SCIT.ATR.TM.2002.TR

Annual Technical Report 2002 on Trademark Information Activities submitted by Turkey (SCIT/ATR/TM/2002/TR)

Where URLs are requested below, it is preferred that either URLs which are likely to remain stable over time (three years or more) are provided, or home (main) page URLs are provided with a short explanation of how to access the corresponding information.

I. Evolution of registration activities

There are some changes in "The Implementing Regulations Under The Decree-Law No 556 Pertaining To The Protection Of Trademarks" with respect to previous year. Most of the parts are revised and reorganized. The main changes can be listed as follows:

a) In the section "The Application Petition and the Annexes";
- The persons who may file an application is defined and detailed information concerning the form and content of the petition is given.
- The applicant shall be allowed two months to appoint a trademark agent if trademark registration applications or requests related to procedural matters after registration made by persons unauthorized to act before the Institute. The request of the applicant who has not appointed an agent within the prescribed period shall be rejected. The applications of those whose domicile is in Turkey shall be prosecuted in the name of the applicant.
- Some detailed information related with the withdrawal process and the Priority Document is added.

b) In the Section "Examination of Application";
- The documents must be deposited at the time the filing is listed.
- Except for the priority fee, conditional that the applicant's identity is comprehensible, where there is a deficiency with respect to the documents that must be deposited at the time of filing or the list of goods and/or services, or the name, surname, title, address and signature of the applicant, one month shall be allowed for rectifying these deficiencies. The application whose deficiency has not rectified within this period or does not contain an address shall be rejected. The application shall be accorded the filing date as of the date, hour and minute the deficiency is rectified.
- Two months shall be allowed for submitting an explanation
of the general terms or for the preparation of the list of goods and/or services or for the payment of the list preparation fee. Where the deficiencies are not rectified within the prescribed period the concerned parts shall be rejected. Two months shall be allowed for the payment of the deficient class fees or the extra class fees. The classes for which the class fee has not been paid shall be deleted from the application.

c) Publication of Registration
The publication shall contain the information placed in register including agent information.

Trends or areas experiencing rapid changes with respect to the previous year are as follows:

The number of trademark applications in 2002 with respect to 2001 increased 26.64 %. In 2001, 28177 applications were filed. In 2002, 35685 applications were filed.
The number of trademark registrations in 2002 with respect to 2001 increased 35.46 %. In 2001, 14103 marks were registered. In 2002, 19105 marks were registered.
The number of the applications applied by foreigners in 2002 with respect to 2001 decreased 11.41 %. In 2001, 32.37 % applications were filed by foreigners. In 2002, 20.96 % applications were filed by foreigners.

In 2002, the number of applications of the first three classes which were applied mostly are,

· Class 35 (in 2001): 6895, (in 2002): 12328 increase: 78,79 %
· Class 25 (in 2001): 5456, (in 2002): 8176 increase: 49.85 %
· Class 30 (in 2001): 4289, (in 2002): 5247 increase: 22,33 %

II. Matters concerning the generation, reproduction, and distribution of secondary sources of trademark information, i.e., trademark gazettes

Turkish Patent Institute (TPI) publishes Official Trademark Bulletins monthly and informs the public about the trademarks which will be registered in case of no objection. All trademark applications are published on the Trademark Bulletin before registration.

TPI also publishes the Official Trademark Gazette bi-monthly. All trademark applications for which the last decision is taken and the decision is registration, are published in the Official Trademark Gazette.

TPI publishes two kinds of information guides about trademark applications, one for domestic applications and one for international applications. These documents include necessary information (such as fees, list and class of goods and services, sample of application form etc.) to file a trademark application.

All these documents about trademarks are printed. TPI has its own web site, (http://www.turkpatent.gov.tr) containing basic information about all types of industrial property issues.

III. Matters concerning classifying, reclassifying and indexing of trademark information

Since January 1, 2002, TPI has been applying the 8th edition of the Nice Classification (International Classification of Goods and Services For The Purposes of The Registration of Marks) which contains new additional service classes (no. 43 to 45). The other classification system which TPI applies is Vienna Classification (International Classification of the Figurative Elements of Marks).

TPI also uses sub-classes for classification of goods and services.

There is no use of electronic classification systems in TPI.

Although TPI suggests to the applicant to submit the class numbers of the goods and services, there is no obligation for applicants to use pre-defined terms of the classification.

Bibliographic data of the registered and applied trademarks are recorded in the trademark database. A similarity search for the word marks can be done using this database. But a similarity search for the figurative part of the trademarks is done manually.

IV. Trademark manual search file establishment and upkeep

All applications are collected in files, as well as in a database. All changes after registration are recorded not only in the database but also on the files.

There is also a working group established in TPI to update the Trademark Database.

Files are kept in the archives. There are two kinds of archives, one is for applied files and the other is for registered files.

Romarin CD's and WIPO Gazette of International Marks are received periodically.

V. Activities in the field of computerized trademark search systems

The Trademark similarity search system is a computerized in-house system. This trademark database which is only used for search processes for internal purposes is not open to the public.

The in-house database system of TPI is based on the UNIX COMPAQ PROLIANT 5000 server and PCs serving as workstations. The computer network is based on TCP/IP protocol and built up by Ethernet Twisted Pare network. Oracle 8.1.6 and Oracle Developer are used for administration and examination procedures.

VI. Administration of trademark services available to the public (relating to facilities, e.g., for lodging applications, registering trademarks, assisting clients with search procedures, obtaining official publications and registry extracts)

All kinds of information about trademark registration can be received from TPI. Trademark registry is open to the public and registry extracts are available to the public by payment.

It is also possible to make a similarity search before filing an application. Official publications of TPI (Official Trademark Bulletins and Official Trademark Gazettes) are also available to the public. Information documents are free of charge.

VII. Matters concerning mutual exchange of trademark documentation and information

There is an exchange of trademark statistics related to the number of the applications and registrations between TPI – WIPO and TPI - OHIM.

There is also mutual exchange of Official Trademark Gazettes between TPI and about 80 different countries.

VIII. Matters concerning education and training including technical assistance to developing countries

There is no such education and training activities including technical assistance to developing countries.

IX. Other relevant matters