

The European Commission has published its Report on the Protection and Enforcement of Intellectual Property Rights in Third Countries for the year 2023.

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The European Union Commission ("**EU Commission**") published the 2023 Report on the Protection and Enforcement of Intellectual Property Rights in Third Countries ("**Report**"). The report categorizes countries according to the extent and persistence of problems in protecting intellectual property rights. As in the 2020 report, while China constitutes the first category in the list of priority countries individually, Türkiye continues to remain in the second category which includes the countries that have serious systemic problems in the area of IPR protection and enforcement.

It is mentioned that Türkiye exports a high volume of counterfeit sports shoes, bags, machines and tools, textiles, labels, tags, stickers, vehicles accessories and parts. In the Report it is also named as a transit hub for counterfeits from China to Europe and as the main source country for counterfeit clothing, perfumes and cosmetics, foodstuffs, and other beverages destined for the EU.

The Report also makes references to the OECD-EUIPO reports. The report Global Trade in Fakes - June 2021 ranks Türkiye as third in the top provenance economies of counterfeit and pirated goods in terms of customs seizures between 2017 and 2019. According to the report Dangerous Fakes - March 2022, Türkiye is one of the main provenance economies of dangerous fakes and one of the main provenance economies of dangerous counterfeit goods.

The other noteworthy points about Türkiye in the Report are as follows:

Progress

- The protection and enforcement of well-known trademarks have become faster and more effective in recent years.
- The protection level of geographical indications has increased.
- The Turkish Patent and Trademark Office continued to improve itself, especially in online applications and call centers for trademarks.
- The number of customs watch applications and customs seizures have increased.
- In order to increase the number of seizures, some trainings were held for customs officers and judges.

Concerns and areas for improvement and action

- The IP Code does not regulate the infringement status of transit goods detained in customs and therefore the practice against these goods is not consistent.
- Despite the fact that the enforcement authorities are competent, ex-officio actions are conducted rarely against pirated material and counterfeit goods.
- The criminal courts reject the search and seizure requests for counterfeit goods without any justification in most cases.
- Public prosecutors and judges require unreasonable evidence for search and seizure requests.
- The enforcement authorities have limited resources to take efficient action against IPR infringements.

- The number of IP courts has decreased over the years which has a negative effect on the quality and consistency of court decisions.
- Trademark revocation, opposition, and invalidation processes are quite expensive and take quite some time.
- As the Industrial Property Code adopts the international exhaustion principle instead of the national exhaustion principle, EU rights holders cannot control their products on the market.
- There are concerns that the various provisions of the Copyright Law, which are still being drafted for a decade, will limit exclusive distribution rights.
- Ineffective enforcement against online copyright piracy. Although the amendment in the Regulation on Electronic Commerce introduces some changes concerning the removal of illegal content by intermediary service providers, it is argued that the law still has some shortcomings.
- There is not an efficient system present in particular to protect the privacy of undisclosed testing and similar data concluded for obtaining the necessary approvals for the marketing of pharmaceutical and chemical agrochemical products.

The EU Action:

On the problems mentioned above EU Commission hold a Technical Assistance and Information Exchange workshop on Intellectual and Industrial Property Crimes and Protection Measures on These Crimes was held in İzmir on 29-30 June 2022. Furthermore, the Commission stated that the Intellectual Property working group meetings will continue to be held annually.

You may reach the full EU Commission Report through below [link](#).

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