



SCREENING CHAPTER 7 INTELLECTUAL PROPERTY LAW

AGENDA ITEM XX : ENFORCEMENT

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



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JUDICIAL INFRASTRUCTURE IN ENFORCEMENT OF IPRs

JUDICIAL INFRASTRUCTURE



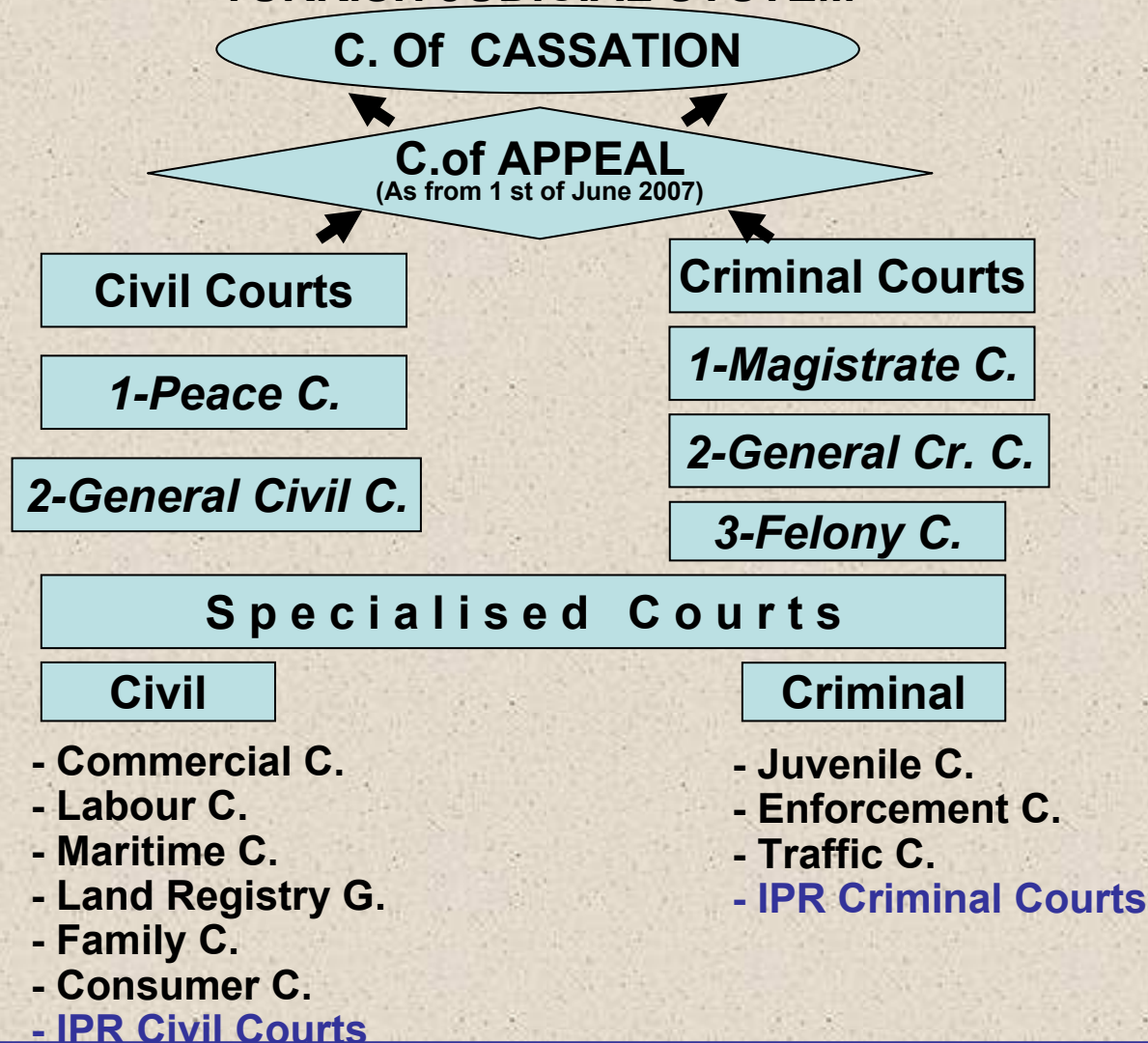


The Ministry of Justice is responsible for;

- establishment of IPR courts
- ensuring effective operation of these courts
- training judges, public prosecutors and other staff working in these courts



TURKISH JUDICIAL SYSTEM



Before establishment of the
Courts of Appeal



- Courts of First Instance
- Court of Cassation

After establishment of the
Courts of Appeal



- Courts of First Instance
- Courts of Appeal
- Court of Cassation



THE COURT OF CASSATION

- Examines the decisions taken by the courts of first instance from substantial and procedural point of view.
- Has **twenty one civil divisions** and eleven criminal divisions
- Each division has approximately 5 members and 15 reporter judges.
- **Eleventh Civil Division** examines the appealed decisions on IPR **civil** cases.
- **Seventh Criminal Division** examines the appealed decisions on IPR **criminal** cases.



THE COURTS OF APPEAL

- According to the Law on the Establishment of the Courts of Appeal, Courts of Appeal will be established by 1 June 2007
- They will examine the applications against the judgements and decisions of the courts of first instance of which amount does not exceed 1.000 YTL (630 Euro)
- Each Court of Appeal will have at least three civil and two criminal divisions
- The Board of Presidents of each Court of Appeal will determine which civil and criminal divisions will deal with the IPR cases.



SPECIALIZED IPR COURTS

- First established in 2001 in Istanbul.
- There are now **8** IPR Courts in Istanbul, Izmir and Ankara.
- **5** of them are **criminal** and **3** of them are **civil** IPR Courts.



(cont.)

- 8 judges were trained on IPR within the framework of the joint Project of The Ministry of Justice and the European Commission.
- Those judges were appointed to these courts in October 2003 and July 2004.
- **General civil** and **general criminal courts** are competent to deal with IPR cases where specialised IPR courts do not exist. (If there is one or two general civil or criminal courts, **the first one** is competent to deal with IPR cases. If there are more than three general civil or criminal courts, **the third one** is competent to deal with IPR cases.)



PUBLIC PROSECUTORS

- There is a division of labour between prosecutors in metropolitan cities.
- More than one bureau is responsible for carrying out preparatory investigation for different types of offences in these cities.



EFFECTIVE ENFORCEMENT OF IPRs PROJECT

The Project was financed by the EU. It had five components:

- Training of 8 judges and prosecutors for ten months in the EU Institutions specialised on IPR.
- Setting up 7 specialised courts for the disputes concerning IPR.
- Setting up an IPR Documentation Centre in the IPR Research Institute under the umbrella of the University of Ankara, Faculty of Law.
 - Establishment of a computer network between the specialised IPR courts, the Documentation Centre, the Ministry of Justice, Turkish Patent Institute and the Customs Administration.
- Organizing an international symposium on IPR in Turkey.

All components of the Project were completed on 6-7 May 2004.

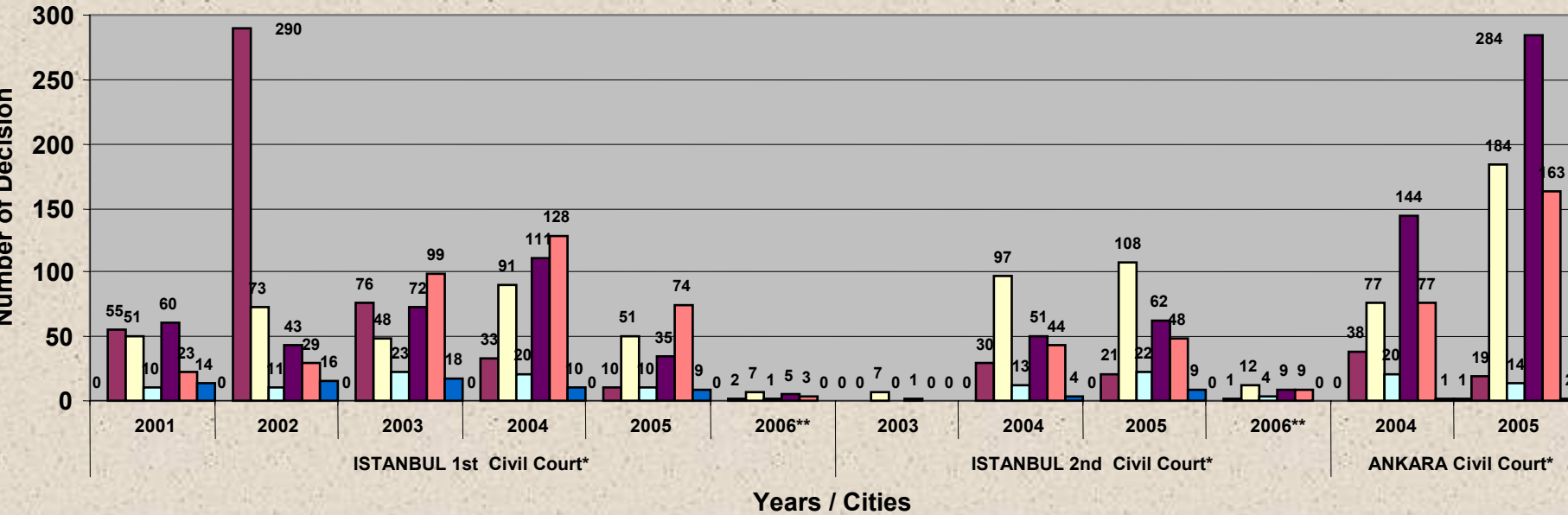


TRAINING PROGRAMMES OF THE MINISTRY OF JUSTICE

- The Ministry of Justice organizes regular training programmes by itself or in cooperation with other institutions and ministries.
- These training programmes are the tools for providing the specialisation of the judges and prosecutors working in the general civil and general criminal courts which are competent to deal with IPR cases where the specialised IPR Courts do not exist.



FIGURES CONCERNING THE DECISIONS ON INDUSTRIAL PROPERTY RIGHTS OF IPR CIVIL COURTS

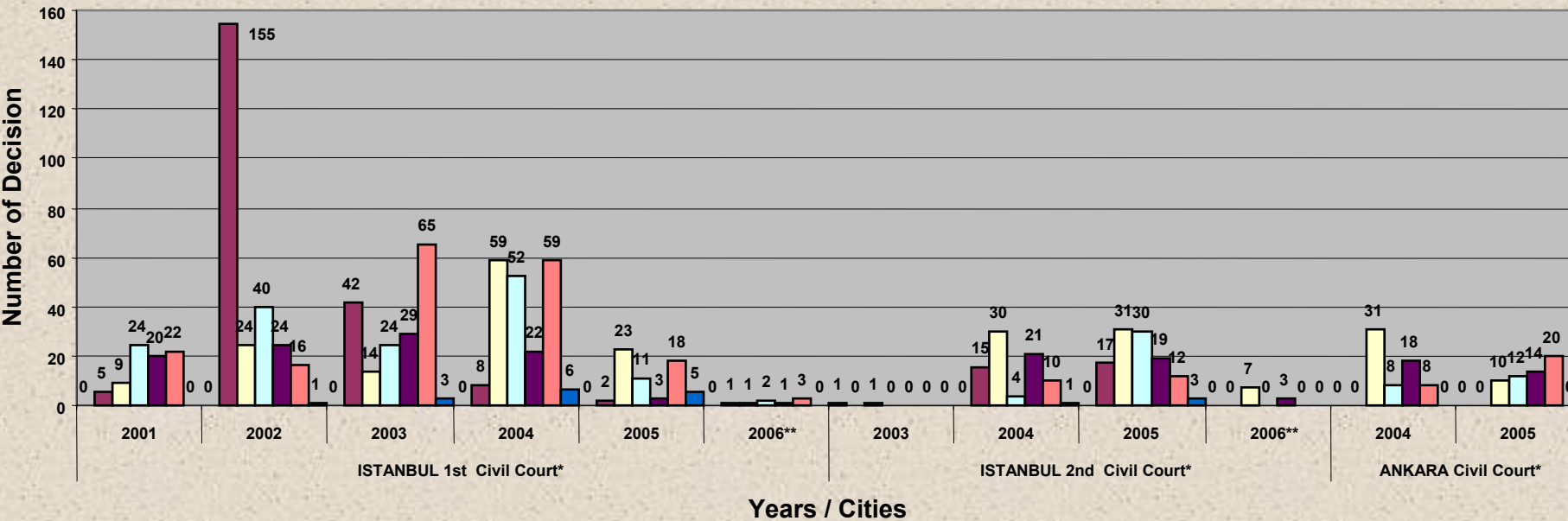


- Prescription
- Dismissal because of not proved
- Whole Admission
- Settlement
- Lack of Jurisdiction
- Renunciation
- Partly Acceptance / Partly Dismissal

*Istanbul 1st IPR Civil Court started its function in March 2001. Istanbul 2nd and Ankara IPR Civil Court started their functions in December 2003.
** as of February 2006.



FIGURES CONCERNING THE DECISIONS ON COPYRIGHT AND RELATED RIGHTS OF IPR CIVIL COURTS



- Prescription
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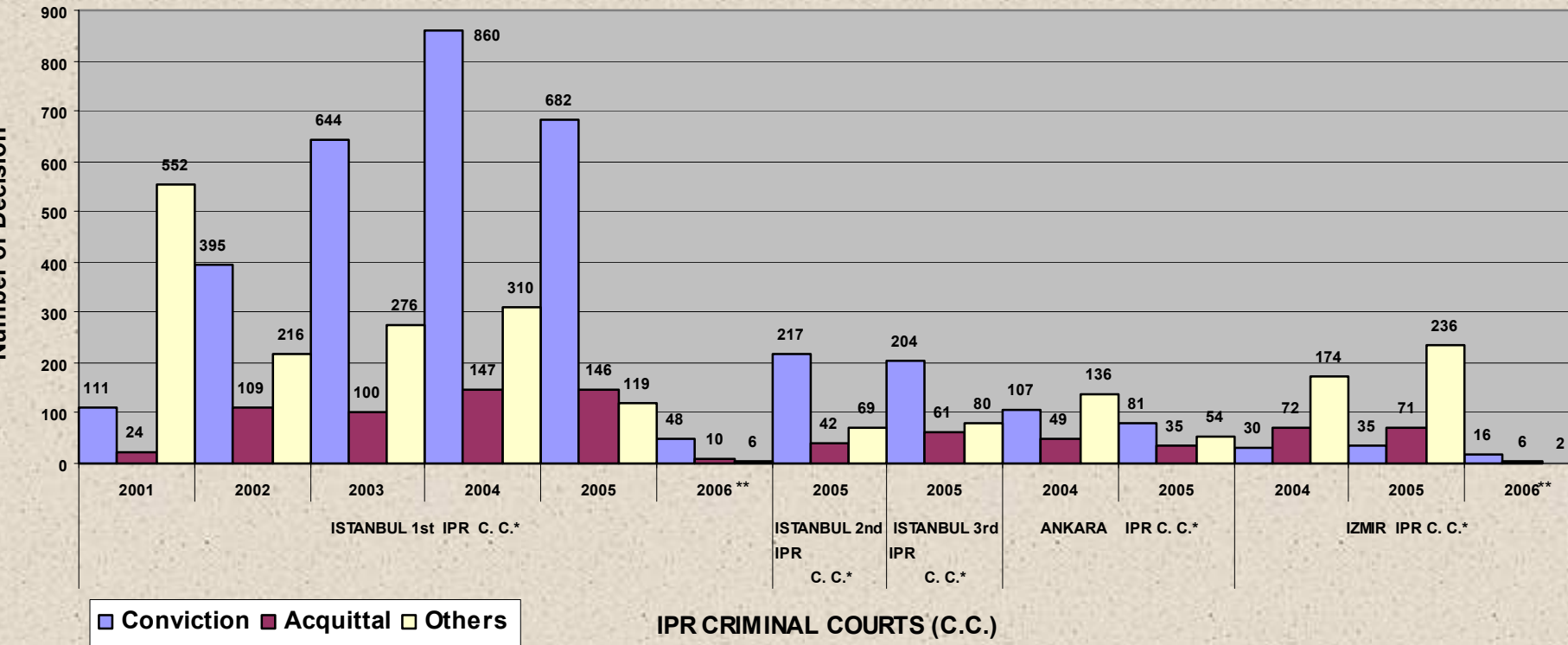
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FIGURES CONCERNING THE DECISIONS ON INDUSTRIAL PROPERTY RIGHTS OF IPR CRIMINAL COURTS



Istanbul 1st IPR Criminal Court started its function in January 2001. Ankara and Izmir IPR Criminal Court started their functions in December 2003. Istanbul 2nd and 3rd IPR Criminal Court started their functions in September 2005.

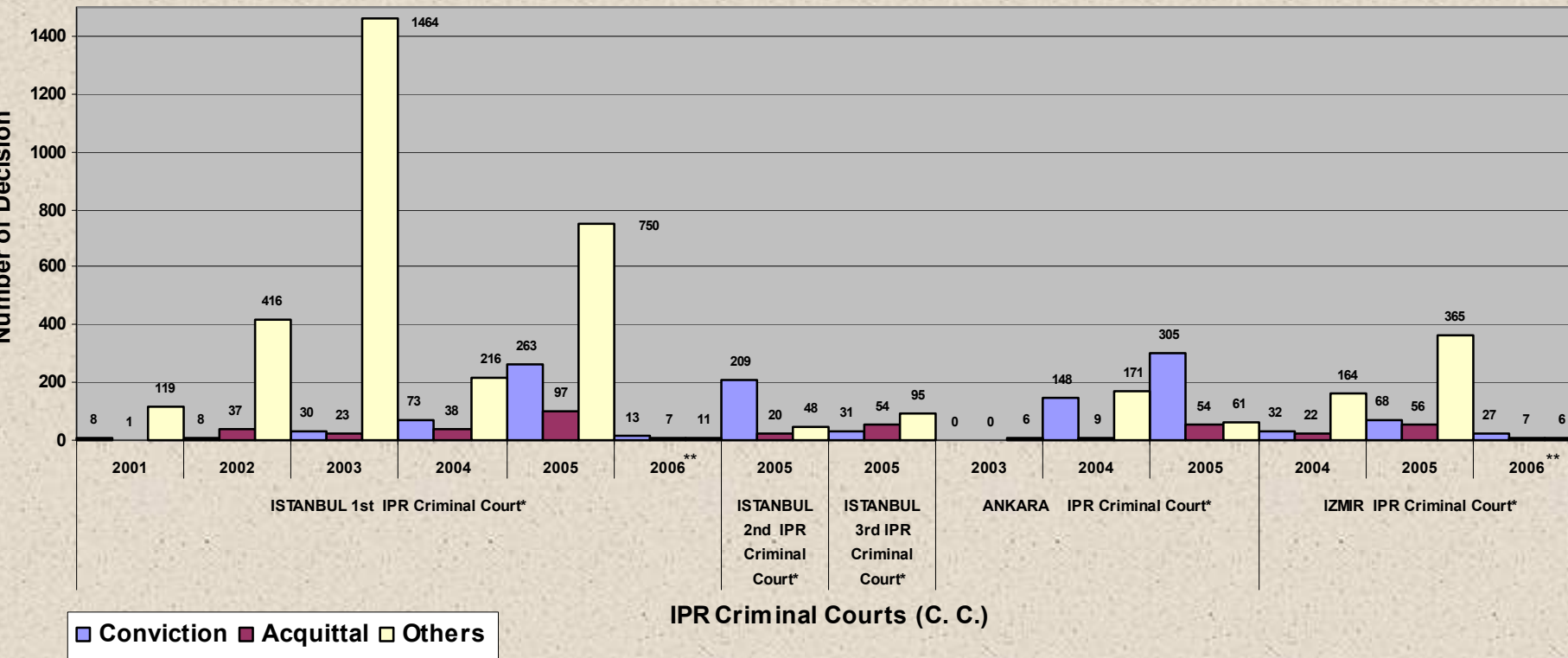
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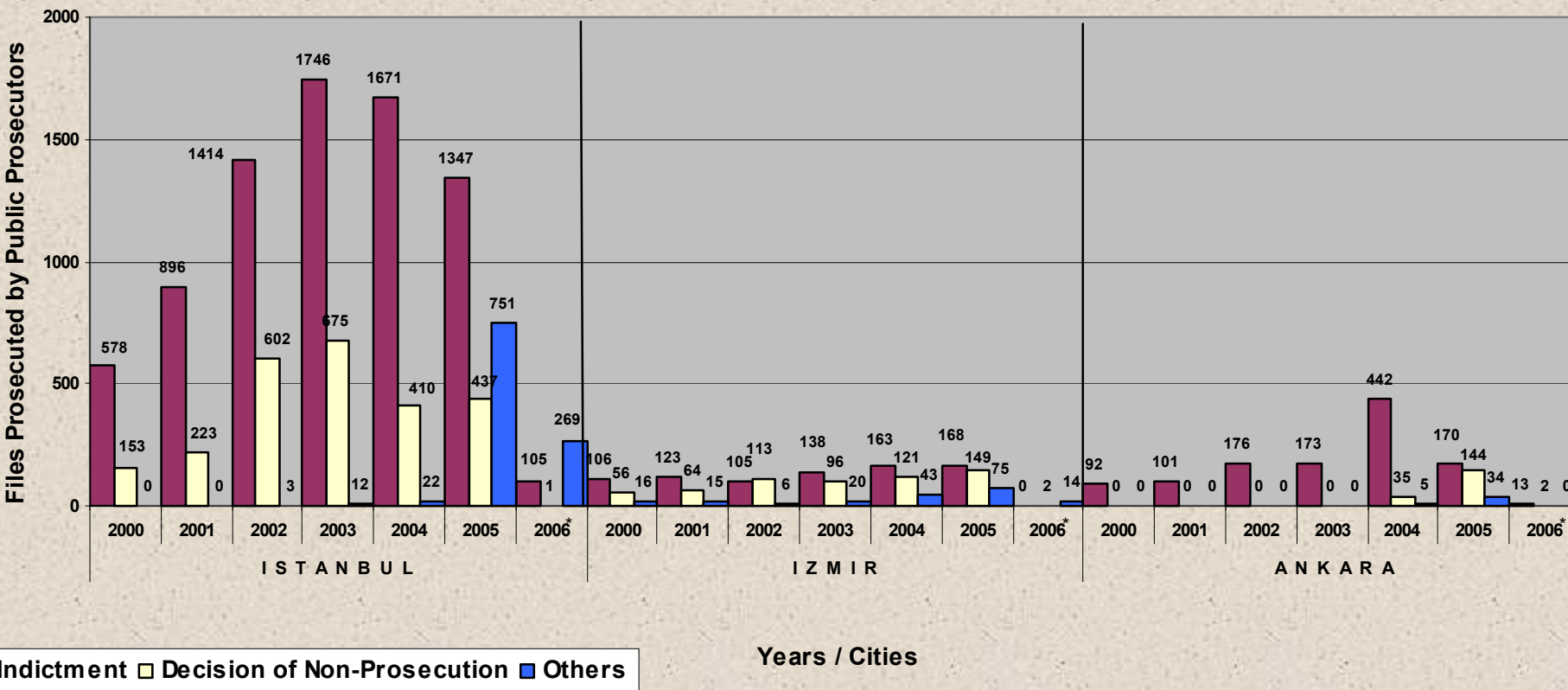
FIGURES CONCERNING THE DECISIONS ON COPYRIGHT AND RELATED RIGHTS OF IPR CRIMINAL COURTS



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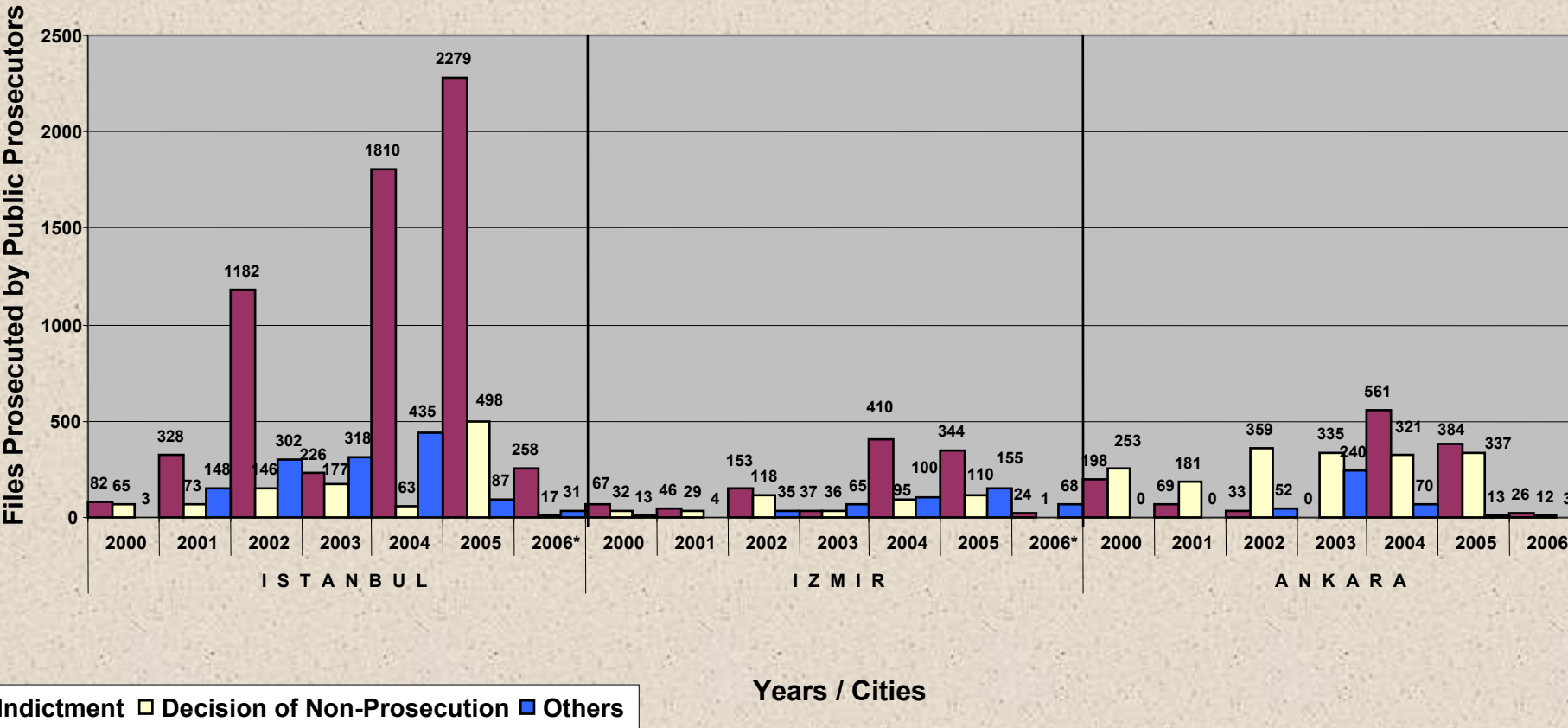
**FIGURES ON THE PRELIMINARY INVESTIGATION
ON INDUSTRIAL PROPERTY RIGHTS**



of February 2006



**FIGURES ON THE PRELIMINARY INVESTIGATION
ON COPYRIGHTS AND RELATED RIGHTS**



Indictment □ Decision of Non-Prosecution ■ Others

Years / Cities

of February 2006



THANK YOU FOR YOUR ATTENTION