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## **Turkey**

**Post:** Ankara

### **Geographical Indications in Turkey**

**Report Categories:**

Policy and Program Announcements

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**Report Highlights:**

Turkey's new Law on Industry Property consolidates and updates existing decrees covering Geographical Indications (GIs). There are 402 GI applications in the registration process in Turkey, including two food products of Italian origin: GRANO PADANO and GORGONZOLA. Currently four international GIs have been protected including: CHAMPAGNE, PROSCIUTTO DI PARMA, SCOTCH WHISKY, and PARMIGIANO REGGIANO in addition to 269 Turkish products. Once GI applications are published in the Turkish Patent and Trademark Office Bulletin there is a three month objection period.

## Executive Summary

The Law on Industrial Property No.6769 (“Law”) which was adopted on December 22<sup>nd</sup>, 2016 by the Turkish Parliament and entered into force by its publication in the Official Gazette No. 29944 dated January 10<sup>th</sup>, 2017. The Law consolidates and updates a number of existing decrees about intellectual property rights over the years into a single, enforceable piece of legislation regulating trademarks, patents, designs, utility models, geographical indications and traditional product names in line with EU standards and Turkey’s local requirements. The objective is to support technological, economic and social advancement. Many organizations are now applying for Geographical Indication protection in Turkey: over 400 applications have been submitted and 269 are already registered; the vast majority of applications are for Turkish products, not international products.

The Law encompasses applications, registrations and post-registration processes regarding trademarks, geographical signs, design, patent, utility model and traditional product names and legal and criminal sanctions concerning the violation of these rights.

The main authority in the area of the industrial property has been the Turkish Patent Institute since 1994. The Law changed the name of the Turkish Patent Institute to "Turkish Patent and Trademark Office" (TPTO) and expanded its role and authority/regulatory capacity.

Beneficiaries of protection granted by the Law are:

- Citizens of the Republic of Turkey,
- Real persons or legal entities located or involved in industrial or commercial activities within the borders of the Republic of Turkey,
- Persons entitled to file an application within the framework of the provisions of the Paris Convention or the Treaty Establishing the World Trade Organization,
- In accordance with the principle of reciprocity, the persons holding the nationality of the states which grant the protection of industrial property rights to the persons holding the nationality of the Republic of Turkey.

## Geographic Indications and Traditional Product Names

The Law lays down the rules on the protection of geographical indications and traditional product names for agricultural products, foodstuff, metals, handicrafts and industrial products.

**Geographic indications** are signs which show a product identified with a district, area, region or country of origin in terms of a specific reputation, distinction or other characteristics. Geographic indications are registered as name of origin or geographic indication according to the characteristics.

There are two terms in the Law under the concept of geographical indication;

- **Appellation of origin (mense adididir):** The names that identify products which originate from a locality, region, or, in exceptional cases, a country, with designated geographical boundaries; that derive their **entire or principal characteristics from the natural or human**

**factors exclusively attributed to this geographical area where their production, processing and all other operations take place, are called **appellation of origin**.** Some examples are Finike orange, Malatya apricot, and Aydin fig. Such products cannot be produced outside their respective regions, because the products acquire their characteristics only in the region they are produced.

- **Designation of origin (mahrec adidir):** The names identifying products which originate from a locality, region, or, in exceptional cases, a country with designated geographical boundaries; that is associated with this region due to an apparent characteristic, its reputation or other features; where **at least one of the steps from production, processing or other operations take place within the boundaries** of the designated geographical area, are **designation of origin**. Some examples are Antep baklava and Hereke silk carpet.

**The following names are not eligible for registration as geographical indications:**

- Names that are not within the scope of the definition of geographical indication
- Names that have become generic names of products.
- Plant species and varieties or animal breeds or other similar names, which may mislead the public as the real source of the product.
- Names contrary to public order or general principles of morality.
- For foreign applications, names which are not protected in their own country, whose protection is expired or are not used even though they fulfil the conditions.
- Names that are wholly or partially homonymous with a name that is registered or has already been filed, and which may mislead the public.

**The following names are not eligible for the registration as a traditional product names:**

- Names not fulfilling the conditions stated in the Law regarding traditional product name.
- Names referring to the general characteristic of the product.
- Names that may mislead the public about the characteristic of the product.
- Names contrary to public order or general principles of morality.
- For foreign applications; names which are not protected in their own country, whose protection is expired or are not used even though they fulfil the conditions
- Names that may mislead the public about the characteristic of the product.

Producer groups, public institutions and organizations as well as professional organizations accepted as public institutions related with the product or geographical area of the product, associations, foundations and cooperatives operating for public interest in relation to the product or authorized to protect the economic interests of their members, or the relevant producer (in case they can show that the product is produced only by a single producer), have the right to apply for registration of a geographical indication or a traditional product name.

**Application conditions:**

The applicant should submit the following documents together with their translated copies in the Turkish language for **geographic indication registration**;

- Application form that contains information about the identity of the applicant.
- In case the applying natural or legal entity is the only producer of the product, information and documents proving this case.
- The name of the geographic indication requested to be registered, information and documents about the eligibility of the product as an appellation of origin or as a designation of origin, the product group that it belongs to, and its compliance with the definition of geographic indication.
- Definition of the product; technical information and documents explaining the physical, chemical, microbiological and organoleptic properties of the product, and its raw materials, where necessary.
- Information and documents clearly designating the borders of the geographical area.
- Information and documents relating to the production method and, where available, the local production techniques providing the characteristic of the referred product and the relevant procedures and principles,
- Information and documents proving the link between the characteristics, reputation or other features of the product subject to the registration within the meaning of geographical indication definition and the defined geographic area.
- Information and documents related to the historical background of the product in the specified geographic area.
- Information and documents explaining in detail the inspection method in line with the provisions of the Law
- Information on the method of use of the geographic indication and, where available, its labelling and packaging procedures,
- Information indicating that the application fee has been paid.

**The applicant should submit the following documents together with their translated copies in the Turkish language for the traditional product name registration;**

- Application form that contains information about the identity of the applicant.
- Information on the traditional product name and product group requested to be registered, proving the conformity to the definition.
- Definition of the product, technical information and documents explaining the physical, chemical, microbiological and organoleptic properties of the product and its raw materials, where necessary.
- The Definition of the production method explaining also the product preparation techniques referring to the product characteristics along with the characteristics of the raw material and its other components included into the content of the product.
- Information and documents explaining in detail the inspection method.
- Information and documents explaining the method of use of the traditional product name and, where available, its labelling and packaging procedures.
- Information indicating that the application fee has been paid.

**Without prejudice to the provisions of international agreements, foreign applicants should submit the following additional documents;**

- The geographical indication or traditional product name subject to the application is being protected by the country of origin or the international community of which the country of origin is a member.
- The inspection conditions stipulated in the Law are fulfilled in the country of origin.
- Country of origin provides equal protection for geographical indication or traditional product name applications to be made from Turkey.

If the application for the geographic indication or traditional product name of foreign origin is the same as a geographic indication or traditional product name protected in Turkey, the review is made upon taking into account the regional and traditional use and the risk of similar names to be confused with each other by the consumers. Permission is granted for the use of such geographic indications and traditional product names only if the origin country is clearly and visibly indicated on the label.

The Turkish Patent and Trademark Office (TPTO) reviews the geographical indication and/or traditional product name applications. Where needed, TPTO may request the opinion of relevant public agencies or organizations for the evaluation of the technical information. Applications regarded as eligible upon being reviewed are published in the TPTO's Bulletin which is published twice a month. Bulletins are accessible at the link <http://bulten.turkpatent.gov.tr/bulten/bulletinList/>. Registration to the Bulletin is required in order to download PDFs and the other related data files. Currently, there is no fee for registration. **If no objection has been filed against the application within three months of its publication in the Bulletin, then the product is registered and published in the Bulletin** provided that the registration fee has been paid and information on its payment has been submitted to the Office within two months of the date of notification.

### **Objections and review of objections**

When an applicant is notified about the refusal decision by TPTO, the applicant may submit a justified and written objection to the TPTO within two months as of the notification date of the decision. Third parties claiming that the registration request does not conform to the legislation in force may file a written objection within three months of the publication in the Bulletin of the request for registration. The applicant is given information of the third parties' objection and his/her opinion is requested.

The Committee reviews the objections. The Committee may request views of relevant public agencies and organizations for the evaluation of the issues stated in the objection. If considered necessary, TPTO may encourage the parties to seek reconciliation. In case of amendment in the format or scope of the application as a result of the review of the objection, the final version of the application is published in the Bulletin by indicating separately the section that has been amended. No further objection can be made to this publication. In case of refusal of the application upon objection, the relevant decision is published in the Bulletin.

If the objections filed against the application within three months of its publication have decisively been rejected or if the application has been amended as a result of an objection; the product is registered and published in the Bulletin provided that the registration fee has been paid and information on its payment has been submitted to TPTO within two months of the date of notification.

**REGISTERED products are open to the public here:**

<http://www.turkpatent.gov.tr/TURKPATENT/geographicalRegisteredList/> in the Turkish language. Currently there are 269 registered products including agricultural products. Four of them are foreign origin products:

- CHAMPAGNE
- PROSCIUTTO DI PARMA (PARMA HAM / PARMA JAMBONU)
- SCOTCH WHISKY (İSKOÇ VİSKİSİ) (*direct translation*)
- PARMIGIANO REGGIANO (PARMESAN PEYNİRİ) (*PARMESAN PEYNİRİ translates to parmesan cheese*)

**PENDING products in the geographical indication registration process can be accessed:**

<http://www.turkpatent.gov.tr/TURKPATENT/geographicalList/> in the Turkish language.

Currently 402 applications are under ongoing the registration process, including agricultural products. This includes two foreign products of Italian origin:

- GRANO PADANO
- GORGONZOLA

Any products' **status** can be searched for: [http://online.turkpatent.gov.tr/trademark-search/pub/trademark\\_search](http://online.turkpatent.gov.tr/trademark-search/pub/trademark_search)

## Contact Information

The address for those who wish to register a geographical indication or to raise any objection:

**Turkish Patent and Trademark Office**  
Hipodrom Caddesi No: 115,  
Yenimahalle /Ankara-TURKEY

Applications may also be made online via the link

<http://www.turkpatent.gov.tr/TURKPATENT/onlinehelp/onlineCografi> in Turkish language

Application forms for geographical indication are available at the link

<http://www.turkpatent.gov.tr/TURKPATENT/forms/informationDetail?id=104> in Turkish language

Market inspection of registered geographical indications has been carried out by Ministry of Food Agriculture and Livestock since 2010. Inspection reports are submitted to the TPTO annually. If there is a noncompliance related to registered geographical indications, then applicant is requested to remove items of non-compliance within 6 months.