cooperation Treaty, the applicant requests that the application is reviewed within three months after the date the research report is informed by the Institute and pays the fee related to the review together with the request. The applicant can submit views on the international research report in this period and make modifications, if any, on the manual, requests or drawings.

(3) In case that the review request is not done in due time or the fee is not paid in due time the application is deemed withdrawn and it is notified to the applicant. If the application is published this condition is published in the Bulletin.

Examination of the patent application

ARTICLE 103 - (1) Upon the request of the applicant the Institute examines the conformity of the application and the related invention with the provisions of the Law.

(2) If the application and the related invention is seen to be nonconforming with the provisions of the Law, the applicant is notified in accordance with the Law

Article 98 Clause 3. In this notification, considering the documents indicated in the search report, the documents determined during review, if any, the opinions of the applicant, if any, and the modifications done on the application the reasons of not granting the patent are explained giving justifications and their basis are indicated. The applicant is requested to present opinions against each notification within three months from the date of each notification or to make modifications on the manual, requests or drawings provided that the scope of application is not exceeded. The number of these notifications cannot exceed three.

(3) In case the patent is decided to be granted as the result of the examination considering the documents indicated in the search report, the documents determined during examination, if any, the opinions of the applicant, if any, and the modifications done on the application, a examination report explaining the reasons to grant the patent with justifications is organized and this report is informed to the applicant with the decision of granting patent. This decision and patent are published in the Bulletin.

(4) In case that the modification to be made is deemed necessary by the Institute for granting a patent according to the organized examination report, the modifications are requested to be done within two months from the notification date. In case the modifications done are accepted it is assumed that the text to be patented is approved by the applicant and the granting of patent is decided, this condition is informed to the applicant, this decision and patent are published in the Bulletin. In case the modifications are not done or the modifications done are not accepted by the Institute the application is deemed to be withdrawn, this decision is notified to the applicant and published in the Bulletin.

(5) In case that the application and related invention is seen to be nonconforming with the provisions of this Law as the result of the review performed, a review report explaining the reasons not to grant the patent with justifications is organized and the application is revoked, this decision is informed to the applicant and published in the Bulletin.

(6) After the publication related to the granting of the patent, in case it is requested by the patent owner and the fee indicated in the Announcement is paid the patent certificate is issued and sent to the patent owner.

Publication of the patent

ARTICLE 104 - (1) The publication of the patent booklet includes the cover page containing the ones indicated in the Clause 2, the manual, requests and drawings, if any:

- a) Patent number
 - b) Date of the Bulletin that announced the patent granting is published.
 - c) Application date and number.
 - ç) Identification and contact information of the patent owner.
 - d) Identification and contact information of the inventor if did not want them to be kept confidential
 - e) Identification and contact information of the patent representative, if any.
 - f) Invention heading
 - g) Country, date and number of the application subject to priority right
 - ğ) International patent classification of the invention
 - h) The publication date and number of the application.
 - ı) The summary
 - i) Shape(s) that characterizes the invention
 - j) In the applications enter the national stage via international or regional agreements the international or regional application number, publication number and the Bulletin date related to the granting of the patent.
 - k) If the invention is based on a genetic source or a traditional knowledge related to a genetic source, information on the geographical roots of this source or information if the geographical roots are known, if not information on where it is taken from.
- (3) If any modification are done on the information in the Patent Registry page these modifications are also published.

SECTION FOUR

Objection Transactions

The form and content of the objection

ARTICLE 105 - (1) Third parties, within six months from the publication of the decree to grant patent in the Bulletin can demur to the patent in question via paying the objection fee indicated in the Announcement, in accordance with the Law Article 99.

(2) The objection is given in writing including the following:

- a) Identification and contact information of the demurrer.
- b) Identification and contact information of the representative if the demurrer appointed a representative.

- c) The number of the demurred patent, invention heading and identification information of the patent owner.
 - ç) The justifications of the objection and the information and documents proving these justifications.
 - d) The information on payment of the objection fee.
- (3) In case that the objection is not made in due time or according to the paragraph 2, the objection is deemed not done. The objection that are not processed are returned to the demurrer together with the decree of not processing.
- (4) In case that there are no objections or they are deemed not done the decree on granting the patent is finalized and the final decree is published in the Bulletin.
- (5) At the end of the period indicated in the Clause 1, the objections made in accordance with the Clause 2 are notified to the patent owner, and three months are given for him/her to submit opinions and make modifications, if needed, on the manual, requests or drawings starting from the date of notification. In case the patent owner modifies the patent the modified text and the pages showing clearly and understandably where these modifications within the text are done are also submitted to the Institute. The modifications should be clear and understandable in content. The objection is reviewed by the Board considering also the opinions of the patent owner and the requests of modifications in the patent. The Board decides in accordance with the Law Article 99 Clause 5.
- (6) If the Board believes that the patent or its modified version is partially conforming with the Law, decides to continue as of this part of the patent and indicates clearly the part the modifications are requested. Patent owner, from the date of notification of this decree, considering the opinions indicated in the decree and the issues requested to be modified, submits reorganized manual, requests and drawings, if any to the Institute. In case the mentioned modification is not done or the modification done is not accepted the patent is decreed to be invalid. In case that the requirements in this paragraph are duly fulfilled the Institute decrees that the patent shall continue with its modified version. The modified version of the patent is published in the Bulletin.
- (7) If the Board decided that the patent shall continue in its current form as the result of the review it performed related to the objections the final decree is notified to the patent owner and the demurrer and the decree is published in the Bulletin.
- (8) While the objection transaction continues, the expiration of the patent right in accordance with the Law Article 140 Clause 1 Items (b) and (c) does not prevent to continue the objection transactions.

- (9) The objection can be withdrawn before the Board decrees on the objection.
(10) The decrees the Board gives in the scope of the Law Article 99 cannot be demurred in the scope of the Law Article 100.

SECTION FIVE

Annual Fees

Annual fees

ARTICLE 106 - (1) The annual fees indicated in the Announcement and that are necessary for the protection of the patent application or the patent are paid in cash every year on the term during the protection period of the patent starting from the third year after the application date without a need for a notification from the Institute. The term date is the month and day corresponding to the application date.

(2) In case that the annual fees are not paid in due time indicated in the Clause 1, they can be paid within the six months following the term together with the additional fees indicated in the Announcements.

(3) In case that the annual fees are not paid in the period indicated in the Clause 2, the patent right expires as of the date of the term, the notification regarding the expiration of the patent right is done and this condition is published in the Bulletin.

(4) Within two months after the date of the notification done regarding the expiration of the patent right, in case of payment of the compensation fee indicated in the Announcement, the patent right is validated as of the date the fee is paid and published in the Bulletin. For the patent right to be re-validated the information showing the fee is paid should be submitted to the Institute within two months from the notification date together with the request form. The notification regarding the expiration of the patent right is done latest until the end of one year period starting from the date of the term the patent right expires.

PART TWO

The Transactions Regarding The Patent Process

Review of the patent application and patent by third parties

ARTICLE 107 - (1) The patent application or patent files can be reviewed by the third persons over these files or via other technical tools these are recorded to, in

the scope of the provisions of the Law Article 102, provided that the related fee is paid. The ones listed below are outside of the scope of this review:

- a) Draft decides and notifications not yet notified and the documents establishing basis for these.
- b) The identification and contact information of the inventor that waived from the right to have his/her name indicated in the patent application and patent.
- c) The correspondences between the units of the Institute.
- ç) Other documents that the Institute decided that they shall not serve the purpose of public information.

Modification that can be done on patent application and patent

ARTICLE 108 - (1) The applicant can make modifications on the patent application given that it does not exceed the scope of the first version of the application.

(2) The applicant can make the modifications he/she sees necessary given that it does not exceed the scope of the first version of the application and they meet the procedural terms after the completion of the procedural imperfection review. After the completion of the procedural imperfection review the modification request that does not fulfill the procedural terms are not considered and this condition is notified to the applicant.

(3) The applicant can modify the manual, requests and drawings after taking the search report on his/her own initiative.

(4) The applicant can modify the manual, requests and drawings on his/her own initiative together with his/her answer to the first notification done by the Institute during the review of the patent application.

(5) For the modifications in the scope of the paragraphs 1 to 4 to be taken into account during the search or examination reports are organized these modifications should be delivered to the Institute before the search or examination reports organization transactions start.

(6) In case a modification is made on the application the pages showing where on the text these modifications are made are also submitted to the Institute.

(7) The scope of the protection the patent provides cannot be exceeded with the modifications to be made on the patent in the cases the Law permits.

Correction of errors

ARTICLE 109 - (1) The translation errors, typing errors, copying errors and faults on the documents delivered to the Institute can be corrected upon request. However

in the case that the correction request is related to the description, claims or drawings it should be clear that the correction does not carry other motives than the ones listed in this article.

Withdrawal of the patent application or waiver of the patent right

ARTICLE 110 - (1) In case the requests of withdrawal of patent application or waiver of the patent right are done via a representative before the Institute, the original or an approved copy of the power of attorney showing these authorities explicitly should also be submitted to the Institute besides the request. In case that such a power of attorney have been submitted to the Institute before, if information on the ante dated power of attorney is given, reserving the cases that the Institute deems necessary in accordance with the Article 124 Clause 6, the power of attorney is not needed to be re-submitted.

(2) If the requesting applicant is a legal entity, for the request of withdrawal of the patent application or waiver of the patent right made by this legal entity to be processed authorized signature lists of the requesting legal entity should be submitted.

(3) In case there are more than one applicant or patent owner, the request of withdrawal of the patent application or waiver of the patent right shall be signed by all the owners. In accordance with the Law Article 147 Clause 1, the person who is the joint representative has no right to sign the request of withdrawal of the patent application or waiver of the patent right in the name of the other right owners.

Registry recording and its provisions

ARTICLE 111 - (1) The transactions during and after the granting of the patent or utility model and the patent and utility model applications, patents and utility models are recorded in the Registry as including the elements listed below:

- a) Application number and application date
- b) Document number and the date of Bulletin the document being given is published in
- c) Protection type: patent or utility model
- ç) Application type: Original, divided, additional patent, confidential.
- d) Invention Heading.
- e) Turkish summary
- f) Number of requests, page number of the manual and drawings.
- g) International patent classification of the invention.
- ğ) The identification and contact information of the applicant or document owner

- h) The identification and contact information of the inventor if he/she did not request them to be kept confidential.
 - 1) The identification and contact information of the patent representative, if any.
 - i) Country, date and number of the application subject to priority right.
 - j) Start date of the protection and term of the protection
 - k) In case of division of the application numbers of all the applications divided from the first application.
 - l) In case a divided application is made or a new application is made in accordance with the Law Article 110 Clause 3 Item (b), the number, application date and privilege information of the previous application.
 - m) The legal case filed according to the Law Article 111 and the given and finalized decision as the result of this legal case.
 - n) In case an additional patent application is made the number of the original patent application, in the original patent application the numbers of the additional applications.
 - o) The publication date of the application if it is published separate from the application the publication date of the research report
 - ö) If the invention is based on a genetic source or a traditional knowledge related to a genetic source, information on the geographical roots of this source or information if the geographical roots are known, if not information on where it is taken from.
 - p) Information on the validity status of the application and the document
 - r) The legal transactions related to the application or patent and utility model
 - s) Annual fees.
 - ş) In the applications that enter the national stage via international or regional agreements, the international or regional application number, publication number and the Bulletin date related to grant of the patent.
- (2) The Institute can decide for any information other than the ones listed in the Clause 1 to be recorded in the Registry.
- (3) Unless the patent application or the rights due to the patent are recorded properly in the Registry, they cannot be claimed against the good-willed third parties.

Transforming patent application to a utility model application

ARTICLE 112 - (1) The patent applicant can make a request for transformation into a utility model application for the patent application with ongoing process at

the latest until the end of the three month period that is the period for answering the last notification done in accordance with the Article 103 Clause 2.

(2) In case a transformation request is done in accordance with the Clause 1, the Institute notifies the applicant that he/she should submit the necessary documents within one month from the notification date and make a research request. In case the required terms are not met in this period, the transformation request is deemed not done and the application continues to be processed as a patent application. In case the required terms are met in this period, the provisions of the Law regarding the granting of utility models are applied on the application.

(3) For the application a transformation request is made for:

a) If a research report is already organized the research fee indicated in the Announcement,

b) If a research report is not yet organized, the research fee indicated in the Announcement for the transformed applications, should be paid together with the research request indicated in the Clause 2. The research fee required to be paid in the scope of this clause can also be paid together with the transformation request made in accordance with the Clause 1.

(4) For the applications transformed from a patent application to a utility model application, the retransformation request is not processed.

Transformation of utility model application to patent application

ARTICLE 113 - (1) The utility model applicant can make a request for transformation into a patent application for the utility model application with ongoing process at the latest until the end of the three month period from the date of notification of the research report.

(2) In case a transformation request is done, the Institute notifies the applicant that he/she should submit the necessary documents, if any, within one month from the notification date and make a research request paying the research fee. In case the required terms are met in this period, the transformation request is accepted and as of the date the transformation is accepted the provisions regarding the granting of patents are applied on the application.

(3) For the application a transformation request is made for:

a) If a research report is already organized the research fee indicated in the Announcement,

b) If a research report is not yet organized, the research fee indicated in the Announcement for the transformed applications,

should be paid together with the research request indicated in the Clause 2. The research fee required to be paid in the scope of this paragraph can also be paid together with the transformation request made in accordance with the Clause 1.
(4) For the applications transformed from a utility model application to a patent application, the retransformation request is not processed.

Continuing the transactions

ARTICLE 114 - (1) In case the applicant does not follow the time periods regarding the transactions related to the patent applications, he/she can request the transactions to be continued via paying the fee indicated in the Announcement and fulfilling the requirements that are not done as the time periods are not followed within two months from the date of notification due to not following the time period.

(2) In case that the time periods given in the items in this clause are not followed the continuation of the transactions cannot be requested:

- a) The Law Article 93 Clause 1
- b) The Law Article 101 Clause 4
- c) The Law Article 110 Clause 3
- ç) The Article 72
- d) The Article 81
- e) The Article 84 Clause 1
- f) The Article 96 Clause 2 and Article 119 Clause 2
- g) The Article 99 Clause 1 and Article 120 Clause 14

(3) The Institute informs the applicant or patent owner the result of the assessment made related to the request. In case the request is accepted, if the application is not published, this condition is published in the Bulletin.

(4) The request of continuation of the transactions via fulfilling the requirements of the transaction not performed as the three month period is not followed given in the notifications made in accordance with the Article 103 Clause 2 can only be made once in accordance with this article for one of three notifications.

(5) In cases that are not indicated in this article however the continuation of the transactions is not proper according to the provisions of the legislation according to the quality of the request, the request for continuation of the transactions is not processed by the Institute.

(6) The provisions of this article are not applied regarding the time periods related to the continuation of the transactions or re-establishment of the rights.

Re-establishment of the rights

ARTICLE 115 - (1) Despite the care required by the terms is shown in the transaction related to the patent application or the patent by the patent applicant or the patent owner, in case that not being able to follow a time period to be followed causes the rejection of the patent application, it being deemed withdrawn, patent being made invalid in accordance with the Law Article 99 or loss of any other right, the re-establishment of the rights can be requested.

(2) The request for re-establishment of the rights, provided that no more than one year has passed over the end of the time period not followed, is made within two months from the removal of the reason for not following the time period via paying the fee indicated in the Announcement. However, in case of not following the priority period of twelve months indicated in the Law Article 93 Clause 1, within two months from the end of this period a re-establishment of the rights request can be made.

(3) The justifications forming basis for the re-establishment of the rights request and the information and documents proving these are submitted with the request.

(4) The Institute informs the applicant or patent owner the result of the assessment made related to the request. In case the re-establishment of the rights request is accepted, if the application has been published, this condition is published in the Bulletin.

(5) The request of continuation of the transactions via fulfilling the requirements of the transaction not performed as the three month period is not followed given in the notifications made in accordance with the Article 103 Clause 2 cannot be done in accordance with this article.

(6) The provisions of this article are not applied regarding the time periods related to the continuation of the transactions or re-establishment of the rights.

PART THREE

License Transactions

Contract based license

ARTICLE 116 - (1) The usage right of a patent application or a patent can be subject to a license contract.

(2) In order for the license to be recorded in the Registry and published one of the parties should apply to the Institute with the items listed below:

a) Request form

- b) License agreement indicating the signatures and statements of the licensor and the licensee, the number of the patent application or patent subject to the license contract, the license price and license period, if any, and type of the license and in case that the license agreement is in a foreign language additionally the Turkish translation approved by a sworn translator.
- c) The information showing the fee is paid.

Licensing offer and usage obligation

ARTICLE 117 - (1) The patent applicant or patent owner submits request form containing the statement indicating that he/she shall give license to everyone that wants to use the invention subject to patent and the information showing the fee indicated in the Announcement is paid to the Institute.

(2) If there is a change occurred in the applicants or the patent ownership according to the Law Articles 110 and 111, the licensing offer made before is automatically deemed withdrawn with the recording of the new applicant or patent owner in the Registry.

(3) The Institute records the licensing offer in the Registry and published in the Bulletin.

(4) The patent applicant or patent owner can always withdraw the licensing offer. The withdrawal of the offer is published in the Bulletin.

(5) In case there is a record in the Registry that an exclusive license is given, the applicant or patent owner cannot offer to give licenses to others, in case of such offer this offer is not processed by the Institute.

(6) After the licensing offer is done, the request of recording of the exclusive license in the Registry shall not be permitted unless the licensing offer is withdrawn or it is accepted to be withdrawn.

(7) The patent owner or the person he/she authorizes is required to use the invention protected by the patent. The usage is performed within three years from the patent granting decree is published in the Bulletin or four years from the patent application date whichever comes later. In assessment of the usage the market conditions and the conditions out of the control and will of the patent owner are considered. The technical or economical or legal causes like objective quality licensing, conformity with the standards, need for new applications to be made in different fields are accepted as rightful reasons for not using the patent. These reasons that are in quality to prevent usage of the invention subject to the patent, are considered as the reasons out of control and will of the patent owner.

(8) The statement regarding whether the patent is used, is submitted to the Institute within the period indicated in the Clause 7, is recorded in the Registry and published in the Bulletin. The patents for which no statements are made regarding the usage are published in the Bulletin.

PART FOUR

Farmer Exception

Farmer Exception

ARTICLE 118 - (1) In accordance with the Law Article 85 Clause 5, the farmer has the right to use the patented brood or other animal reproduction materials sold by or with the consent of the patent owner, with agricultural purposes. This right covers the usage of the animals or other animal reproduction materials for continuing the farmer's own agricultural activity.

(2) The usage right provided to the farmer in accordance with the Clause 1 covers the breeding of the animals subject to patent for farmer's own agricultural activity using the patented brood or other animal reproduction materials. However this right does not cover the multiplication of the reproduction materials of the animal subject to patent for sales purposes.

(3) To sell the reproductive cells, semen or embryos of a patented animal acting as a brooding business that shall compete directly with the patent owner enters in the scope of multiplication under commercial purposes.

(4) Provided that it is for the purposes of continuing agricultural activities like milk production or slaughter, breeding a patented farm animal via growing, using the bred animal in the farm activities or selling the bred animal itself or its brood is in the scope of the usage right indicated in the Clause 1.

SECTION FIVE

Utility model

Examination of the utility model application regarding the conformity with the procedural terms

ARTICLE 119 - (1) The Institute shall examine the utility model application the elements indicated in the Article 71 Clause 1 are complete or the elements are completed in accordance with the Article 72 or the utility model application enter

the national stage in the scope of the Patent Cooperation Treaty in accordance with the Article 73 regarding;

a) whether the information required to be submitted in the application form except the Article 74 Clause 1 Items (g) and (h) are submitted in full,

b) whether the elements submitted in accordance with the Articles 74 to 78 and 80 are in accordance with the procedural terms indicated in the provisions of the Articles 87 to 94.

(2) If an imperfection is seen in the application as the result of the formal examination, the applicant is requested to correct these imperfections within two months from the notification date. In case the imperfections are not completed in due time the application is rejected and this condition is notified to the applicant.

(3) If the application is seen to have no imperfections in conformity to the procedural terms or the imperfections are completed in due time the processes are continued in accordance with the Article 120.

Search request for the utility model and organization of the search report

ARTICLE 120 - (1) The search request is given together with the application or without any need for notification within two months from the notification made in accordance with the Article 119 Clause 3, provided that the fee indicated in the Announcement is paid. Otherwise the application is deemed to be withdrawn.

(2) For the search report to be organized it is required that the applicant makes a research request in accordance with the Clause 1 and the application should be complete regarding the conformity to the procedural terms or the imperfections should be corrected in due time.

(3) The search report is organized regarding the requests in consideration with all of the manual. In the search report the documents that are available on the date the report is prepared and that shall be considered in the decision whether the invention subject to the utility model application is new. In the innovation assessment of the utility model the technical properties that do not contribute to the subject of the invention are not considered and these elements are indicated in the report. While organizing the research report, the views of the third parties related to the possibility to grant the utility model for the invention subject to the utility model application, if any.

(4) If the application or the related invention is seen to be nonconforming with the provisions of the Law the reasons not to grant the utility model are explained in the search report with their justification and their basis are indicated.

- (5) To which requests of the application each document is related, and when appropriate, which part of the indicated document is related to the application are indicated in the search report.
- (6) The documents published before the priority date, in between the priority date and the application date, on the application date or after are indicated distinctively in the search report.
- (7) The documents related to the oral statements, usage or statements made in any other way before the application date are indicated in the search report together with the publication date and if any, the date of the unwritten statement.
- (8) The search report contains the classification of the invention subject to application made according to the international classification.
- (9) While the search report is organized, if it is seen that the summary or invention heading do not serve the purpose of giving technical information related to the invention subject to the application, the summary or invention heading is reorganized by the Institute and finalized and attached to the search report and informed to the applicant.
- (10) The organized search report is notified to the applicant together with one copy of each document indicated in the report and the search report is published in the Bulletin.
- (11) In case the search report is ready before the application publication, the search report and application are published together. If the search report is prepared after the publication of the application it is published separately from the application. In case the abstract or the invention title is modified in accordance with the Clause 9 the publication of the search report includes the modified abstract and the invention title.
- (12) In case the search report and the abstract modified according to this article are published separate from the application, the publication in the Bulletin includes the information indicated in the Article 101.
- (13) In case some of the claims of the application are not in the scope of the Law Article 143 Clause 7 or the description or some claims are clear enough, the search report shall be made regarding these claims.
- (14) In the case that all of the claims of the application are under the scope of the Law Article 142 or the description or all the claims are not sufficiently open thus preventing the organization of the search report, it is informed to the applicant that the search report cannot be issued. In case the search report cannot be organized, the applicant is given three months from the notification date to submit the objection against the said decision or the modifications in the application, if any. In

case that no objections are made or no modifications are submitted in this period or the submitted modifications or objections are not accepted, the application is revoked. In case the objection or the modifications are accepted the search report is organized for all claims or the searchable claims.

Objection against the search report and submitting opinions

ARTICLE 121 - (1) After the publication of the search report within three months the applicant can demur against the content of the search report via attaching the related documents, the third persons can state opinions. The objections or opinions not submitted in due time are not taken into assessment.

Issuing utility model certificate

ARTICLE 122 - (1) After the publication related to the granting of the utility model, in case it is requested and the certificate issuing fee indicated in the Announcement is paid the utility model certificate is issued and sent to the applicant.

The enforceability of the provisions related to the patents

ARTICLE 123 - (1) Unless there is an open provision related to the utility models and it does not contradict with the property of the utility model, the provisions stipulated for patents in this Regulation are also applied for the utility models.

CHAPTER FIVE Common Provisions

Power of Attorney

ARTICLE 124 - (1) In the cases a power of attorney should be presented in accordance with the Law and this Regulation, it is mandatory that the original of the written power of attorney including the information on the representative has the right to perform representativeness before the Institute, the representative authority and date or its copy including the approval date that is approved for its sameness with the original by the representative to be given to the Institute.

(2) In the applications made by the persons without the right to perform representativeness before the Institute, the notifications related to the application or other transaction to be done after registration shall be done directly to the applicant

if the applicant has a settlement in Turkey. If the applicant does not have a settlement in Turkey the application or request is deemed not done.

(3) In the applications or requests done via a representative that has the right to perform representativeness before the Institute and the power of attorney should be submitted to the Institute, in case that the power of attorney is not submitted to the Institute or the power of attorney does not meet the terms indicated in the Clause 1, two months given to the representative for the imperfection to be corrected. In case the imperfection is not corrected in this period if the applicant or requestor has a settlement in Turkey the notifications shall be done directly to the applicant or requestor. If the applicant or requestor does not have a settlement in Turkey the application or request is deemed not done.

(4) For the waiver of the rights due to application or registration, withdrawal of the objection and the transaction that shall lead completely or partially to these results to be performed by the representative before the Institute, the original of the power of attorney indicating these authorities explicitly or an approve copy of such a power of attorney should be submitted to the Institute.

(5) In case more than one representative are assigned for the representation of one person before the Institute, it shall be sufficient that one of the authorized representatives is notified and this notification is deemed to be done to the real entity.

(6) In the transactions performed via a representative, in case that a power of attorney carrying the terms indicated in the Clauses 1 and 4 has been submitted to the Institute before and it covers the requested transaction, the cases the Institute shall deem necessary being reserved, in case information related to the ante dated power of attorney is given, the power of attorney is not needed to be re-submitted.

(7) The Institute, when deemed necessary, can ask for submitting of all kinds of evidences including submitting of the original or notary approved copy of the power of attorney showing the authority of the representative.

(8) In the power of attorney issued for the transaction followed by the legal entity representatives the representation authority given only to the legal entity. The power of attorney for real or legal entity representatives is organized in conformity with the format of the power of attorney samples given in the website of the Institute. The date of issue, the identification information of the grantor and the attorney are given on the power of attorney.

Transfer and other changes in the right ownership

ARTICLE 125- (1) The change in the right ownership of a trademark, design or patent via transfer is recorded in the Registry in case that the information and documents indicated below are submitted and it is published in the Bulletin.

a) Request form

b) Information on payment of the fee.

c) Transfer contract containing the number of design and patent and the trademark registration number and the name of the trademark subject to transfer.

ç) In case the transfer contract is in a foreign language the Turkish translation approved by a sworn translator.

(2) The price of patent transfer must be indicated on the transfer contract or stated on the request form.

(3) A transfer for all or part of the goods and services the trademark registered for is possible. In case of a partial transfer the goods or services and their class numbers must be indicated in the transfer contract. Complete or partial transfer of a multiple design is possible. In case of a partial transfer of the design the design serial numbers of the transferred designs are given one by one. In case of a partial transfer of a trademark, for the goods or services partially transferred; whereas in the partial transfer of the designs, for the transferred designs a new registration number and a new file is formed for the transferee. A new registration number and a new registration certificate are organized in the quality to indicate the goods and services or the designs in the scope of the transfer. The trademark or the design is recorded in the Registry with the new registration number also indicating the first registration date and they are published in the Bulletin. The newly formed registration certificate is sent to the right owners. The date of beginning of the protection and the term of protection do not change for the partially transferred rights.

(4) For the recording in the Registry of the modification transaction that shall occur in the right owner due to merger, division and similar structural change transactions in the trade companies and placement of in-kind capital or transfer of the commercial businesses, it is required to apply to the Institute with the documents listed below:

a) Request form.

b) Information or document of the Turkish Trade Registry Gazette in which the transaction subject to request is published or a document approved by the competent authorities and in case this document is in a foreign language the Turkish translation approved by a sworn translator.

c) Information on the payment of the fee.

Seizure

ARTICLE 126 - (1) The trademark, design and patent can be seized independent of the business. Seizure is recorded in the Registry and published in the Bulletin.

(2) The seizure of the trademark, design and patent does not prevent the termination of the right due to nonpayment of the fees required for the right to continue or not sending the requested documents in due time. The seizure of the trademark, design and patent does not prevent transfer of these rights.

Pledge

ARTICLE 127 - (1) The pledge of the trademark, design and patent is recorded in the Registry and published in the Bulletin in case that the information and documents indicated below are presented:

- a) Request form
- b) Information on the payment of the fee.
- c) The pledge contract containing the number of design and patent and the trademark registration number and the name of the trademark subject to pledge.
- ç) In case the pledge contract is in a foreign language the Turkish translation approved by a sworn translator.

(2) The pledges recorded in accordance with the provision of the Clause 1 are notified to the Pledged Movable Registry established in accordance with the Law on Pledge of Movable Goods in Commercial Businesses no. 6750 dated 20/10/2016.

(3) The pledge on the trademark, design and patent is lifted in the cases listed below:

- a) Termination of the collectable with any reason.
- b) In case the pledge is bound to a term or period, the realization, not realization or removal of the possibility of realization of this term and the end of the period.
- c) Sales of the trademark, design and patent through enforcement

(4) In case of termination of the pledge, the deletion from the Registry is possible if the debtors make a request with a request form related to the deletion. In case that the pledge right owner does not want to request deletion, the trademark, design and patent owner can request the deletion of the pledge via filing a legal case related to the deletion and a copy of the justified decree of the case including a finalization statement to the Institute. In case the trademark, design and patent are sold via enforcement the pledge is deleted via submitting the original or approved copy of the document related to the sales to the Institute.

(5) The pledge of the trademark, design and patent does not prevent the termination of the right due to nonpayment of the fees required for the right to continue or not sending the requested documents in due time. The pledge of the trademark, design and patent does not prevent transfer of these rights.

(6) The provisions of the Law no 6750 and the legislation issued in accordance with this Law are reserved.

Title, type and address changes

ARTICLE 128 - (1) In case the title or the type of the owner of an industrial property right owner, for this change to be recorded in the Registry a request should be done to the Institute with the documents listed below:

a) Request form.

b) Information or document of the Turkish Trade Registry Gazette in which the change subject to request is published or a document approved by the competent authorities and in case this document is in a foreign language the Turkish translation approved by a sworn translator.

(2) The Registry records of the title or type change are applied to all industrial property rights and applications registered in the name of the right owner.

(3) In case the address of the industrial property right owner, for this change to be recorded in the Registry a request should be done to the Institute with the request form. However the address change can also be done by other methods to be identified by the Institute.

(4) The Registry record of the address change is applied to all industrial property rights and applications registered in the name of the right owner.

(5) In case that the address within a new application, objection or other requests made by an industrial property right owner or by his/her representative, if any, and the address in the Institute records are different, the address indicated in the new application or request is recorded in the related Registry.

(6) This provision is applied also for the traditional product names.

Transfer by inheritance

ARTICLE 129 - (1) In case that an industrial property right is inherited, for this change to be recorded in the Registry a request should be done to the Institute with the documents listed below:

a) Request form.

b) Inheritance certificate or a notary approved sample, in case that the inheritance certificate is in a foreign language the Turkish translation approved by a sworn translator.

c) Information on the payment of the fee.

(2) This provision is not applied for the geographical sings.

Application of the legal transaction to the applications

ARTICLE 130 - (1) The provisions of the Articles 125 to 129 and the provisions regarding the license are also applied to the industrial property right applications and if the application is published, except the conditions in the Article 128, the transaction related to these provisions are also published in the Bulletin.

(2) The seizure or pledge of the industrial property right application does not prevent the industrial property right application to be removed from process due to not sending the requested documents for the applications transaction to be conducted in due time.

(3) This provision is not applied for the geographical sings.

Processes, notifications, fees and transaction forms

ARTICLE 131 - (1) The Law Article 160 Clauses 6, 7 and 8 are being reserve, the notifications made by the Institute are done in writing and as the date of the notification the delivery date is taken as the basis.

(2) The form or request mentioned in this Regulation is the transaction form provided for use in the digital media and accepted valid by the Institute. In the applications and requests to be delivered to the Institute it is the principle to use these forms of which the validity is accepted by the Instruction.

(3) In case that the applications or other requests are done online via electronic signature, mobile signature or other methods provided by the Institute, the documents submitted attached to the forms being same as the original is accepted via taking the statement of the applicant or requestor in this regard and signing online of all the documents. The applicant or requestor conducting the online transaction, in case of a untruthful statement or document submitting, undertakes all the legal and punitive responsibility.

(4) In case there is a doubt about the conformity with their originals of the documents, the Institute can request the originals of the documents from the applicant or requestor. In case of conflict the Institute record prevail.

(5)The part of the duplicated or faulty paid fees and the overpayments related to the extra is returned upon request.

Evidence presentation

ARTICLE 132 - (1) In case of doubt with reasonable causes the Institute can request the presentation of all kinds of evidences including the notary approval related to the request or transaction conducted.

Documents presented in a foreign language

ARTICLE 133 - (1) In case the documents to be submitted to the Institute are in a foreign language, it can be requested that the Turkish translation approved by a sworn translator of all or part of the mentioned document. In case the translations are not submitted in due time, the mentioned documents are not considered. The cases where the approved translations of the documents must be submitted are reserved.

Registration certificate copy or approved copy of the patent

ARTICLE 134 - (1) Upon the request of the owner of the trademark, design and patent and registering person of the geographical indication and the traditional product name, the copy of the related certificate is given.

(2) For the copy of the registration certificate and the approved copy of the patent to be given the documents below should be submitted:

- a) Request form.
- b) Information on the payment of the fee.

Registry copy

ARTICLE 135- (1) The Registries related to the registered or given industrial property rights and the Registry of traditional product names are open.

(2) The registry copies of the trademarks, geographical indication, traditional product name and design are given upon request and the payment of the necessary fee.

(3) The information and contents related to a trademark registration application that is not yet been registered can be given to the third parties against payment and only after the application is published in the Bulletin, as covering the published information.

(4) For the unpublished patent applications or patents the Registry copy is given upon request and payment of the necessary fee. In case of request additional to the elements recorded in the Registry the description, claims, abstract, drawings, if any, and the search and the examination reports are also given.

Imperfection notifications

ARTICLE 136 - (1) In case that the information regarding the payment of the fee stipulated in the scope of the Articles 16, 17, 20, 25, 26, 27, 67, 69, 125, 127, 129, 134 and 135 is not submitted to the Institute together with the request or the fees are paid incomplete, one month period is given to the requestor to correct the imperfection.

(2) In the transactions to be made in accordance with the Articles 16, 17, 18, 20, 20, 22, 23, 25, 26, 27, 33, 67, 69, 125, 127, 128, 129, 134 and 135, in case an imperfection except the fee information is detected one month period is given to the applicant to correct the said imperfection.

(3) In case the imperfections within the scope of the Clauses 1 and 2 are not corrected in due time, the request is deemed not done. Except the fee of objection to publication within the scope of the Articles 33 and 66, the fees within the scope of the Clauses 1 and 2 are returned upon request.

The regulations removed from force

ARTICLE 137 - (1) Regulation on Application of the Cabinet Decree on Protection of the Trademarks no. 556 issued in the Official Gazette no. 25781 dated 9/4/2005, Regulation on Application of the Cabinet Decree on Protection of the Patent Rights issued in the Official Gazette no. 22454 dated 5/11/1995, Regulation on Application of the Cabinet Decree on Protection of the Industrial Designs issued in the Official Gazette no. 26073 dated 7/2/2006 and Regulation on Application of the Cabinet Decree on Protection of the Geographical indications no.555 issued in the Official Gazette no. 22454 dated 5/11/1995 are removed from force.

References

ARTICLE 138 - (1) The references made to the Regulation on Application of the Cabinet Decree on Protection of the Trademarks no. 556 issued in the Official Gazette no. 25781 dated 9/4/2005, Regulation on Application of the Cabinet Decree on Protection of the Patent Rights issued in the Official Gazette no. 22454 dated 5/11/1995, Regulation on Application of the Cabinet Decree on Protection of the Industrial Designs issued in the Official Gazette no. 26073 dated 7/2/2006 and Regulation on Application of the Cabinet Decree on Protection of the Geographical indications no.555 issued in the Official Gazette no. 22454 dated 5/11/1995 are deemed to be made to this Regulation.

Activity statement related to the geographical indications

TEMPORARY ARTICLE 1 - (1) The notifications in the scope of this Regulation Article 44 Clause 1 of the geographically signed products registered before the date the Law came into force shall be done until the date of 10/7/2017

Presentation of the audit reports

TEMPORARY ARTICLE 2 - (1) The audit reports of the geographically signed products registered before the date the Law came into force shall be given until the date of 10/1/2018 to the Institute. The date of presentation of these reports is taken as the basis for the start of the period stipulated in the Law Article 49 for the subsequent audit reports.

Payment of the patent and utility model annual fees

TEMPORARY ARTICLE 3 - (1) In payment of the annual fees of the patents and utility models or applications of which the six months additional period that follows the date of payment term for annual fees has not been ended before the date the Law came into force, the provisions of the Article 106 Clause 4 are applied.

Validity

ARTICLE 139 - (1) This Regulation comes into force on the publication date.

Execution

ARTICLE 140 - (1) The provisions of this Regulation are executed by the President of the Turkish Patent and Trademark Office.

(ジェトロ仮訳)

(Tentative translation by JETRO)

ジェトロ仮訳

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