



SCREENING CHAPTER 7 INTELLECTUAL PROPERTY LAW

AGENDA ITEM X: ENFORCEMENT

**Country Session: The Republic of TURKEY
2-3 March 2006**



18 REGIONAL DIRECTORATE

Edirne	İstanbul	Malatya
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141 Customs Offices
Approximately 8000 customs officers



The Function of Turkish Customs in the Fight Against Counterfeit

Regarding Enforcement

- To evaluate the applications
- To check the goods under the customs supervision
- To inform the rightholders about the suspicious goods
- To suspend the release of the goods
- To act according to the court decision - release or destroy the goods



The Function of Turkish Customs in the Fight Against Counterfeit

Regarding Legislation

- To follow the international and EU legislation
- To align legislation in necessary areas

Regarding Training

- To organize seminars for the customs officers on IPR legislation
- To organize participation of customs officers in seminars supported by rightholders
- To inform customs operators about customs related aspects of IPR legislation



Legal Bases of the Current Legislation About Fight Against Counterfeit

International

- WTO Agreement (01.01.1995)
- Customs Union between Turkey and EC (since 01.01.1996)

National

- Decree Law No. 564 amending Customs Law (OG 26.07.1995)

Customs Law No 4458

Article 57 and Articles 105 - 111 of Implementing Provisions of the Law covers IPR border measures;

- Complies with Regulation (EC) No. 3295/94
- Introduces provisions further than TRIPs such as;
 - Ex officio action
 - Measures on transit procedure
 - Measures on exportation procedure

Article 57 clarifies the following;

- Scope of the measures
- Security to protect the rights of the public and the importer
- Responsibility of the customs administration
- 10 days notification period to initiate court case
- Disposal of the goods in line with the court decision
- List of exceptional cases

IPR Protection Section in Implementing Provisions of Customs Law

- Article 105 gives the definitions used in this section
- Article 106 lists the names of the rights, exemptions and customs procedures in which the measures applied
- Article 107 clarifies the provisions about the application to customs
- Article 108 details the liability of customs
- Article 109 mentions about the formalities conducted by customs administrations and details the ex-officio action
- Article 110 details the formalities following the decision of suspension
- Article 111 details the formalities related to goods that infringe IPRs according to a court decision

Training

Two types of training

- Training of Customs Officers
 - Implementation of the Legislation
 - Increase trademarks familiarity
- Training of Rightholders and Customs Operators



Training of Customs Officers

Regular in-service training about the implementation of the legislation;

- Customs regulation
- Copyright (Ministry of Culture)
- Trademarks and patents (Turkish Patent Institute)
- Judicial aspects (Ministry of Justice)
- Geographical indications (Chambers of Commerce)



(cont.)

TAIEX workshop on EC legislation regarding enforcement (January 2004)

- Participants:
 - EU Customs Officers
 - Turkish Customs Officers
 - Police Officers
 - Judges
 - Copyright Experts (Ministry of Culture and Tourism)
 - Trademark, Patent Experts (Turkish Patent Institute)

(cont.)

Seminars for increasing trademarks familiarity

WCO IPR Strategy Group seminars

- In July 1996, Ankara
- In June 2002, İstanbul
 - 100 customs officers
 - 10 judges
 - 18 international rightholder firm

A non-profit organization's seminar

- In September 2004, İstanbul
 - 100 customs officers
 - 4 international rightholder firm

Computerized Customs Activities (BILGE)

- BILGE is a software programme developed to carry out all real-time customs formalities of goods to/ from customs territory in a computerized media where 99.5% of all customs formalities are being carried out today.
- Traders can submit their declarations from kiosks in customs offices as well as from their own offices by EDI (Electronic Data Interchange) or on Internet to BILGE system.

Future Policy of Customs Administration for the Protection of IPRs

Draft legislation prepared by taking into account the Council Regulation (EC) No 1383/2003 is in the agenda of the Turkish Grand National Assembly.

Practices to strengthen enforcement will continue by working on;

- Training
- IT structure
- Legislation



Future Policy/Training

- For customs officers
 - In-service training programmes
 - Training programmes with EU experts
 - Trainings programmes with the rightholders
- Informative seminars for customs operators



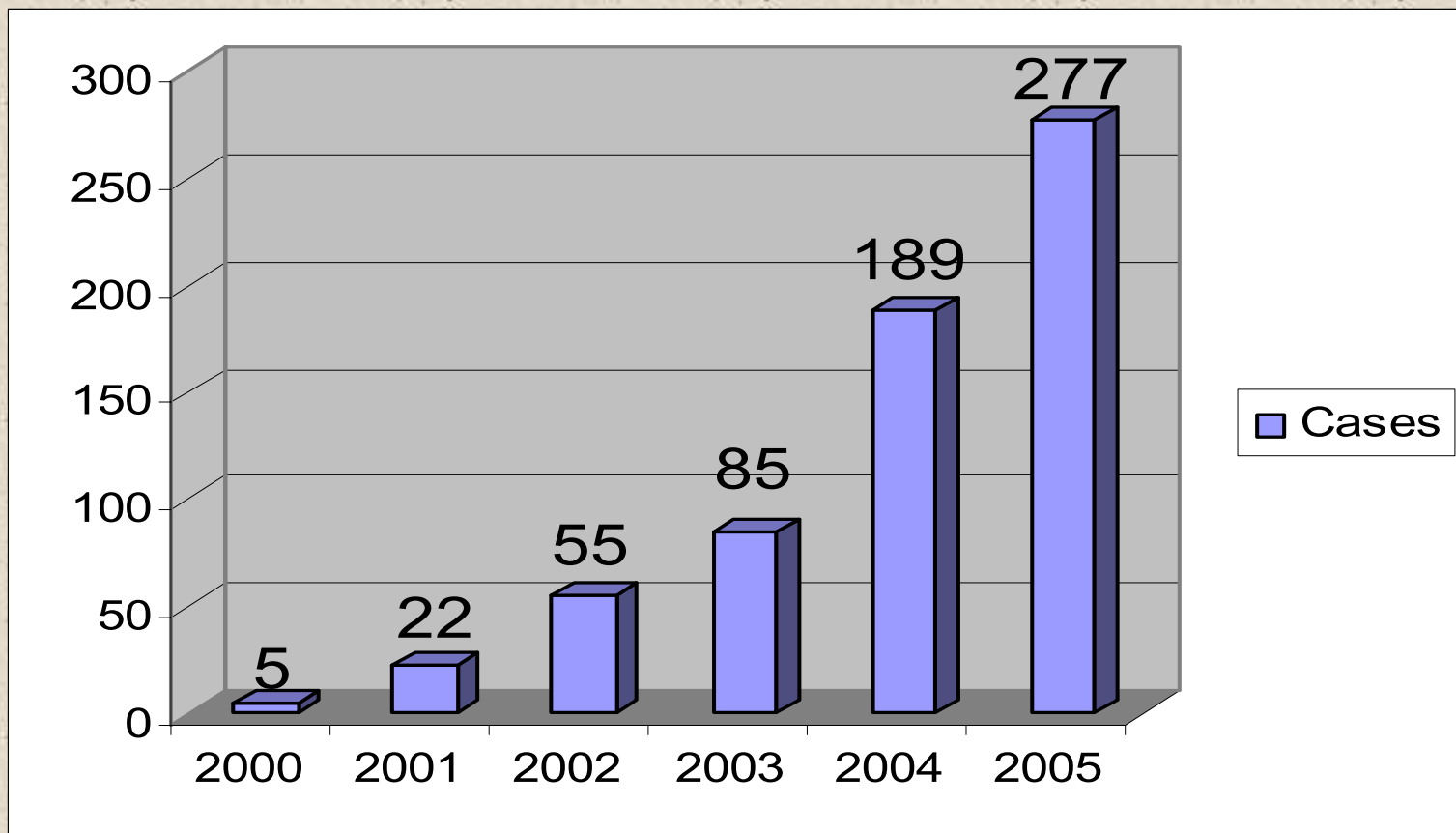
Future Policy/IT Structure

Database

- To accept, store and distribute the applications
- To provide easy access for customs officers to the applications
- To collect accurate statistical data
- To use data as a risk criteria for targeting



Statistics



Total 633 cases since 2000

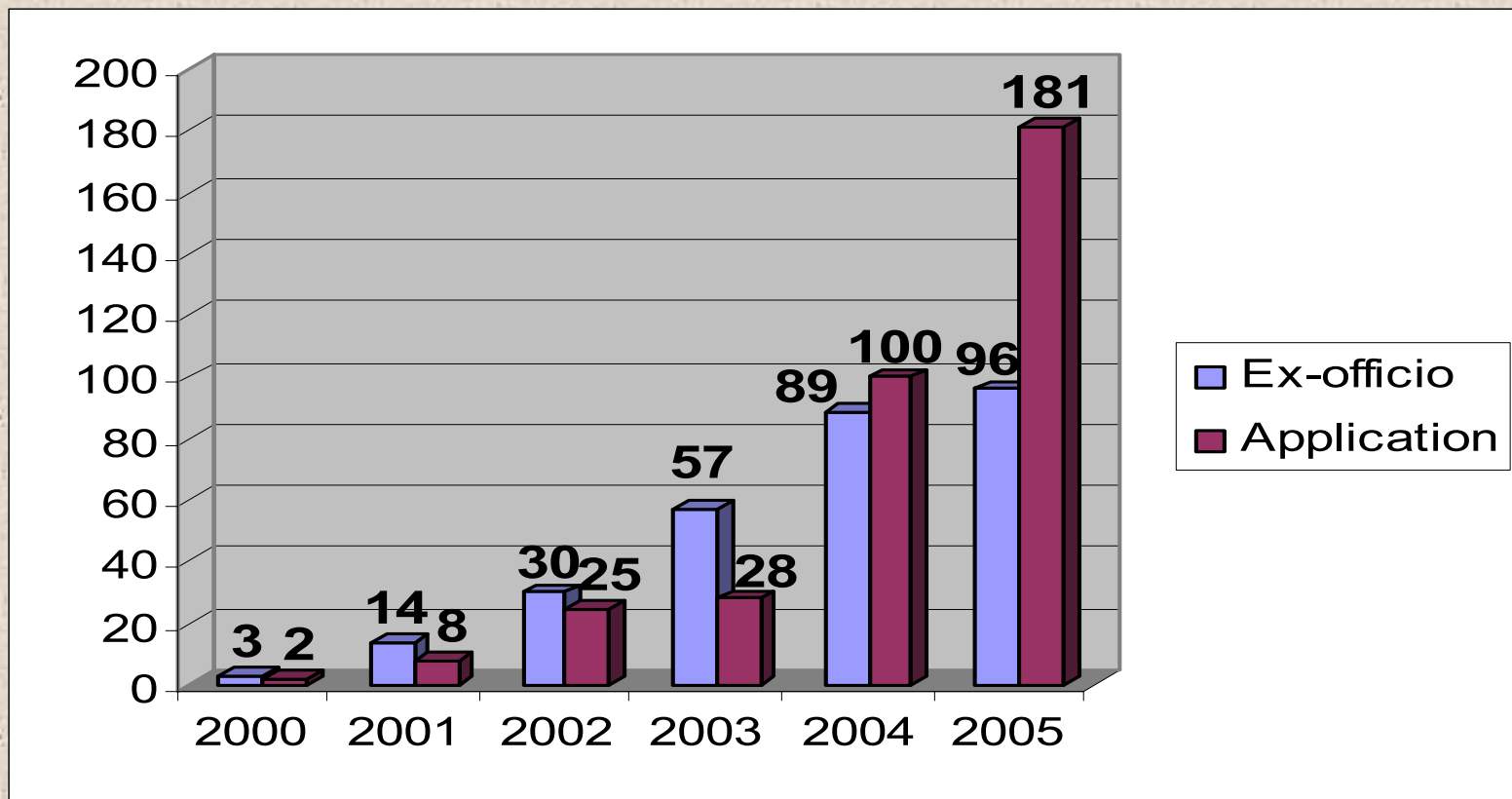


Statistics (cont.)

	Year 2000	Year 2002	Year 2005	% Change 2002-2005
Number of Cases	5	55	277	+ 504
Number of Applications	2	25	181	+ 724



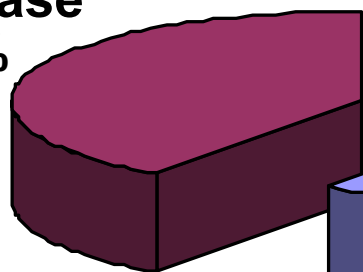
Statistics (cont.)



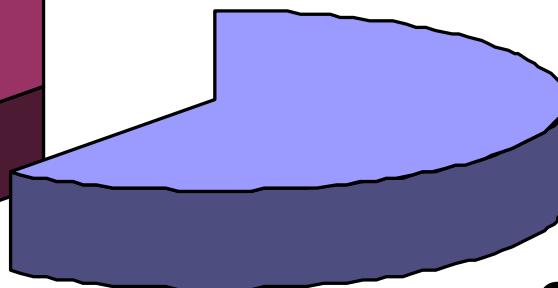
Statistics (cont.)

Total 366 suspension cases

No court case
122 40%



182 60%
Court Cases

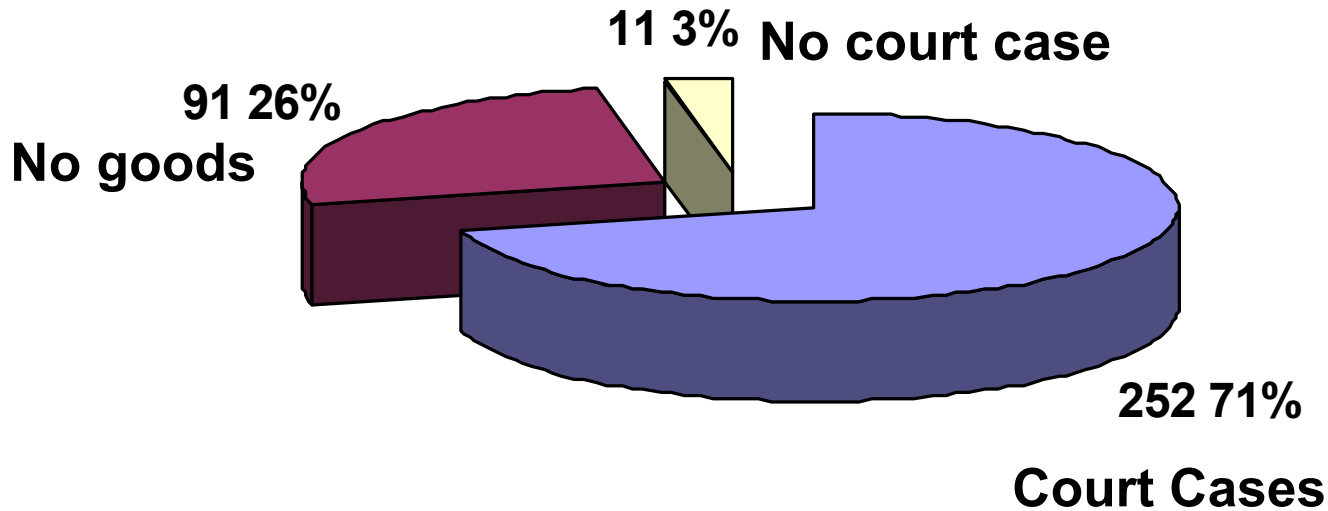


Years between 2000-2005



Statistics (cont.)

Total 354 Application

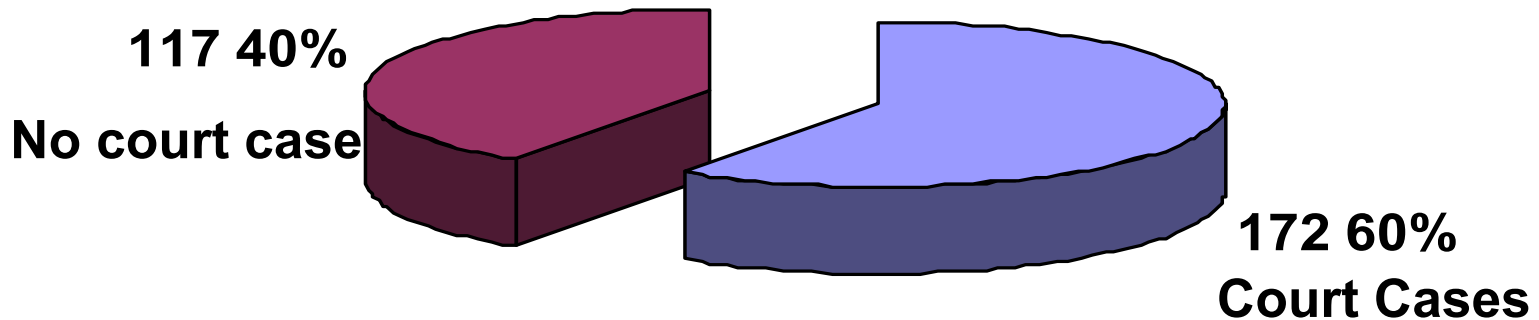


Years between 2000-2005



Statistics (cont.)

Total 289 Ex-officio Action



Years between 2000-2005

Statistics (cont.)

- The most popular counterfeit goods seized in Customs are;
 - Cigarettes
 - Mobile phones and their accessories
 - Textile products
- The most popular departure regions of seized counterfeit goods are;
 - Far East
 - Middle East
 - Europe
- The most popular customs procedures used by counterfeiters are;
 - Importation
 - Exportation
 - Transit



THANK YOU FOR YOUR ATTENTION