



## SCREENING CHAPTER 7 on INTELLECTUAL PROPERTY LAW

# AGENDA ITEM XV: BIOTECHNOLOGICAL INVENTIONS

Country Session: The Republic of TURKEY  
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## **1. THE LEGAL FRAMEWORK**

- **Decree-Law No:551 Pertaining to the Protection of Patent Rights in force as from June 27, 1995**
- **Decree-Law No:566 in force as from September 22, 1995 Amending Decree-Law No:551**
- **Law No:4128 in force as from November 7, 1995**
- **Law No:5194 in force as from June 25, 2004**
- **By-law implementing the Decree-Law in force as from November 5, 1995 (as amended on December 6, 1998)**



## **2. THE COMPETENT AUTHORITY**

**Turkish Patent Institute (TPI) is the competent authority for granting patents related to biotechnological inventions.**



### **3. RELATED INTERNATIONAL/REGIONAL AGREEMENTS**

- **GATT – TRIPS (1995)**
- **PATENT COOPERATION TREATY (PCT) (1996)**
- **BUDAPEST TREATY (Deposit of Micro-organisms) (1998)**
- **EUROPEAN PATENT CONVENTION (EPC) (2000)**



## **4. PROVISIONS FOR THE PROTECTION OF BIOTECH. INVENTIONS**

**Article 6(3), DL No:551**

**Article 46, DL No:551**

**Technical studies are continuing for the preparation of detailed provisions.**





**Article 6(3) restricts the patentability of plant or animal varieties.**

**Art. 6(3), DL No:551**

**Patent shall not be granted for inventions in respect of following subject matter:**

- **Inventions whose subject matter is contrary to the public order or to morality as is generally accepted.**
- **Plant and animal varieties or processes for breeding plant or animal varieties, based mainly on biological grounds.**



**Article 46 is related to the patent protection of microorganisms.**

**Art. 46, DL No:551**

- **The description must be written in a sufficiently explicit and comprehensive manner.**
- **Where the invention pertains to a microbiological process and the related microorganism is not accessible to those interested, the description shall only be deemed to fulfill the requirements, if:**
  - **the description contains the information regarding the characteristics of the microorganism;**
  - **the applicant has deposited, no later than the date of filing the application, a culture of the microorganism with an authorized institution.**





## 5. STATISTICS



## PATENT APPLICATIONS RELATED TO BIOTECH. INVENTIONS

	NATIONAL	PCT	EPC	TOTAL
2000	4	142	-	146
2001	6	130	-	136
2002	3	68	1	72
2003	3	14	5	22
2004	-	12	25	37
2005	6	9	43	58



## GRANTED PATENTS RELATED TO BIOTECH. INVENTIONS

	NATIONAL	PCT	EPC	TOTAL
2000	4	24	-	28
2001	5	44	-	49
2002	9	32	-	41
2003	2	25	3	30
2004	9	40	15	64
2005	6	39	33	78



**THANK YOU FOR YOUR ATTENTION**