

Turkish Patent and Trademark Office Published an Updated Trademark Examination Guideline

30 Sep 2021

Turkish Patent and Trademark Office ("**TPTO**") has published an updated Trademark Examination Guideline ("**Updated Guideline**") on 18 August 2021. The guideline has been updated for the fourth time since 2011, and for the second time since the entry into force of Industrial Property Law ("**IPL**") numbered 6769 in 2017.

Compared to guideline published on 30 September 2019 following entry into force of IPL, the Updated Guideline includes detailed information on evaluation of likelihood of confusion upon oppositions raised and comprehensive examples with a new chapter. In this context, following evaluations were included to the Updated Guideline:

- The approaches on assessment of similarity of the goods and services,
- The targeted consumers and their level of attention,
- The distinctiveness of the prior trademark and determination of distinctiveness,
- Visual, aural, and conceptual comparison test for marks,
- The factors should be bored in mind while assessing likelihood of confusion in overall (overall impression of the mark in targeted consumer's mind, comparison of the goods and services as well as their sale channels, effects of high distinctiveness or low distinctiveness of common futures of marks, serial mark impression, concept of possible association, etc.)
- Approaches on similarity examination of certain types of trademarks (trademarks consist of name and surname, slogan marks, pharmaceutical marks, short signs, color marks, 3D marks, marks consist or a letter or a number, etc.)

The factors used by TÜRKPATENT on the evaluation of the likelihood of confusion were included in extensive detail for the first time in the Updated Guideline. Accordingly, the details and examples of the likelihood confusion assessment in the guidelines published in 2011 and 2015 have been updated.

The topics covered extensively in the Updated Guideline are supported with precedent decisions of the TPTO, courts and as well as the decisions of European Union institutions such as the European Union Intellectual Property Office and European Court of Justice.

Please see this [link](#) for the full text of the Updated Guideline published by the TPTO on 18 August 2021. (Only available in Turkish)

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