

**THE IMPLEMENTING REGULATIONS UNDER THE DECREE-LAW NO 556
PERTAINING TO THE PROTECTION OF TRADEMARKS**

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PART ONE – Object, Scope, Legal Foundation and Definition

Object

Article 1 - The object of these Regulations is to specify the procedures and the rules to be followed concerning the time and place of filing and the preparation of the application documents for registering a trademark, and other matters related with trademarks as provisioned in The Decree-Law No 556 Pertaining to the Protection of Trademarks.

Scope

Article 2 – These Regulations encompass the principles, the rules and the conditions for the protection of trademarks by registering such marks for appropriate goods and services.

Legal Foundation

Article 3 – These Regulations have been prepared based on The Decree-Law No 556 Pertaining to the Protection of Trademarks, the Paris Convention, the TRIPS Agreement, the Nice Agreement and the Vienna Agreement.

Definitions

Article 4 – For the purposes of these Regulations;

Institute: Turkish Patent Institute,

The Decree-Law: The Decree-Law No 556 Pertaining to Protection of Trademarks.

Trademark: A sign that is capable of distinguishing the goods and/or services of one undertaking from the goods and/or services of other undertakings.

Collective mark: A mark that serves the purpose of distinguishing the goods and services of the undertakings belonging to the group from the goods and services of the other undertakings used by a group of undertakings of producers or traders or providers of services

Guarantee mark: A mark that serves the purpose of the guaranteeing the common characteristics of the undertakings, production methods, geographical sign and quality of those undertakings under the control of the proprietor of the mark,

Figure: two dimensional signs or three dimensional signs that do not reveal the good which has the attributes of the mark and comply with the other provisions of the Decree-Law.

Agent: the trademark agent entitled to represent third persons before the Institute for the establishment and protection rights provisioned in Decree-Law 556.

Bulletin: The Official Trademark Bulletin in which the trademark applications are published.

Gazette: the Official Trademark Gazette in which the registered trademarks are published.

Class: the international classification of goods and services for the purposes of the registration of marks.

Register: Trademark Register of all information regarding the trademarks including the charges after registration.

Circular: the Circular on the Schedule of Fees to be administered by the Turkish Patent Institute in accordance with Articles 6/f and 25 of the Law no 544.

Fee: the total of the VAT and the charge if applicable with the fee mentioned in the Circular
Re-examination and Evaluation Board: the board that examines the appeals against the decisions of Institute.

Paris Agreement: the amendments of the Agreement for the constitution of a union for the Protection of Industrial Property of March 20, 1883.

Agreement Establishing the World Trade Organization: the agreement that is approved with the Law 4067 dated 26/1/1995 and approved to enter in force from the date 31/12/1994 by the decision of 95/6525 dated 3/2/1995 by Council Of Ministers,

TRIP's: the Agreement on Trade-Related Aspects of Intellectual Property Rights which is the annex 1/C of the Agreement Establishing the World Trade Organization.

Nice Agreement: the Nice Agreement and its Revisions Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks as ratified by the Council Of Ministers decision no 95/7094 dated 12.7.1995 and published in the Official Gazette No 22373 on 13.08.1995.

Vienna Agreement: the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks as ratified by the Council of Ministers decision no 95/7094 dated 12.7.1995 and published in the Official Gazette No 22373 dated 13.08.1995.

Trademark Law Treaty: Trademark Law Treaty that is approved by Law 5118 dated 7/4/2004,

Madrid Protocol: and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks that is published in Official Gazette of 23088 dated 22/8/1997 and approved by Council Of Ministers on 5/8/1997

Persons Entitled to Protection

Article 5 – The protection as conferred by the Article 3 of The Decree-Law No 556 Pertaining to the Protection of Trademarks shall be available to:

a) Real persons and legal entities who are domiciled or who have industrial or commercial establishments within the territory of the Turkish Republic, or to the persons who have application rights resulting from the terms of the Paris or Bern Conventions or the Agreement Establishing World Trade Organization.

b) Real persons and legal entities other than those referred to in the paragraph (a) of this present Article, who are nationals of the States which accord legal or de facto protection to the nationals of the Republic of Turkey shall enjoy, according to the reciprocity principle, this protection in Turkey.

The principle of reciprocity shall be accepted to exist where countries have registered the marks of Turkish nationals or have declared by writing that registrations shall be available.

PART TWO – APPLICATION

SECTION ONE – Place and Time of the Application and Filing Requirements

Application Authority and Date

Article 6 – real person or legal entity mentioned in Article 5 of this regulation shall file the application before the Turkish Patent Institute.

The application date is the date of filing as the date, hour and minute on which the application was filed originally at the Institute.

Each trademark shall be subject to a separate filing of an application.

Persons Entitled to file the application and application petition

Article 7 – Real persons and legal entities those duly powered by their respectively authorized bodies or their agents may file a trademark application.

Applicant or his agent should submit the application petition filled in computer as in Appendix Application petition that are filed in hand writing are not acceptable.

An application for registration of a trademark must be filed with the following:

- a) Registration request,
- b) if the applicant is a real person name and surname, if he is a legal entity then commercial name, if the applicants nationality is Turkey then the citizenship ID No and tax number,
- c) Nationality of the applicant
- d) Address, phone, fax numbers and e-mail address if applicable.
- e) Name, surname, address, phone, fax numbers, email address and Power of attorney if an agent is appointed

- f) Priority information if priority is requested,
- g) Representation of the trademark,
- h) If the mark includes words of a language other than non-roman characters, a transliteration of the characters into roman letters
- i) List of the products or services for which the trademark shall be used
- j) Signature of authorized person(s),
- k) Information about payment
- l) Number of additional pages and annexes if applicable

Documents to be annexed to the Petition

Article 8 – The following documents must be annexed to the application petition:

- a) 5 copies of the representation of the trademark in minimum 5X5 cm and maximum 7X7 cm size suitable for publication and printable reproduction.
- b) The receipt for the payment of the application
- c) The receipt for the payment of the additional class or classes,
- d) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.
- e) Where the application concerns a guarantee or a collective mark, a notarized copy of the technical regulations.
- f) If a priority right is claimed, the original copy of the priority document or its notarized copy and the notarized Turkish translation of the document.
- g) Where the priority claim concerns an exhibition priority, a certified copy of a document obtained from the authorized office of the country in which the exhibition was held which would specify the name of the product and evidence the first display date of the product with the mark clearly and visibly affixed on the product, and which indicates the official opening date of the exhibition, and a certified copy of the mark.
- h) If a priority right is claimed, the receipt of the payment of the requesting priority

Power of Attorney

Article 9 – In case of an agent is appointed the agent should be the one who has been recorded in the Registry of Agents and power of attorney should be submitted to the Institute. With respect to the registration applications or requests related with procedural matters after registration made by persons unauthorized to act before the Institute, shall be prosecuted in the name of the applicant whose domicile is in Turkey. Those who are not domiciled in Turkey

allowed two months to appoint an agent. The request of the applicant who has not appointed an agent within the prescribed period shall be rejected.

Power of attorney may be in a form that one or more application/registration or present and future ones are mentioned.

Power of attorney may be in a form that covers all processes can be followed before Institute or may be limited.

For the withdrawal of an application or registration, the authority for withdrawal must be clearly specified in the power of attorney and notarized.

If the power of attorney has not been submitted with the application documents by the agent who has been recorded in the Registry of Agents will submit the power of attorney in the registration or within two months in examination. In case of there is a power of attorney submitted Institute before must be declared in two months. In case of failure of submitting the power of attorney in prescribed time:

a) The applications of those whose domicile is in Turkey shall be prosecuted in the name of the applicant.

b) Those who are not domiciled in Turkey shall be allowed two months to appoint a patent agent. The request of the applicant who has not appointed an agent within the prescribed period shall be rejected. In case of the opposition to the published trademark applications or appeals against the Institute decisions the power of attorney of the reference of the earlier submission must be submitted to the Institute within the prescribed time. In case of failure of submitting the power of attorney in prescribed time:

a) The notifications about oppositions of those whose domicile is in Turkey shall be prosecuted in the name of the applicant.

b) Applications of those who are not domiciled in Turkey shall be rejected.

In case of reasonable suspicion with respect to the accuracy or authenticity of the power of attorney, Institute may require any evidence including the notarization from agent.

SECTION TWO – Examination of an Application

Examination

Article 10 – to starting the examination of an application with respect to conditions of Article 8 subparagraph (a) and (b) should be established and applicable with (c), (e) and (h) and additionally (d) for the applicants whose domicile is not in Turkey should be submitted with the application petition with respect to form of Article 7.

If the applicant complies with the conditions above the application shall be accorded the filing date as of the date, hour and minute was originally filed.

If there are deficiencies with respect to the above conditions, the Institute shall request the applicant to remedy these deficiencies within two months. In that case the application shall be accorded the filing date as of the date, hour and minute the deficiency is rectified.

In case of the deficiency in documents other than those covered by first paragraph but necessary according to the Decree-Law and this regulation should be rectified in 2 months.

However those deficiencies do not preventing the application to become definite.

Otherwise the application shall be deemed as invalid. Where the information identifying the applicant as provisioned in the sub paragraph (a) of Article 23 is completely or partially lacking, or where of anyone of the documents provisioned in the sub paragraphs (b), (c) and (d) has not been supplied.

Failure to satisfy the requirements in Article 8 sub paragraph (h) in application and the requirements in (f) and (g) within 3 months from the application with respect to the Decree-Law Article 28 shall result only in the loss of the right of priority for the application.

In the technical regulations referred to in paragraph (e) of Article 8, the applicant(s) first and last names where they are real persons, commercial titles where they are legal entities, a single communication address, the representation of the mark, the goods and services on which the mark is to be used and means of usage of the mark must be indicated. Furthermore, the common characteristics of the goods and/or services which the mark guarantees, the means of controlling the usage of the mark and the measures for compliance to be utilized when necessary; in the technical regulations of a collective mark, the entities authorized to use the mark must be indicated.

Classification

Article 11 – The goods and services indicated in the petition in accordance with the Article 24 of the Decree-Law shall be classified in conformity with the international classification of goods and services.

The list of goods and/or services shall be indicated with their class numbers and grouped according to the classes in which they belong.

General expressions should not be used and all goods and/or services should be clarified.

In case of using the general expressions in goods and/or services Institute will require a description in 2 months. The examination process will start after the submitting the description. In failure of describing the goods and/or services the general expressions are omitted from the application and organize the list again.

The Institute is authorized to make the necessary arrangements on goods and / or services and numbers which they belong in the application petition. If the list of the goods and/or services is not suitable to the rules in Nice Agreement then the Institute requires an additional fee to make necessary arrangements. In case of the payment not paid in two months the application will be cancelled.

With respect to those applications containing more than one class if the additional class fee has not been paid within 2 months the application shall be examined only with respect to the first class indicated in the list of the goods and/or services.

Duration

Article 12 – unless otherwise expressly stated in Decree-Law or Regulation, all the periods in this regulation is two months.

Receipt of the registration certificate fee should be submitted within two months of the notification.

Two months shall be allowed for remedying the deficiencies with respect to the procedures under Articles 8, 9, 10, 11, 15, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29 and 33 of this Regulation and for remedying he deficiencies. Where the deficiencies have not been rectified within this period the procedures specified under these articles shall not be implemented, the application deemed to be invalid and the fees that have been paid shall be recorded as income to the Institute.

In case of a change in the communication address the change of address should be submitted before the Institute in written. Otherwise all the notifications sent to the last recorded address are valid.

SECTION THREE – Publication of the Application and the Registration

Publication of the Application

Article 13 - An application for the registration of a trademark which has complied with the conditions of application without any deficiency and which has not been refused according to Articles 29, 30, 31 and 32 of the Decree-Law shall be published in the monthly Official Trademark Bulletin with the following information:

- a) The application date and number,
- b) The name and address of the applicant,
- c) A representation of the mark,

- d) The list of the goods or services and the class numbers,
- e) The goods / services deleted.
- f) Data concerning the agent.

Institute may publish supplementary Bulletin without being constrained by this period.

Where an application is refused after the publication of the application in accordance with the provisions of the Articles 29, 30, 31 and 32, the refusal decision shall also be published.

Publication of the Registration

Article 14 - A trademark registered in accordance with Article 39 of the Decree-Law shall be published in the bi-monthly Official Trademark Gazette. The publication shall indicate the information contained in the Register.

Changes and renewals related to the registered trademarks and published trademark applications will also be published in Bulletin or Gazette.

SECTION FOUR – Division of a trademark application

Request of division

Article 15 - A trademark application can be divided into 2 or more application by request of the applicant or his agent. Registered trademarks cannot be divided.

Following documents must be filed in case of a division;

- a) Division request petition,
- b) Receipt of the payment for the division fee.
- c) Power of attorney that clearly identified the authority for division process if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

As a result of the division process, goods and/or services covers by the first application can be distributed to the divided applications. Separate application numbers are assigned to the each divided application. Each divided application with a new application number is independent from each other and the first application and continue to be issued. Divided applications have the application date or the priority date of the first application. It is not possible to merge the divided applications. The division after the publication of the application is also published.

Request of division is not accepted in the following cases:

- a) In case of opposition to the application that is requested to divide and the goods and/or services are not stayed in a divided application,

- b) In case of refusal of the application that is requested to divide and the goods and/or services are not stayed in a divided application,
- c) In case of existence of good reasons to refuse the division request.
- The fees that have been paid for refused requests of division shall be recorded as income to the Institute.

SECTION FIVE – Renewal

Renewal Application

Article 16 - At the request of the proprietor of the mark or his agent, registration of the registered trademark shall be renewed, conditional to the payment of the renewal fee.

The request for renewal shall be submitted within a period of six months before the last day of the month in which the protection ends. In failing this deadline, the request may be submitted within a further period of six months from the last day of the month in which the protection ends conditional to the payment of an additional fee.

Documents Necessary for Renewal Application

Article 17 - Following documents must be filed in case of a renewal request;

- a) Request petition,
- b) Receipt of the payment for renewal
- c) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

Each request should be filed for only one renewal.

Institute may require that evidence including the notarization be furnished in the course of the examination of the request for renewal where the Institute may reasonably doubt the veracity of any indication or element contained in the request for renewal.

SECTION SIX – Other Procedures that will be recorded to registry

Changes Concerning the Title, the Characteristics of the Firm and the Address

Article 18 - Following documents must be submitted for recording the changes with respect to the title, the address or the characteristics of the firm:

- a) Request petition,
- b) Receipt of the payment of related fee

c) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

In case of the change of the title, address or characteristics of the firm the request petition should be in a nature that shows the application or registration number of the trademark and the requested change.

When the request is related with one or more application or registration without depending on the number of the application and/or registration only one fee is paid in case of the reason of the change is the same.

The changes related to the registered trademarks or published trademark applications are published in Gazette or bulletin.

Institute may require that evidence including the notarization be furnished where the Institute may reasonably doubt the veracity of any indication contained in the request.

Change in the ownership of a trademark

Article 19 - The following documents have to be filed in order to record in the Register and publish the changes resulting from the transfer, partial transfer, merger, Transfer by Inheritance or Levy of Execution.

a) Following documents must be filed for a transfer or partial transfer:

- 1) Request petition,
- 2) Receipt of the payment of related fee
- 3) A notarized assignment certificate describing the name of the mark and registration number, in case of partial transfer the full list of the goods of services assigned.
- 4) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

In case of partial assignments a new file shall be docketed in the name of the assignee with respect to the goods or services assigned and the trademark registration certificate shall be issued after a new trademark registration number is accorded covering those goods or services assigned. The mark shall be recorded in to the register with its new registration number and its first registration date and published in the Official Trademark Gazette. An issuance fee is charged for the new trademark registration certificate issued

b) Following documents must be filed in case of a merger;

- 1) Request petition describing the name of the mark and registration number
- 2) The trade registry gazette that the merger has been published or a notarized copy of it and if the merger is related to a foreign firm a notarized Turkish copy of the original document evidencing the merger.

3) Receipt of the payment of related fee
4) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

c) The following documents have to be filed in order to record in the Register changes resulting from the transfer of trademarks acquired by inheritance.

1) Request petition describing the name of the mark and registration number
2) The original court decision or a copy certified either by the court or by the notary public,
3) Receipt of the payment of related fee
4) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

d) The following documents have to be filed in order to record in the Register for levy of execution:

1) Request petition describing the name of the mark and registration number
2) The notification from the related authority on the trademark was sold to whom
3) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

A single request shall be sufficient even where the change relates to more than one registration, provided that the holder and the new owner are the same for each registration and that the registration numbers of all registrations concerned are indicated in the request but the separate fee for each trademark should be paid.

Institute may require that evidence including the notarization be furnished where the Institute may reasonably doubt the veracity of any indication contained in the request.

License

Article 20 - The proprietor of a trademark may license his rights over a trademark with respect to some or all of the goods and/or services for which it is registered. A licensing agreement cannot contain provisions contrary to the Decree-Law and the other related laws, decrees and regulations.

The following documents have to be filed in order to record in the Register the license:

a) Request petition describing the name of the mark and registration number
b) Notarized license contract containing the declarations and the signatures of the licensee and the licensor, the registration number of the trademark, the duration and the fees of the agreement,
c) Receipt of the payment of related fee

d) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

Levy

Article 21 - A mark may be levied in execution independently of the undertaking. Levy of execution shall be entered in the Register and published.

The levy does not prevent to the expiration of trademark rights because of the failure of the renewals or similar payments. The levy does not prevent to transfer the trademark.

Pledge

Article 22 - A registered trademark may be offered as security independently of the undertaking. Upon the request of one of the parties, the security pledge shall be entered in the Register and published. The pledge does not prevent to the expiration of trademark rights because of the failure of the renewals or similar payments. The pledge does not prevent to transfer the trademark.

The following documents have to be filed in order to record in the Register the pledge:

- a) Request petition
- b) Original or the notarized pledge contract containing the registration number and name of the trademark
- c) Receipt of the payment of related fee
- d) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

Pledge is cancelled in case of the following conditions:

- a) In case of elimination of the debt or holder of the pledge's claims has relinquished his due owner of the trademark may request the cancellation of pledge from the holder of the pledge. In order to cancel the recording of the pledge, the notarized declaration by the holder of the pledge must be lodged. In the event that the holder of the pledge hasn't claimed the cancellation the owner of the trademark may bring cancellation lawsuit. Te owner of the trademark may request the cancellation of the pledge from the Registry in Institute by lodging the final decision of the court.
- b) If the pledge is based on a condition or term by evidencing the providing the condition or expiry of the term,
- c) Upon the sale of the trademark under levy of execution by submitting the original or the notarized copy of the documents regarding the sale the pledge is cancelled.

Execution of Legal Procedures on trademark applications

Article 23 - Legal procedures according to the Articles 18, 19, 20, 21 and 22 shall also have effect with regard for a trademark application and published in Bulletin if the application is published.

The levy or the pledge do not prevent to cancellation of the trademark application because of the failure of the submitting the necessary documents within the required period.

Corrections

Article 24 - Upon the request of the applicant, the errors that as been made by applicant or his agent, which are placed n Registry, certificates, correspondence, Bulletin or Gazette, the errors in the name and address of the applicant and the errors caused by copying shall be corrected within 2 months of notification or publication in Bulletin/Gazette.

The following documents have to be filed in order to examine the request of correction:

- a) Request petition describing the error, related correction and the application or registration number of the trademark.
- b) Receipt of the payment of related fee
- c) Power of attorney if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

Amendment causes the addition to the classification of goods and/or services in application petition or registration certificate is not acceptable. Amendment causes the change on the representation of trademark is not acceptable. Fees that have been paid for the requests including the above amendments are not refundable and shall be recorded as income to the Institute.

A single request shall be sufficient even where the correction relates to more than one registration of the same person, provided that the mistake and the requested correction are the same for each registration and that the registration numbers of all registrations concerned are indicated in the request. But the separate fee should be paid for each application or registration.

Applicant may require that evidence be furnished to the Office where the Office may reasonably doubt that the alleged mistake is in fact a mistake.

Institute shall correct its own mistakes, ex officio or upon request, for no fee.

Withdrawal or limitation of application

Article 25 - in case of the request of the applicant regarding the withdraw or limitation of goods and/or services before the registration of the trademark, in the condition that the

following documents are submitted, the application may be withdrawn or goods and/or services are limited:

- a) Request petition describing the application number of the trademark with the classes and goods and/or services that will be limited.
- b) Notarized Power of attorney including the authority of limitation or withdrawn if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.
- c) If the applicant is a legal entity original signature circular or notarized copy of signature circular.
- d) If the applicant is a real person original signature declaration or notarized copy of signature declaration.
- e) Receipt of the payment of related fee

Surrender of the trademark Right

Article 26 - Proprietor of a trademark may surrender his rights in respect of some or all of the goods and services for which it is registered in the condition that the following documents are submitted:

- a) Request petition describing the application number of the trademark with the classes and goods and/or services that will be cancelled.
- b) Notarized Power of attorney including the authority of cancellation if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.
- c) If the applicant is a legal entity original signature circular or notarized copy of signature circular.
- d) If the applicant is a real person original signature declaration or notarized copy of signature declaration.
- e) Receipt of the payment of related fee

SECTION SEVEN – Fee, Certified Copy, Registry and Priority

Fee

Article 27 - The fees payable with respect to a trademark registration and prosecution of procedural matters shall be published in a Circular of Fees to be administered by The Turkish Patent Institute in accordance with the provisions of Articles 6/f and 25 of the Law 5000 on the Foundation and Duties of the TPI.

The fees are payable by the party requesting the service. The requests are rejected when their fees are not paid within their legal period. The fees paid for trademark procedures are not refundable and recorded as income to the Institute.

Certified Copy of Registration Certificate

Article 28 - Certified copy of the Trademark Certificate of Registration shall be supplied upon the request of the trademark proprietor or of the agent.

Following documents must be filed for obtaining a certified copy:

- a) Request petition,
- b) Receipt of the payment of related fee,
- c) Power of attorney if an agent is appointed.

Registry

Article 29 – Trademark registry is open to the public. Upon request and payment of the prescribed fee a copy of the Register shall be available to any requesting party.

Only the published information related to a trademark application shall be available to any requesting party provided that the application is published.

The Information Contained in the Register

Article 30 – The following information shall be recorded in the Register;

- a) The registration number of the trademark, the application and the registration dates,
- b) A representation of the trademark,
- c) If a real person name and surname, if a legal entity the title, nationality and address of the proprietor of the trademark, and agent's name and address if applicable,
- d) The list of the goods or services in respect of the trademark,
- e) Class numbers regarding the Nice Classification.

Priority

Article 31 – Where a priority claim is accepted, the following observations are recorded in the Register and on the Trademark Certificate of Registration.

"It has hereby been recognized that the first application for the registration of this trademark has been filed at the administration of..... on the day of.....with filing no....., and therefore is entitled to the priority right as of this date."

PART THREE – Trademark Applications in accordance with the Protocol relating to the Madrid Agreement concerning the international registration of trademarks

International Registrations

Article 32 - An international application forwarded by World Intellectual Property Office in accordance with the Protocol Relating to the Madrid Agreement concerning the international registration of trademarks published on Official Gazette 23088 dated 22/8/1997 governed by that Protocol and in accordance with the Implementing Regulation Related to the aforementioned law published on Official Gazette 23637 dated 12/03/1999.

Basic Registration Applications

Article 33 - In case of the request for forwarding an application to the WIPO based on a trademark application or registration; Institute takes necessary steps in accordance with the Article 32 of this Regulation. Following documents must be filed for the request:

- a) Petition describing the Request,
- b) Standard form regarding the request duly filled in English
- c) Receipt of the payment of the Proceedings for applications under the Madrid Protocol fee,
- d) Power of attorney including the authority of the related process if an agent is appointed or reference of the power of attorney submitted before Turkish Patent Institute earlier.

While the application is in examination the deficiency in any of the above institute will send a notification to rectify in two months. Failure in rectifying those deficiencies the request will be refused and the fees paid are not refundable and recorded as income to the Institute.

PART FOUR – Opposition

Opposition to the Publication of an Application

Article 34 - An opposition to the registration of a trademark application on grounds that it may not be registered under the provisions of Articles 7 and 8 of the Decree-Law, and an opposition on grounds that there exists bad faith in the application may be filed in a signed petition conforming to the form attached to this Regulation in Annex II within three months of the publication of the application. Institute may request further facts, evidences and documents from the opposing party to be complied within one month.

Where an opposition is found to be legitimate, the application for the registration of the trademark is rejected totally or partially.

Appeals against the Decisions of the Institute

Article 35 - Any party adversely affected by a decision of the Institute may appeal at the Institute within two months of the notice of the rejection or partial rejection decision. Any of the other third persons who are parties to the proceedings shall on their own have the right of appeal.

Form and Time of Appeal

Article 36 - The appeal is filed at the Institute within the periods specified in Articles 34 and 35 of this Regulation with a signed petition explaining the justifications for the appeal.

The receipt for the payment of the appeal fee, and if an agent is appointed the power of attorney should be attached to the petition.

Where all the documents have not been filed at the time of appeal, the deficient documents may be filed within the period of appeal. With respect to appeals against the decisions where the documents have been filed without any deficiency the examination may start before the end of the two months period. Where the specified documents have not been filed within the periods as specified in articles 34 and 35 the appeal shall be deemed not to have been filed.

Rectifying a Decision of the related department

Article 37 - The related department of the Institute may remedy its decision partially or totally where it finds the appeal to be acceptable and right.

If the appeal is not found to be acceptable by the related department, the appeal shall be forwarded to The Re-examination and Evaluation Board by the department without comment as to its merits.

Examination of Appeals

Article 38 - The Re-examination and Evaluation Board shall consider the appeal if the appeal is found admissible.

The Re-examination and Evaluation Board shall, if finds it suitable, invite the parties to submit within one month their own observations on the observations of the other parties or those of the administration.

Appeal Fee

Article 39 - The fee paid for filing an appeal of the Institute's decision with respect to a trademark application shall be deducted from the trademark registration and certificate issuance fee if the appeal is accepted.

PART FIVE – Miscellaneous and Last Provisions

Provisions Repealed

Article 40 - The Implementing Regulations of the Trademark Decree-Law published in the Official Gazette no 22454 dated 05.11.1995 have hereby been repealed.

Transitional Article 1 - Provisions of this regulation regarding the reference of power of attorney is valid for the applications and other requests made after the entry in force of his regulation.

Entry into Force

Article 41 - These Regulations shall enter into force on the day of publication.

Execution

Article 42 - These Regulations shall be executed by the President of the Turkish Patent Institute.