

IP Amendments and Counterfeit Raids in Turkey

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The Turkish Patent Institute has amended the guidelines concerning trademark similarity examinations and thousands of counterfeit products have been seized after a raid at Istanbul's Grand Bazaar.

Amendment to Trademark Similarity Assessment Guidelines

The Turkish Patent Institute (TPI) does not have official guidelines on the examination of trademark oppositions. However, established practice has led to unofficial examination guidelines.

The TPI recently made amendments to the guidelines concerning trademark similarity examinations. According to its most recent decisions, the TPI now assesses the similarity of trademarks in a more flexible manner. In other words, the TPI now has fewer reasons for finding trademarks similar than before and increasingly similar trademarks have a chance of being registered for the same goods and services.

For example, the TPI has, in the past, refused three-letter word and device combination trademarks even if the trademarks contain different device elements or have different characters, based on similarity during their assessments.

However, the present situation is that if the trademarks have different device elements or are stylized in different ways the later trademark application can be accepted by the TPI.

European Commission on IPRs in Turkey

The European Commission held the first IPR dialogue meeting to be located in Ankara in May. The commission has adopted what is called a "Strategy for the Enforcement of Intellectual Property Rights in Third Countries". IPR dialogue meetings have previously taken place in China, Russia, Ukraine and Thailand.

The Commission has now launched a working group to discuss the systemic issues that affect intellectual property rights protection and possible resolutions with Turkish authorities.

The Turkish group consists of officers from the Ministry of Culture and Tourism, the TPI, the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs, the Secretariat General for EU Affairs, the Undersecretariat of Customs, the Ministry of Agriculture and the Undersecretariat of Foreign Trade, according to the European Commission.

Information exchange, unitary patents, anti-counterfeiting acts (ex officio action possibilities, terms of penalties), bad faith registrations of trademarks, inconsistent court decisions and physical/individual piracy are the topics on the working group's agenda.

Police Raid the Istanbul Grand Bazaar

The Istanbul Grand Bazaar is known as both a historical attraction and a home to shops that sell fake designer goods such as handbags, shoes and clothing. Trademark owners find it difficult to defeat counterfeiters of the Istanbul Grand Bazaar because they are well-organized and employ hidden tunnels and cameras to make sure that they are well prepared for possible seizures.

The Istanbul Police Department has started fitting its officers and shop owners from the Istanbul Grand Bazaar with recording equipment as a means of improving the success of its seizures. This operation has led the police department to discover a criminal network operating with support from public servants.

On April 24, 2011, the police conducted simultaneous surprise raids of 137 stores in the Istanbul Grand Bazaar. As April 24 was not a working day for most people in Turkey, the counterfeiters were not anticipating a seizure. April 24 was also an Easter holiday so the counterfeiters were expecting to have more customers (especially tourists) than they would have had on a normal day. Consequently, the counterfeiters had lots of stock.

As a result of these raids, around 90 shop owners and public servants were detained and thousands of counterfeit products were seized. €2.5 million (\$3.6 million) was also seized. Those detained will be charged with trademark infringement and establishing and operating a crime network.

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