



IPR Education in Turkey

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- Like many countries around the world, Turkey, in the last 20 years, has recognized the significance of IPR protection and its effects on the economy. Turkey has made a remarkable effort to harmonize its IPR legislation with that of EU legislation and as a result, a number of decree laws regarding patents, trademarks, utility models, industrial design and geographical signs have been entered into force.
- Through extensive amendments in 1995, 2001 and 2004 in the Law on Copyrights of 1950, Turkey has attempted to meet its commitments to international institutions such as World Trade Organization (e.g. TRIPS) and fulfill its obligations to the EU.

- During the 2000s, Turkey fulfilled most of its obligations indicated in the Customs Union Association Council Decision nr. 1/95 by way of signing the Customs Union Agreement 10 years ago. Furthermore, Turkey fulfilled its IPR related obligations in the annual progress report drafted by the Commission through enacting codes, regulations and by-laws, as required by the 1999 EU summit candidacy status report.
- Turkey has harmonized most of its legislation according to the *acquis communautaire*. However, there are some precautions needed for this matter. Harmonization with the *acquis* should not necessarily have to be signed for the establishment of a solid Intellectual Property Law as there are still serious difficulties for the implementation of the regulations enacted by legislative and administrative authorities. Although the recently enacted regulations to overcome piracy appear to have efficient precautions, efforts for the forceful implementation of these precautions are not adequate.

- ❓ The fact that professional unions do not have status of effective intellectual management institutions constitutes to be one of the deficiencies in this matter. Another deficiency would be the need to bring in the regulations of the IPR Implementation Directive nr. 2004/48 (dated 29 April 2004) to Turkish law. Ministries of Justice, Culture and Tourism, together with the courts, police and customs authorities should take the initiative on this matter.
- ❓ Legal complaints to the civil and criminal IPR courts, which are established to hear cases related to IPR violations, increase each day. The deficiency of courts results in the delay of justice. These courts, which should actually be considered as specialized courts, are so far established only in three cities: Istanbul, Ankara and Izmir. In other cities, commercial courts of first instance and criminal courts hear IPR disputes. As judges of these courts are not experts in the field, cases they hear are delayed as well. Therefore, increase in the widespread number of specialized courts and expertising their judges through in-service training is needed.
- ❓ As of the other rights, Intellectual Property Rights should be respected and not violated. Public awareness should be constituted for Intellectual Property Rights, which are included in the Universal Declaration of Human Rights and referred as one of the fundamental human rights.

- ❓ Although, performers have a certain level of awareness, we should admit that users and consumers of intellectual products have not yet reached the level of awareness that is comparable to certain societies. That is why it is an essential need for the state, concerning people and institutions to promote public awareness in order to prevent piracy. Hence, students from primary schools to universities should be educated about IPR and IPR law ought to be listed as one of the compulsory courses in curriculums of law faculties.
- ❓ As Turkey's socio-economic position stimulates intellectual products to be high priced, consumers tend to buy imitated or pirated products. In the ordinary circumstances, people wouldn't steal a laptop, DVD player or a product of a well-known brand. However, they don't hesitate to buy pirated software, pirated DVDs and imitation products of well-known brands. Even this simple fact states the importance of public awareness.
- ❓ One of the important reasons of problems encountered in the application aspect of intellectual property in our Country is the lack of consciousness in the society on this matter. It is normal that raising the awareness of the society can be realized by education. Besides the fact that the industry-university cooperation and the effective work of the technology centers, cannot be provided without giving consulting services about intellectual property.

- ❔ In this regard, our Country made an important progress in the education of intellectual property. However, there is still a lot to do. Copyrights takes place in the syllabuses of law faculties for many years. The industrial rights, on the other hand, is teaching in commercial law. A change has to be done in this regard and if the intellectual property rights taught, as a whole and in a way that comprising copyrights and industrial rights and by emphasizing the connection between them, the consciousness in this matter will increase. Furthermore, copyrights takes place as an elective course in many faculties. But, intellectual property course shall take place as a compulsory course in the syllabuses of law faculties as soon as possible. The only faculty that realizes this is the Ufuk University Law Faculty. The courses are given by myself. Moreover, the intellectual property courses shall be given in medical, pharmacy, veterinary, agricultural faculties at least as an elective course. Courses such as patent, trademark, industrial designs are given in the faculties of engineering in a couple of universities in Turkey such as METU, Bilkent, Boğaziçi. However, the scope and the credits of these courses needs to be increased and extended to all sciences. Intellectual property law has the most points of intersection with sciences in other law aspects. This situation has to be emphasized in courses.

- ❔ All these necessities is accepted in our Country for ages and take part in development programmes of State Planning Organization and Turkish Patent Institute. However, another problem has to be mentioned in this context. And that is the lack of educator in intellectual property. There is a vicious circle about this topic actually. That is to say, not having an organization at department basis in intellectual property, and not opening master and doctorate programmes in these subjects prevent the possibility of making career in this subject. Not making career in this subject poses an obstacle before the education. Consequently, not having master and doctorate programmes prevent raising of lecturers in this topic, thus, not having lecturers in this subject prevent the opening of syllabuses.
- ❔ These courses, which are anyhow given limitedly as a result of not having departments or divisions special to intellectual property law, are given by a few lecturers belonging to different fields such as commercial law, civil law. No having a separate department or division and not making associate professorship and professorship applications in this field, causes the result of not raising of specialists in this field. Since the academicians belonging to other fields have to write their thesis and publications and show their scientific proficiencies in the fields they belong to, they cannot exactly concentrate on intellectual property field.

- ❓ Ankara University, by taking into account the increasing importance of intellectual property rights, established Ankara University Intellectual and Industrial Rights Research and Application Center (FISAUM) in 1997. After obtaining a physical place in Ankara University Law Faculty, it has been given tools and materials by the support provided within the context of *“The Project of Forming Legal and Social Infrastructure Regarding Intellectual and Industrial Rights in Turkey”* which is presented to State Planning Organization. The primary purpose of our Center is to extend and develop the application of intellectual and industrial rights, to raise awareness of the society with respect to the protection of these rights and by this way to contribute the formation of the culture of intellectual and industrial rights in the society.
- ❓ In order to accomplish its purpose, FISAUM makes works such as preparing and application projects, making publications, organizing education activities, organizing national and international occasions and providing consulting services, with or without any charge, to public or private sectors.

[1] For more information please refer to www.fisaum.ankara.edu.tr.

- ❧ Our Center has been made a lot of occasions up until now. Within the organizations that our Center is made, the courses organized once a year in the field of Intellectual and Industrial Rights is may be the most important occasion. In these courses, where the participation is increasing every year, FISAUM fulfils its duty of raising awareness of society in the field of intellectual and industrial rights, which is envisaged in its establishment.
- ❧ Besides, the Center has organized many national and international conferences, seminars and meetings.
- ❧ Some of them are: "Recent Amendments Made in FSEK and Its Critics", "Intellectual Rights - Neighbouring Rights" and "The Protection of Computer Programs and Data Systems in Europe" in 1999.
- ❧ On the 30th of November 1999 the panel on "The Infringement of Reproduction and Publication Rights in Scientific and Literary Works" was held in Ankara.
- ❧ On the 10th of October 2003 the international conference on "Recent Developments on Industrial Property Rights in the European Union and Turkey" was held by FISAUM.
- ❧ On the 24th of May 2004 the conference on "*Since Hirsch to Today: Intellectual Property Rights*" was held by FISAUM.
- ❧ On the 4th of April 2001 "*The Symposium on the Latest Developments in Industrial Rights*" was held in Ankara in co-operation with *the International Protection Union of the Intellectual and Industrial Property (the FISMUKOB)*. Patents, trademarks, biotechnological inventions, integrated circuits, new plant types and domain names were the topics that are discussed in the symposium.

- ❔ On the 17th and 18th of November 2005 *“The International Symposium on the Intellectual Property Practices in Turkey and the Surrounding Countries”* was organized in Ankara by the Ankara University FISAUM under the sponsorship of the United Nations Development Program (UNDP) through the related project of the State Planning Organization with the contributions of the TPE and the TOBB.
- ❔ On the 31st of January and 1st of February 2008 a symposium on the subject of *“European Patent Law and Patent Jurisdiction compared with Turkish Patent System”* was organized in Ankara. The symposium was sponsored by Ankara Bar Association, Notaries Union of Turkey and Destek Patent Intellectual Property and Law Group. Distinguished speakers from Max Planck Institute in Munich, Turkish Industrialists’ and Businessmen Association (TUSİAD), Queen Mary, University of London, Destek Patent Agency, Turkish Patent Institute, European Commission, Sonn & Partner Patentanwälte European and Austrian Patent & Trademark Attorneys, Judge from Special IPR Courts of Turkey participated in the symposium.

- ❓ From 11th of November to 22nd of December 2005, with a view to informing the representatives of the small or medium sized industry about the basic industrial property issues, a series of private sector seminars were arranged, initially in nine big cities of Turkey, by the Ankara University FISAUM, namely “*the TOBB Seminars*”. The seminars were particular for and open to the members of the Turkish local trade chambers and held under the authority and with the valuable contribution of *the TOBB*.
- ❓ On the 11th and the 12th of May 2006 the *TAIEX Seminar on Intellectual Property Rights- a Comparison between the European Union Legislation and Turkish Law* was held in Ankara in co-operation with the *Ankara University FISAUM* and the *Konrad -Adenauer-Stiftung* of Germany. In this seminar, the representatives from various EC member states –in particular those who have recently joined the Community- and their Turkish colleagues (academics and patent-trademark attorneys) have mutually shared and discussed their experiences in the way to EC in relation to the intellectual property issues. Within this sphere, Turkey, Germany, Italy, Finland, Poland, Hungary and Slovenia were represented in the seminar.
- ❓ On the 27th and the 28th February 2008 the seminar about “European Patent Law” was held in Ankara in co-operation with FISAUM and Ankara Bar association and Turkey Notar Union.
- ❓ On the 16th and 17th Oktober 2009 the seminar about “Alternative Dispute Resolution” was held in Istanbul in co-operation with FISAUM and IP Desk at Italien konsulate in Istanbul.

- ❔ Since 2005 the Ankara University FISAUM has commenced the *IPR Talks* to supplement its activities on intellectual and industrial property rights. All IPR experts of the national and the international community are welcomed to deliver speeches and to discuss the theoretical and practical aspects of the intellectual property and the industrial property in Turkey and elsewhere.
- ❔ The Ankara University FISAUM has been carrying out its annual courses since 1997. The theme of the annual course is "*The Intellectual and the Industrial Ownership Rights – The National and the International Practice*". The course intends to cover all basic issues of intellectual property law.
- ❔ The Ankara University FISAUM also arranges specific courses upon the request of the public and private bodies. Recently the Ankara University FISAUM has arranged a particular IPR course for the members of the Ankara Bar on "*The Legal Aspects of the Intellectual Property Rights*". The course was held in Ankara Bar between the dates of 15th of May to 9th of June 2006.
- ❔ The Ankara University FISAUM has the strong intention to publish the texts of most of its activities. Many of them are currently on sale at the Documentation Unit of the Ankara University FISAUM.

- ❓ Turkish Patent Institut also intensively organizes education, seminar programmes in sectoral basis throughout the country. Furthermore Ankara Bar Association organizes education programmes oriented to the lawyers and trainees. Association of patent and TrademarkAttorneys (PEM) also organizes preparation courses for the exam of patent and trademark attorneyship.
- ❓ However, these courses and activities are beneficiary for only to some voluntary participants. In fact, the education and consciousness of intellectual property should be given compulsorily to everyone taking education in medicine, pharmacy, engineering and law fields. Nowadays, while it is in question that the intellectual property courses will be given even in primary schools, not giving it in the faculties of these fields is a very big deficiency.
- ❓ It must be provided that these education activities to be extended out of Ankara. For this purpose, special programmes needs to be made by way of including also the distance education activities.
- ❓ There is a consensus in our Country regarding the development of intellectual property law in universities in an organized manner and the studies in this direction are in progress.
- ❓ This occasion that gather us today is an important example of the international cooperation in this topic and it will give acceleration to the studies on this matter in the international dimension.