

Turkey Announces Rules for Vehicles Used During Smuggling, as well as Storage of Goods Which Violate Intellectual Property Rights

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Under Turkish law, vehicles can be confiscated if they are used during the commission of crimes stated under Anti-Smuggling Law Number 5607 ("**Anti-Smuggling Law**"). The Ministry of Commerce has announced the procedures for seizure, detention, and liquidation of such vehicles. It has also announced rules for storing goods which violate intellectual and industrial property rights.

General Communiqué No. 1 - Communiqué on Transactions for Smuggled Goods and the Vehicles Used in the Transportation of Smuggled Goods ("**Communiqué**") was published in Official Gazette Number 30578 on 28 November 2018.

Vehicles used for transporting goods which constitutes a crime under the Anti-Smuggling Law can be confiscated by a judicial decision, if they are not delivered with consent. Confiscation decisions will be executed by adding annotations to the registry where the vehicle is registered.

The Anti-Smuggling Law allows vehicles to be detained by judicial decision and physically delivered to the Liquidation Office if they:

- Have secret parts to facilitate committing or hiding a crime.
- Are not registered with the related Turkish registry.
- Are re-used for smuggling during the investigation or the prosecution process.

The Communiqué states that a vehicle must be returned to its owner if the owner deposits a security which amounts to the price of the detained vehicle. Otherwise, the vehicle will be liquidated via seizure then sale.

The Anti-Smuggling Law states that the smuggled goods can be liquidated within six months by a court or judge decision. For goods which will cause damages if a delay occurs, the statutory period was set at one month. If a liquidation decision is not rendered, the authority would only be able to start the liquidation process after such statutory period. According to the Communiqué, a liquidation process can now be initiated earlier for goods which will cause damages if delay occurs. The process is now initiated by asking the Criminal Judicature of Peace within two days of the goods being delivered to the warehouse, without waiting the statutory periods related to liquidation proceedings.

The Communiqué also introduces new rules for storing goods which violate intellectual and industrial property rights. Accordingly, a good which constitutes a crime under the Anti-Smuggling Law and is suspected of infringing intellectual property rights can only be taken to the Customs Authority's warehouses if it relates to a customs transaction. If the goods are not related to a customs transaction, they must be delivered to the Liquidation Office for the rapid destruction procedure determined under Industrial Property Law Number 6769

to be applied.

Please see this [link](#) for the full text of the Communiqué (only available in Turkish).

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