

DESIGN PROTECTION SYSTEM in TURKEY

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LEGAL FRAMEWORK

- ✓ Industrial design protection has begun, under a special law, since the year 1995 in Turkey
- ✓ Decree Law No: 554 Pertaining to the Protection of Industrial Designs
- ✓ Implementing Regulation on Industrial Designs

PROTECTION SYSTEM

The Decree Law introduces a system for industrial designs

- ✓ without novelty search and
- ✓ without substantive examination

GENERAL PRINCIPLES

- ✓ Registration system (no novelty search or substantive examination)
- ✓ Publication of registered designs
- ✓ 5 year protection term which can be extended up to 25 years through four renewals
- ✓ Deferment of publication (for up to 30 months)
- ✓ Multiple application option
- ✓ Opposition by third parties (within 6 months as from the date of publication)
- ✓ Penal provisions in case of infringement actions

KEY DEFINITIONS

Definitions are set out in the legislation as follows;

- ✓ Design (Article 3(a)), the entirety of the various features such as lines, contours, shape, colour, texture, material, elasticity or other characteristics, perceived by the human senses, of the appearance of the whole or part of a product or its ornamentation.
- ✓ Product (Article 3(b)), any industrial or handicraft item, parts of a complex system, sets, compositions of items, packaging, get-ups, graphic symbols and typographic typefaces, excluding the computer programmes and semi-conductor products.

PROTECTION REQUIREMENTS

If design;

- ✓ is new,
- ✓ has an individual character,
- ✓ is not contrary to public policy or accepted principles or morality,
- ✓ is not solely dictated by the technical function.

ELEMENTS OF APPLICATION

- ✓ Application form
- ✓ Representation(s) of the design
- ✓ Description of the design
- ✓ Payment of fees
 - power of attorney (if a representative is assigned)
 - a request for deferment of publication (for up to 30 months)
 - copy of certificate of priority (if priority is claimed)

REMEDYING DEFICIENCY

One month period,

- ✓ Filing with no representation
- ✓ Filing without applicant info
- ✓ Important to accord the filing date

Two months period

- ✓ For all other deficiencies

VITAL PART - REPRESENTATION

Must be clear!



Before



After

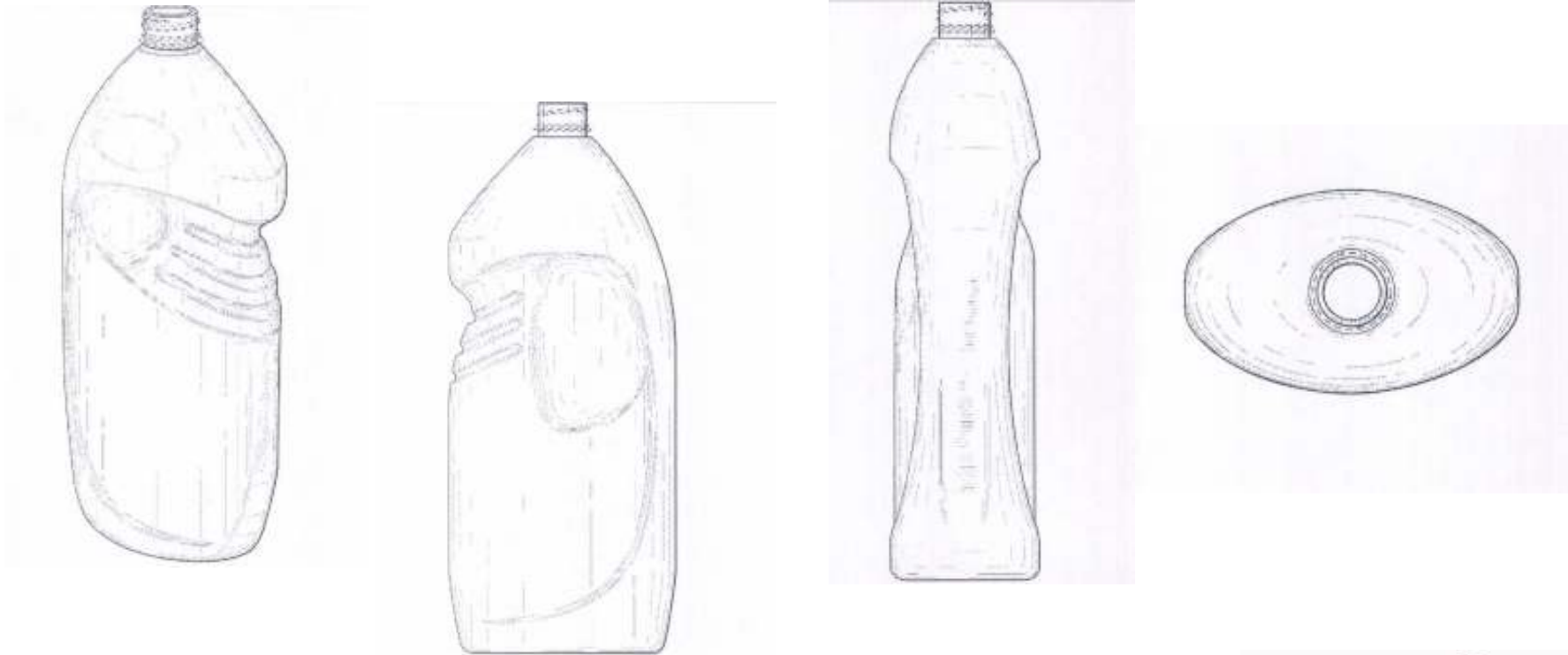
VITAL PART - REPRESENTATION

No other objects!



VITAL PART - REPRESENTATION

Support by different views!



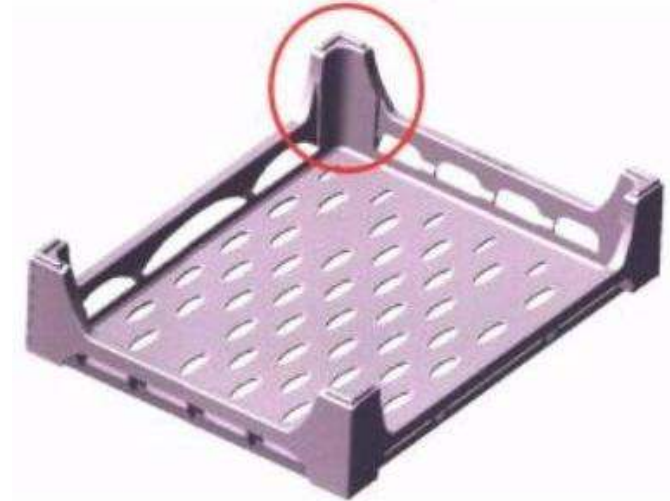
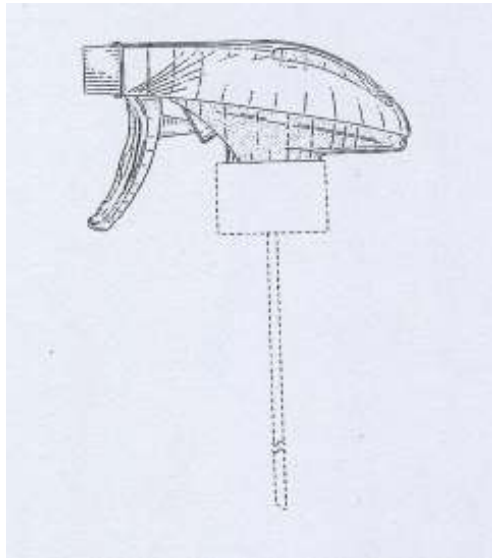
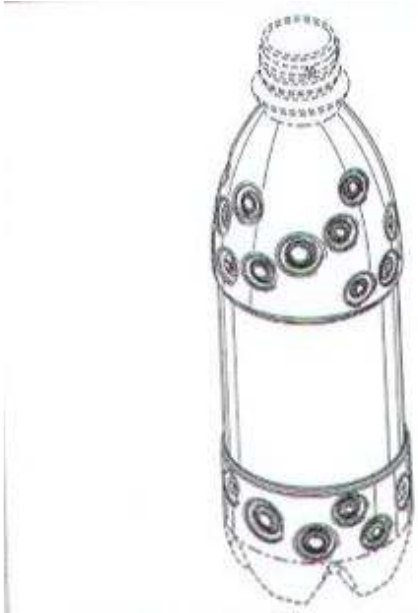
VITAL PART - REPRESENTATION

Support by different views!



VITAL PART - REPRESENTATION

Show clearly claimed/unclaimed part!

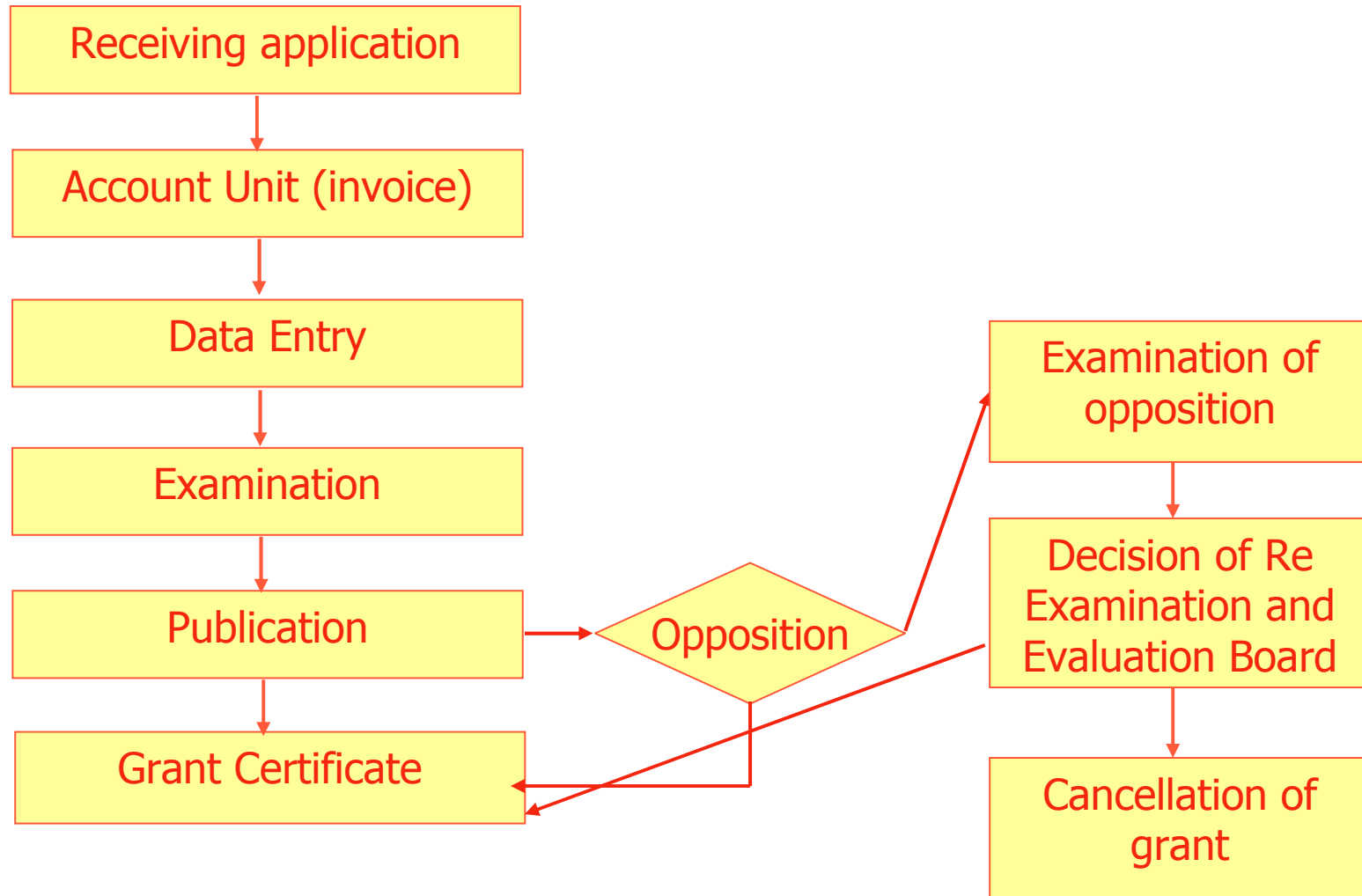


VITAL PART - REPRESENTATION

Support by different views!



WORKFLOW



DESIGN DIVISION

- ✓ Head of the Division
- ✓ 4 Experts for pre registration (Examination and Classification)
- ✓ 3 Experts for post registration (Renewal – Changes in Records)
- ✓ 5 Administrative staff for other activities

Thank You For Your Attention

