

Turkish Medicine and Medical Device Regulator Seizes 73 Types of Counterfeit and Smuggled Goods in 2017

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The Turkish Medicine and Medical Device Agency, part of the Ministry of Health ("**Ministry**"), recently announced that it had seized 73 types of counterfeit and smuggled pharmaceuticals during inspections and raids so far in 2017. The counterfeit or smuggled products include well-known trademarks from other sectors, such as Ferrari, Jaguar, Lacoste, Pink Panther, and Porsche. They also include words from well-known pharmaceutical trademarks, such as "Viaga" instead of "Viagra".

Given the well-known status of some of the trademarks involved, the counterfeiters and smugglers obviously seek to take unfair advantage of the trademarks' well-known status in other sectors. Such acts damage the basis trademarks' reputation and are also detrimental to the marks' distinctiveness. These acts constitute infringement under trademark law.

The Ministry's approval is required to launch pharmaceuticals to the market in Turkey (Article 3, Pharmaceutical and Medical Preparations Law number 1262; Article 5, Regulation on Licensing of Human Medicinal Products). It is a criminal act for unauthorized persons to sell medical pharmaceuticals and preparations, punishable by imprisonment for between two months and one year (Article 43, Law on Pharmacists and Pharmacies number 6197; Article 193, Turkish Criminal Law). Thus, unlicensed sale of pharmaceuticals is a criminal act in Turkey, also raising serious dangers to public health.

Please see the announcement and attached list of counterfeit and smuggled pharmaceuticals at this [link](#).

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