

Turkey: The Second Largest Counterfeit Market in the World

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According to the Counterfeit Economy Report of the Chamber of Commerce of Ankara (ATO), Turkey is the second-largest counterfeit product market in the world, with \$3 billion of turnover. The report shows that the counterfeit product market has become a new and powerful sector that threatens the economy.

According to the ATO report, Turkish counterfeiters imitate a wide range of products, from cosmetics to electronics products, cigarettes to clothing. A consumer who cannot afford the original products prefers the counterfeit ones. Fifty-eight percent of Turkish consumers prefer counterfeit products and the number of tourists who visit the counterfeit bazaars is increasing day by day as they can find imitation products at one-third of the price of the originals.

It is possible to purchase a counterfeit product from a street vendor or an Internet website. The other way that counterfeiters operate is to attend women's parties or meetings. The counterfeiters take orders from catalogs they have prepared and deliver the counterfeit product to the purchaser's address.

The Most Popular Counterfeit Products

Counterfeiters imitate the top-selling products as soon as they become trendy. The most common counterfeits are watches, sneakers, football uniforms, sunglasses, toys, bags, electronic devices, mobile phones, pharmaceuticals and, recently, the popular Ugg boots.

The report shows that the most counterfeited trademarks are: Apple Iphone, Nokia, Abercrombie & Fitch, Nike, Adidas, Puma, Converse, Polo, Panasonic, Microsoft, Citizen, Ray-Ban, Versace, Armani, Gucci, Dolce & Gabbana, Christian Dior, Paul & Shark, Diesel, Louis Vuitton, Ralph Lauren, Barbie, DKNY, Prada, Lacoste, Kappa, Harley Davidson, Casio, Aiwa, Sanyo and Sony.

Counterfeiters also like to use trademarks that have been changed slightly— such as Pierre Mardin (instead of Pierre Cardin); Pmua, Fuma, Punh, Fuma (instead of Puma); Adibos, Adisos, Avisas, Adisas (instead of Adidas); Hike, Nire, Nikey (instead of Nike); Rccbok, Rebook, Recebok (instead of Reebok); Conserve (instead of Converse); Lakos, Lacorte (instead of Lacoste); Polar Garage (instead of Polo Garage); Cristian Doir (instead of Christian Dior); Kaqpa (instead of Kappa); Casqu, Casiq (instead of Casio); Halley Davidson or Halley Dayidson (instead of Harley Davidson) — on their counterfeit products in order to try to evade the Trademark Law.

According to the ATO report, counterfeiters also counterfeit pharmaceutical products, especially weight-loss pills (such as cabbage and pepper pills) and pills that increase virility such as Viagra. Counterfeit Viagra contains cornflour and harmful substances such as boric acid, cement and dye.

The most counterfeited pharmaceuticals are antibiotics, vitamins, pain killers such as aspirin, cholesterol medications and medicines used in the treatment of cancer. As the counterfeit pharmaceuticals cannot be sold in pharmacies, they are sold clandestinely in grocers or bazaars.

Combating Counterfeiting

Despite the picture painted above, trademark owners can protect their rights in Turkey, since they have the right to initiate civil or criminal actions against the counterfeiters. As a result of Turkey's accession process to the European Union (EU), Turkey has harmonized its trademark law in accordance with EU legislation. Therefore, trademark owners have the same rights as the trademark owners in the EU.

Since Turkey is a large and growing market, trademark owners should consider the growing counterfeit sector in Turkey. Trademark owners can defend their interests by using civil law, criminal law or customs actions. Since Turkish Trademark Law prohibits the use of a counterfeit trademark in a manner likely to cause confusion in commerce, the trademark owner can initiate an action to stop the infringement and to claim actual and immaterial damages. Since counterfeiting also constitutes a crime, trademark owners can initiate a criminal action and demand the seizure of the counterfeited products. In addition, with the amendments made in the Turkish Customs Code and the Turkish Customs Regulation in October 2009, if there is obvious evidence that products for import violate the rights of rightful IP owners, they can be *ex officio* stopped and seized by customs. Likewise, if the trademark owner operates from abroad, the same procedure can be initiated by a representative domiciled in Turkey

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