



**SCREENING CHAPTER 07
INTELLECTUAL PROPERTY LAW**

AGENDA ITEM X: ENFORCEMENT

**The Republic of TURKEY
2-3 March 2006**



MINISTRY OF INTERIOR

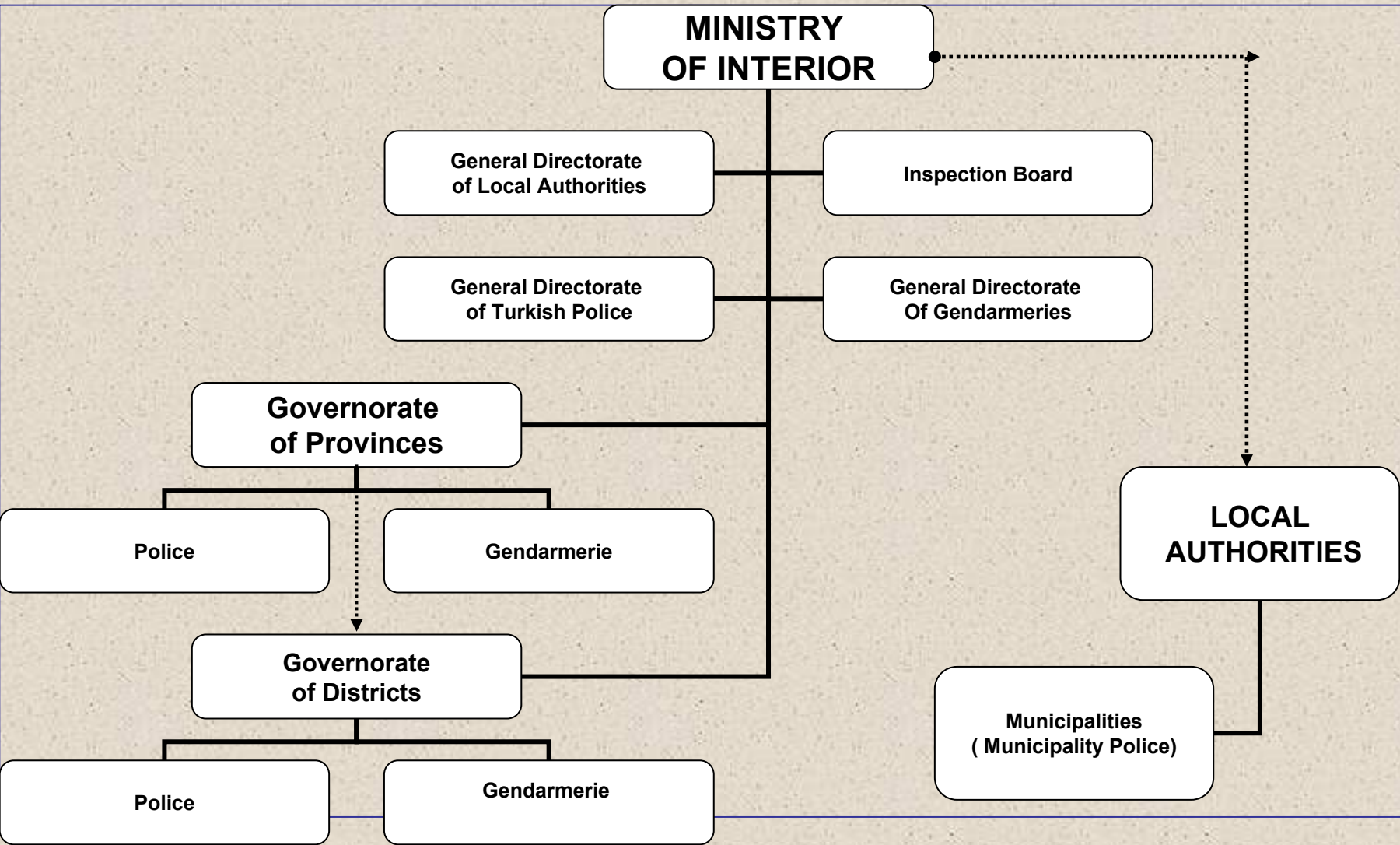


ENFORCEMENT

Ministry of Justice

Ministry of Interior

Undersecretariat
for Customs





TASKS

GOVERNORS

Governors may always inspect whether banderole is affixed or not.

Governors are authorized to fine suspects selling banderoled material (which are legally duplicated and protected under Law No. 5846) in the streets or similar open areas. (Add. Art.10)



TASKS (cont.)

**General Directorate of
Turkish Police**

**General Directorate of
Gendarmerie**

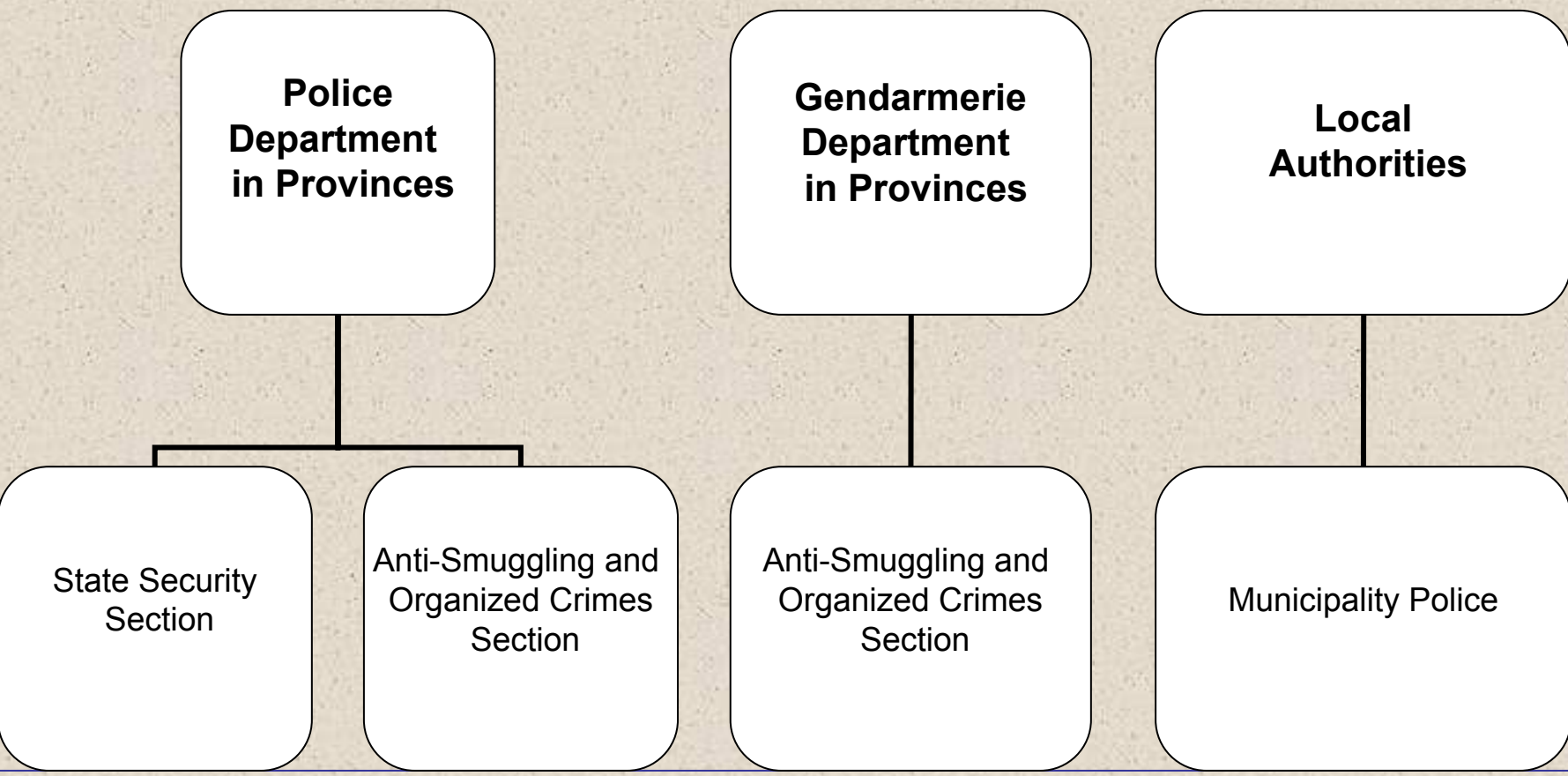
State Security
Department

Anti-Smuggling and
Organized Crimes
Department

Anti-Smuggling and
Organized Crimes
Department



TASKS (cont.)



TASKS (cont.)

Inspection Board

Inspectors may always carry out inspections in respect of IPR related duties of Governors, General Directorate of Turkish Police, General Directorate of Gendarmerie, Police Department in Provinces and Districts, Gendarmerie Department in Provinces and Districts, Municipality Police.

TYPES OF SECURITY FORCES ACTION

1- UPON COMPLAINT

- Criminal proceedings, which are based on complaint
(Except for Art. 81 of Law No. 5846)

2- EX OFFICIO

The bodies authorized to initiate ex officio criminal proceedings are:

- Governors
- Security Forces (Police, Gendarmerie)
- Municipality Police
- Anti-piracy Commissions

SANCTIONS

According to Art.81 of Law No. 5846:

Security forces and Municipality Police are authorized to conduct ex officio confiscation and judicial and administrative procedure to any person

- who sells banderoled materials legally duplicated and protected under the Law in the streets or similar open areas,
- who makes business without having related mandatory certificates and other required documents
- who fails, contrary to the provisions of Add. Art. 5, to submit the works that need to be compiled and adapted within the determined period.



ADMINISTRATIVE FINES

LAW NO. 5846 Add. Art.10: An administrative fine shall be imposed in the following cases:

- 3.000 YTL/1.898 Euros for those selling in the streets or similar open areas legally duplicated materials bearing banderoles protected within the framework of this Law.
- 10.000 YTL/6.329 Euros for small enterprises, 30.000 YTL/ 18.987 Euros for medium sized enterprises, and 100.000 YTL/63.291 Euros for larger enterprises operating without certificates and other required documents
- 5.000 YTL/3.164 Euros for those failing, contrary to the provisions of Add. Art. 5, to submit the works that need to be compiled and adapted within the determined period.

Administrative fines foreseen in this Article shall be imposed by the governors.



ADMINISTRATIVE STRUCTURE

- All security forces (police and gendarmerie) and municipality police are authorized to fight against IPR frauds.
- Financial Crimes Sections of the Police and Gendarmerie Anti-Smuggling and Organized Crimes Departments are authorized.
- IPR Office was established within General Directorate of Turkish Police in 29 October 2003



(cont.)

- State Security Department of General Directorate of Police (11 personnel)
- State Security Sections of Police Departments in Provinces (357 personnel)
- Additionally 571 police officers working at the state security sections as patrol teams.

ADMINISTRATIVE ACTS

The Ministry of Interior issued 5 circulars to fight against counterfeit and pirated materials more effectively.

- Circular No. 61 (March 2004)
- Circular No. 99 (June 2004)
- Circular No. 104 (October 2005)
- Circular No. 72 (July 2005)
- Circular No. 11 (February 2006)



TRAINING ACTIVITIES AND COOPERATION WITH RELEVANT BODIES

- On 31 November 2004, a training protocol was signed between the Ministry of Interior and the Ministry of Culture and Tourism in order to train police on IPR legislation and enforcement.

In accordance with this protocol a training seminar on Fight Against Intellectual Property Right Frauds was organized in co-operation with the Ministry of Culture and Tourism in 2005 .

- A training seminar on Fight Against Intellectual and Industrial Property Right Frauds in co-operation with Ministry of Justice (IPR specialized judges and prosecutors) was held in Ankara in 2005

(cont.)

- Police participated in TAIEX Training Seminar on the Fight Against Intellectual and Industrial Property Right Frauds organized in co-operation with Europol, Greece and France held in Athens/Greece (14-18 March 2005).
- Police participated in IPR enforcement seminar organized by UN/ECE IP Advisory Group, WIPO and WCO in Almaty/Kazakhstan (5-7 July 2005).



(cont.)

- Police participates in training activities and seminars held by other competent bodies, such as Ministry of Justice, Undersecretariat for Customs, Ministry of Culture and Tourism and Turkish Patent Institute.
- In-service training.
- Training activities, including “Training of the Trainers”, are planned in cooperation with related governmental bodies mentioned above.

NUMBER OF CONFISCATED COUNTERFEIT MATERIALS BETWEEN 2000-2004 (BEFORE THE AMENDMENT OF LAW 03.03.2004)

3.018.458



NUMBER OF CONFISCATED COUNTERFEIT MATERIALS BETWEEN 2004-2006/02/17 (AFTER THE AMENDMENT OF LAW)



6.935.545
+
9.000.000
(Stickers)



NUMBER OF CONFISCATED COUNTERFEIT MATERIALS BETWEEN 2000-2006/02/17



9.954.003
+
9.000.000
(Stickers)





MARKET PRICE OF CONFISCATED MATERIALS (2000-2006/02/17)

MATERIALS	QUANTITY	MARKET PRICE (YTL)	TOTAL PRICE (YTL)
CD/VCD	8.177.264	8	65.418.112
DVD	437.787	15	6.566.805
BOOKS	885.823	10	8.858.230
VIDEO CASSETTES	20.488	10	204.880
MAGNETIC CASSETTES	313.129	5	1.565.645
TOTAL	9.834.491		82.613.672
52.453.125 EURO			
PORNOGRAPHIC MATERIALS EXCLUDED (119.512)			



(2004-2006/02/17)

SUSPECTS: 8.943 PERSONS

ADMINISTRATIVE FINES: 367 PERSONS

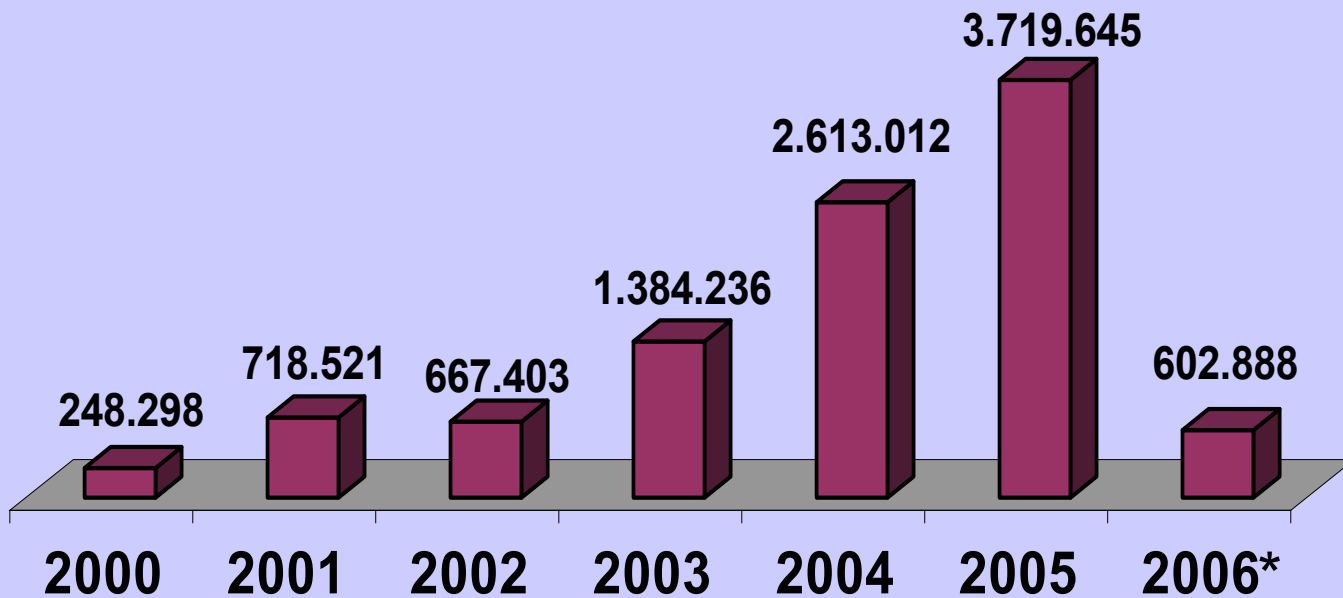


STATISTICS ON INTELLECTUAL PROPERTY RIGHTS INFRINGEMENTS

(01/01/2000 – 17/02/2006)



SEIZED MATERIALS

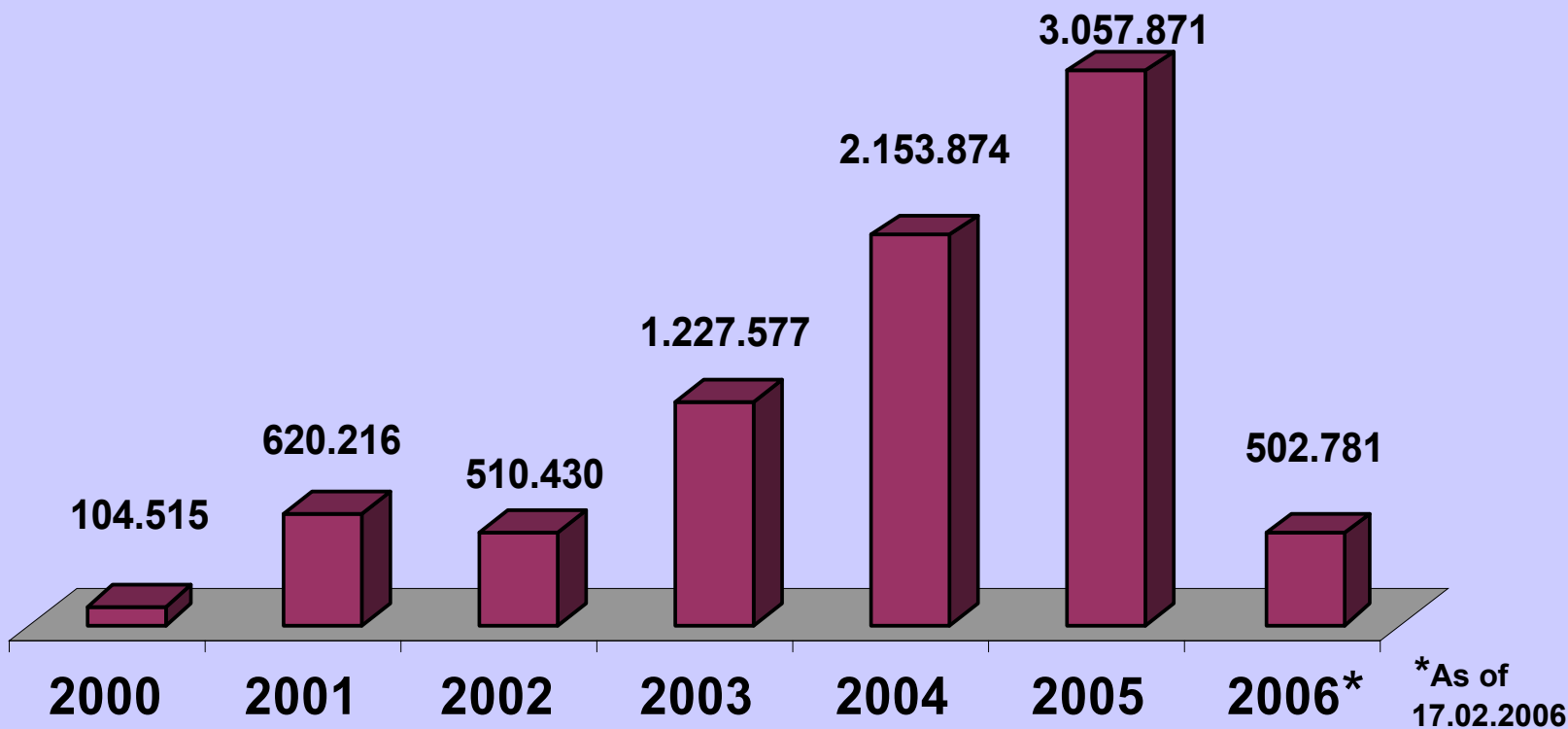


CD/VCD-DVD-BOOK-CASSETTE

*As of
17.02.2006

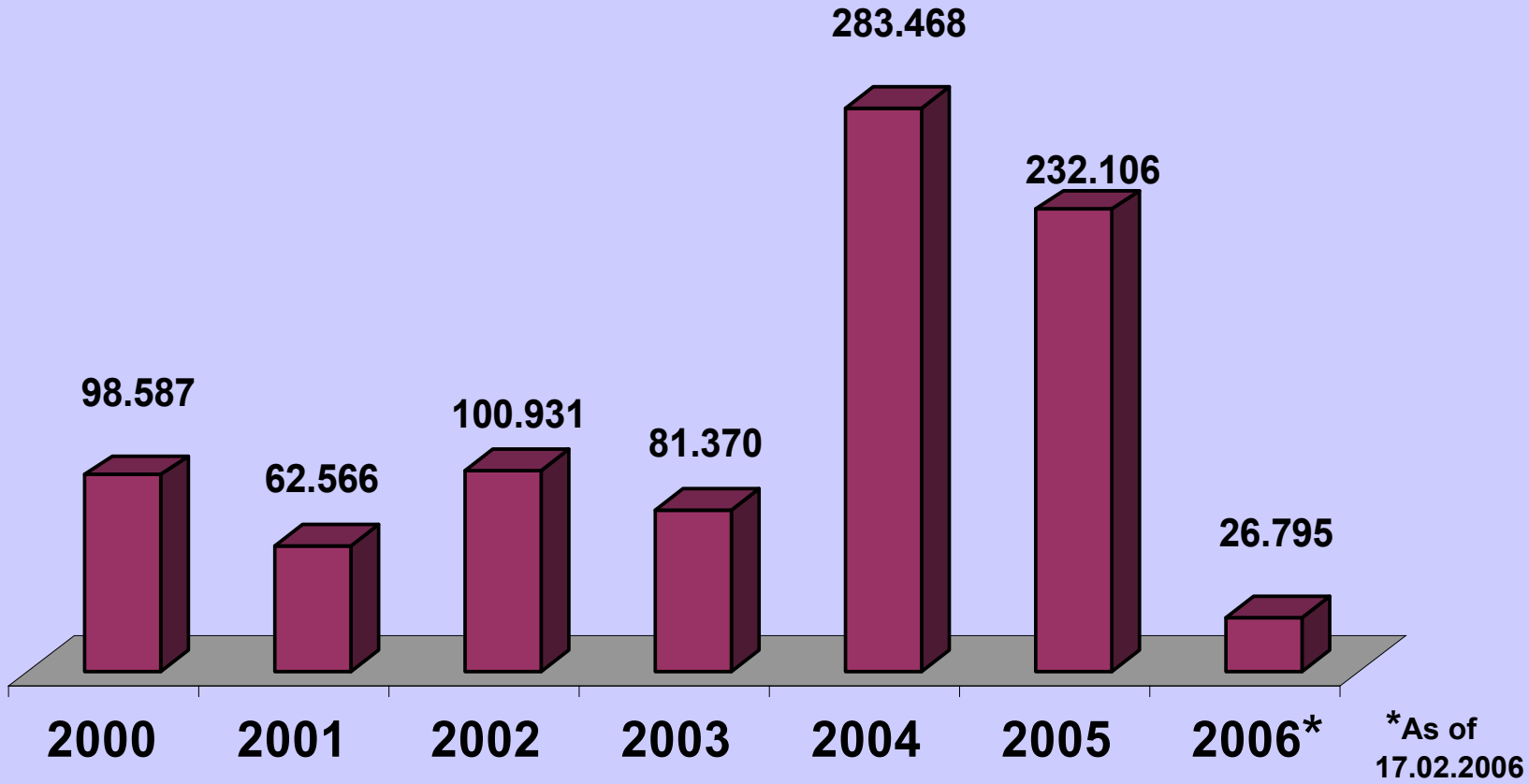


QUANTITY OF CD/VCDs (TOTAL 8.177.264)



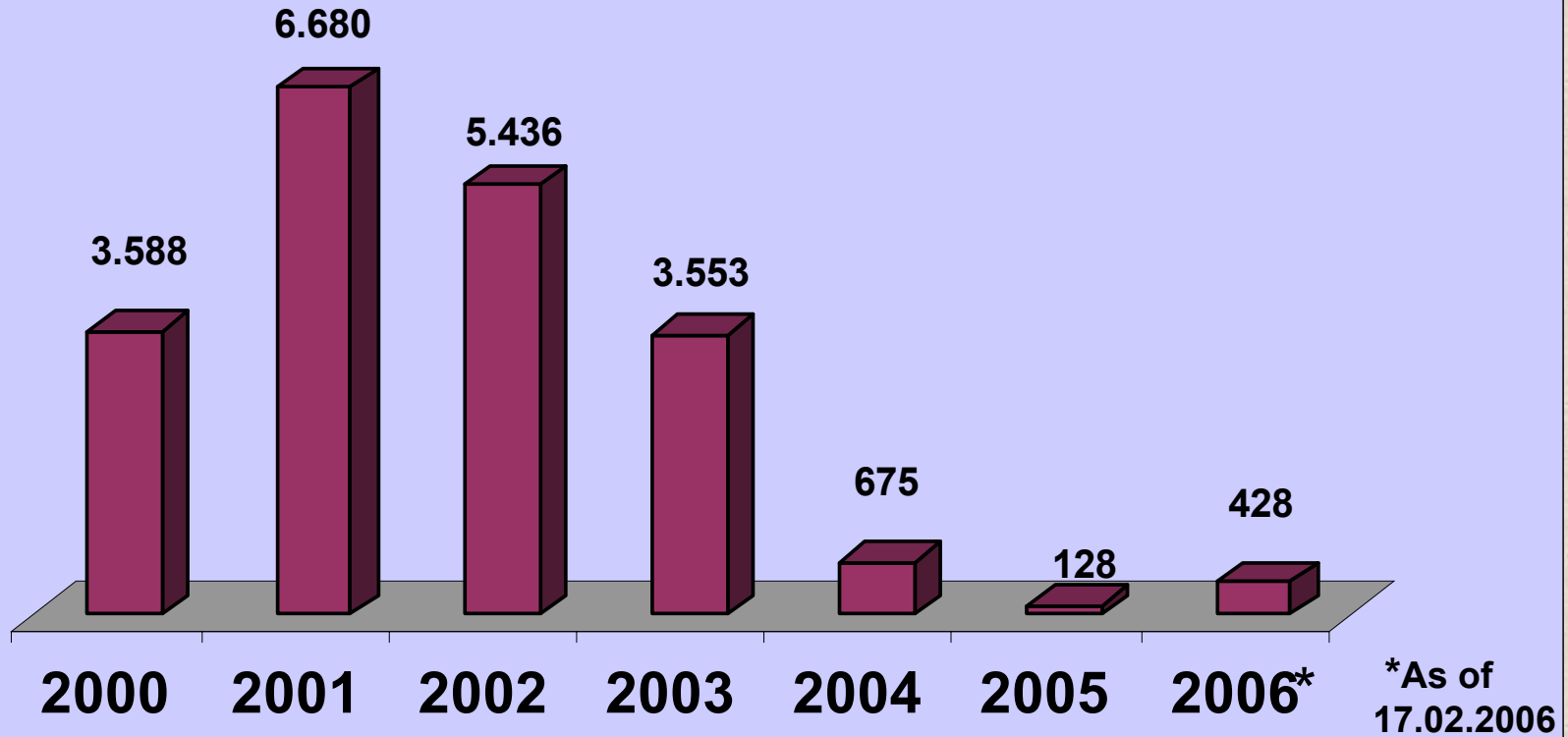


QUANTITY OF BOOKS (TOTAL 885.823)



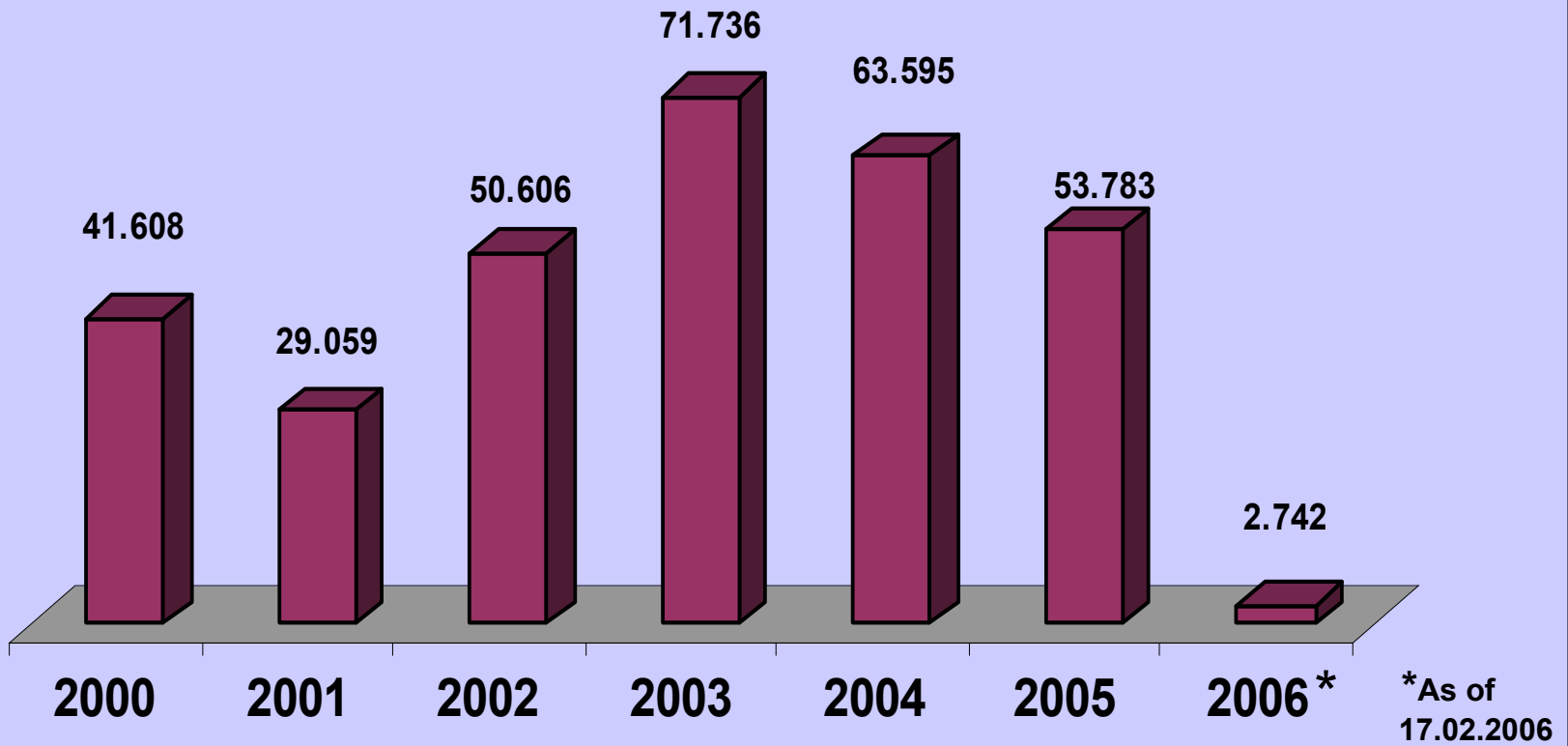


QUANTITY OF VIDEO CASSETTES (TOTAL 20.488)



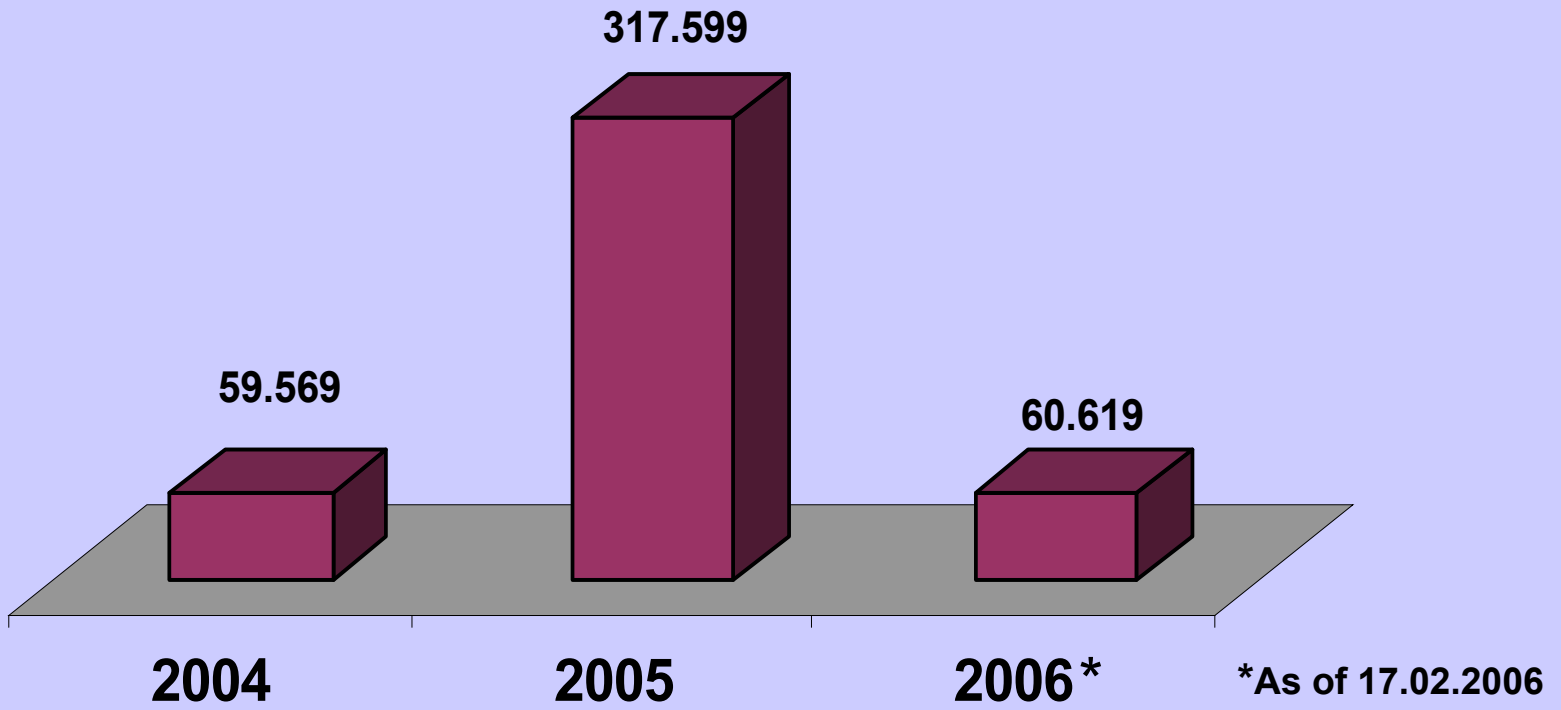


QUANTITY OF MAGNETIC CASSETTES (TOTAL 313.129)



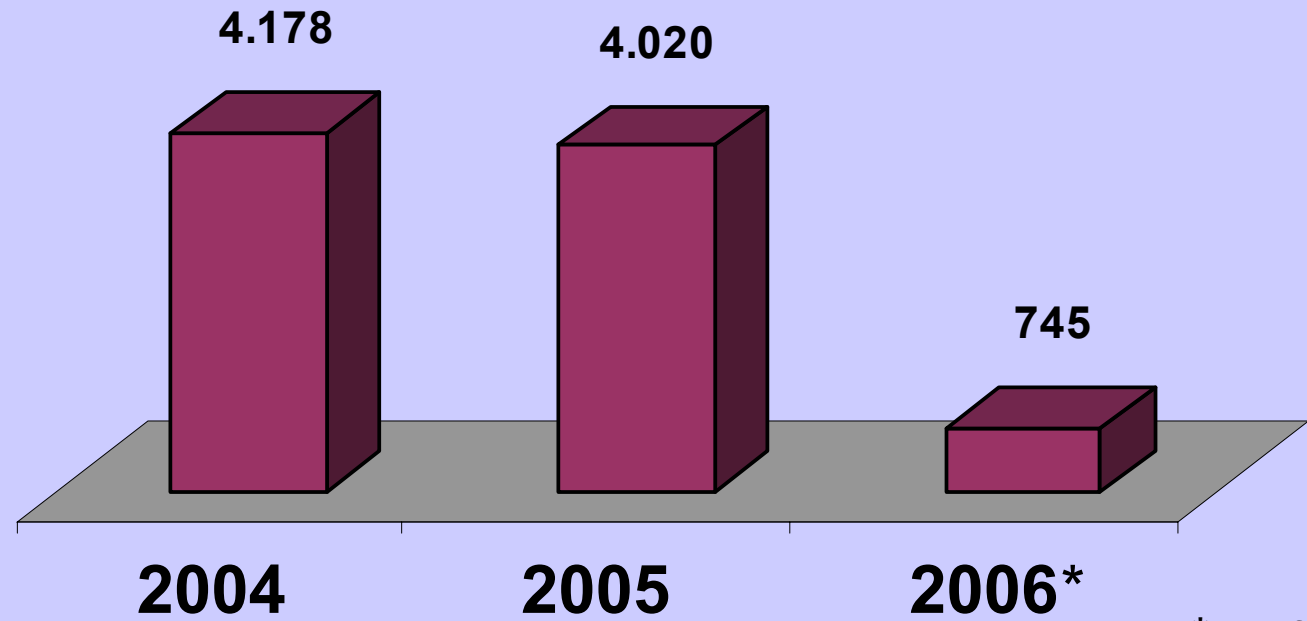


QUANTITY OF DVD_s (TOTAL 437.787)





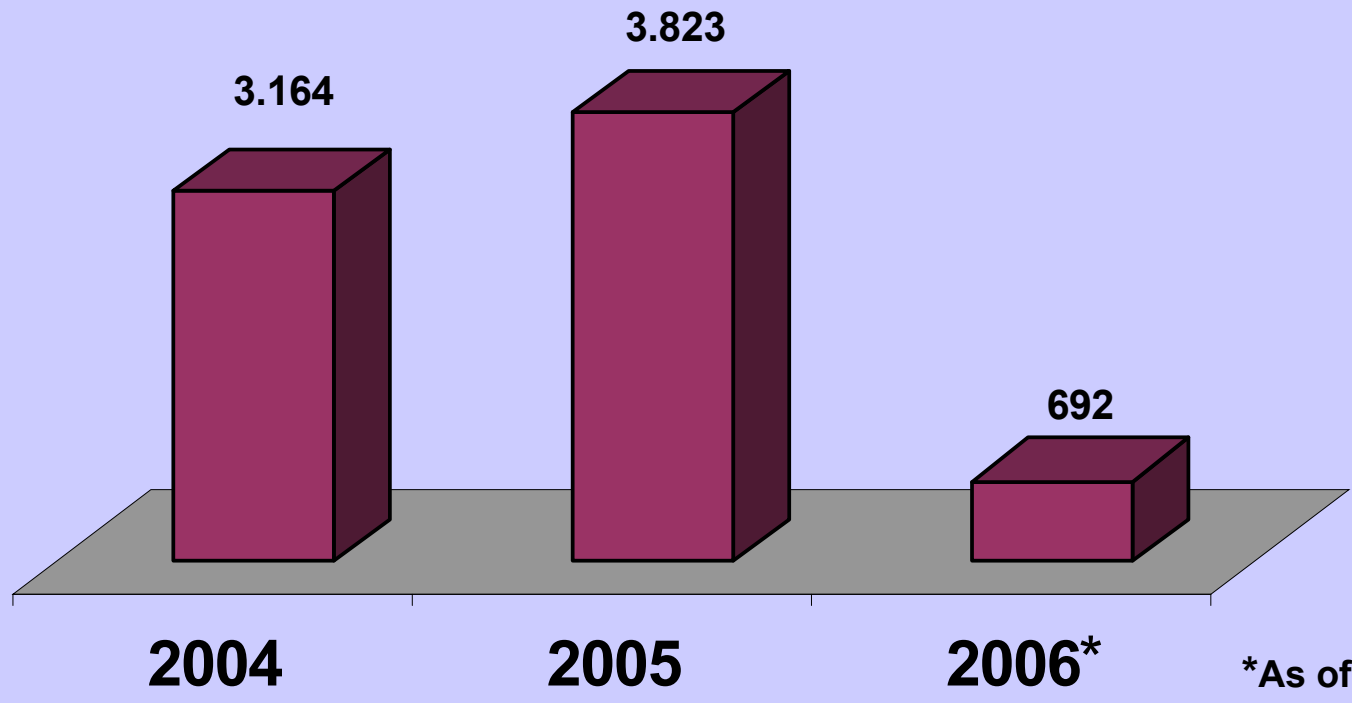
NUMBER OF SUSPECTS (TOTAL 8.943)



*As of 17.02.2006



NUMBER OF OPERATIONS (TOTAL 7.679)





THANK YOU FOR YOUR ATTENTION