



SCREENING CHAPTER 7 on INTELLECTUAL PROPERTY LAW

AGENDA ITEM XIV: PATENT & UTILITY MODEL PROTECTION

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1. HISTORICAL BACKGROUND

Invention Certificate Law (1879)



2. THE LEGAL FRAMEWORK

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



3. THE COMPETENT AUTHORITY

Turkish Patent Institute (TPI) is the competent authority for granting patents and utility model certificates.



4. INTERNATIONAL/REGIONAL AGREEMENTS

- **PARIS CONVENTION (1925)**
- **WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) (1976)**
- **GATT – TRIPS (1995)**
- **PATENT COOPERATION TREATY (PCT) (1996)**
- **STRASBOURG AGREEMENT (IPC) (1996)**
- **BUDAPEST TREATY (Deposit of Micro-organisms) (1998)**
- **EUROPEAN PATENT CONVENTION (EPC) (2000)**
- **PATENT LAW TREATY (PLT) (signed)**



5. FUNDAMENTAL PROVISIONS OF THE DECREE-LAW

- **Patentability Requirements**
- **Patent Rights**
- **Employee's Inventions**
- **Granting Procedures for Patents**
- **Obligation to Use**
- **Compulsory Licence**
- **Additional Patents**
- **Secret Patents**
- **Legal Proceedings**
- **Granting Procedures for Utility Model Certificates**

6. PURPOSE AND SCOPE OF THE DECREE-LAW

(Article 1, DL No:551)

- **to protect the inventions by granting patents or utility model certificates in order to promote the inventive activity and to contribute to technical, economic and social development by implementing the inventions to the industry.**
- **contains the principles, the rules and the conditions for granting patents or utility model certificates.**



7. PATENTABILITY REQUIREMENTS

Patent (Article 5, DL No:551)

- **Novelty**
- **Inventive Step**
- **Industrial applicability**

Utility Model (Article 154, DL No:551)

- **Novelty**
- **Industrial applicability**



8. NON-PATENTABLE SUBJECT MATTERS AND INVENTIONS

Non-Patentable Subject Matters (Article 6, DL No:551)

- **Discoveries, scientific theories, mathematical methods**
- **Plans, methods, schemes/rules for performing mental acts, for conducting business/trading activity, and for playing games**
- **Literary and artistic works, scientific works, creations having an esthetic characteristic, computer programs**
- **Methods involving no technical aspect, for collecting, arranging, offering/presenting and transmitting information/data**
- **Methods of diagnosis, therapy and surgery applying to human or animal body (shall not apply to the products and compositions used in connection with these methods or to their process of manufacturing)**



8. NON-PATENTABLE SUBJECT MATTERS AND INVENTIONS (cont.)

Non-Patentable Inventions (Article 6, DL No:551)

- **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**



8. NON-PATENTABLE SUBJECT MATTERS AND INVENTIONS (cont.)

(Article 155, DL No:551)

No utility model certificate shall be granted for subject matters mentioned in Art. 6 as well as for processes and products obtained by such processes and for chemical products.



9. TYPES AND TERMS OF PROTECTION

Patent Protection

- **with examination (20 years)**
- **without examination (7 years)**

Utility Model Protection (10 years)



10. GRACE PERIOD

Disclosure of information which otherwise would affect the patentability of an invention shall not affect the patentability of that invention where the information was disclosed

- **by the inventor,**
- **by an authority where the information was contained**
 - **in a previous application filed by the inventor and which should not have been disclosed, or**
 - **in an application filed without the knowledge or consent of the inventor by a third party who obtained the information directly or indirectly from the inventor,**

- **by a third party who obtained the information directly or indirectly from the inventor**

during the 12 months preceding the date of filing or, where priority is claimed, the date of priority of the application.

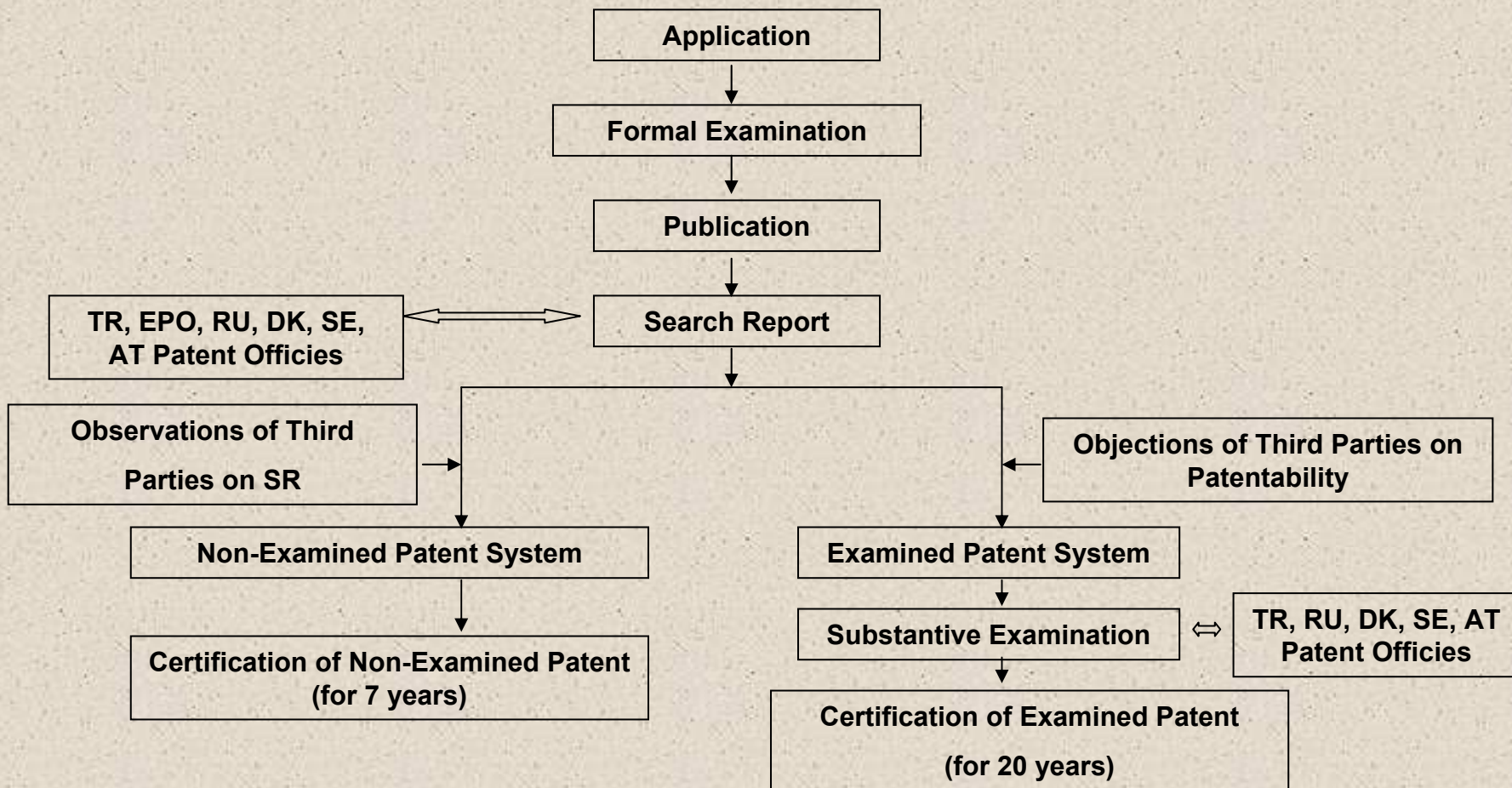


11. PRIORITY RIGHTS

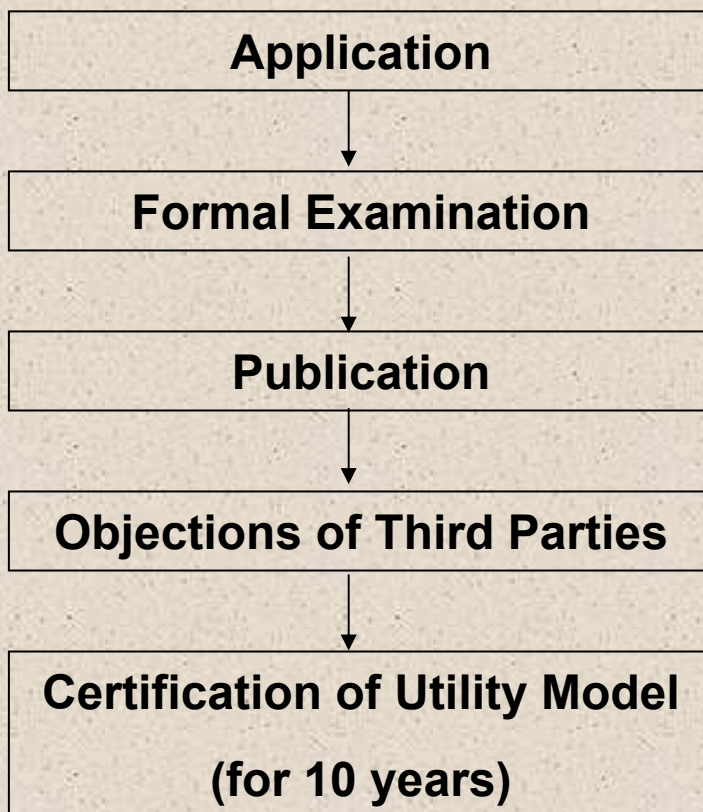
- **Priority rights arising from applications filed according to the Paris Convention**
- **12 months from the date of filing**



12. PATENT GRANTING PROCEDURE



13. UTILITY MODEL GRANTING PROCEDURE





14. STATISTICS



| | PATENT APPLICATIONS | | | |
|-------------|----------------------------|------------|------------|--------------|
| | NATIONAL | PCT | EPC | TOTAL |
| 2000 | 700 | 2733 | - | 3433 |
| 2001 | 417 | 2795 | 2 | 3214 |
| 2002 | 475 | 1362 | 37 | 1874 |
| 2003 | 497 | 340 | 315 | 1152 |
| 2004 | 703 | 216 | 1344 | 2263 |
| 2005 | 994 | 166 | 2317 | 3477 |



| | GRANTED PATENTS | | | |
|-------------|------------------------|------------|------------|--------------|
| | NATIONAL | PCT | EPC | TOTAL |
| 2000 | 284 | 852 | - | 1136 |
| 2001 | 279 | 1832 | - | 2111 |
| 2002 | 393 | 1379 | 11 | 1783 |
| 2003 | 300 | 703 | 177 | 1180 |
| 2004 | 278 | 702 | 957 | 1937 |
| 2005 | 275 | 553 | 2025 | 2853 |



| | UTILITY MODEL APPLICATIONS | | |
|-------------|-----------------------------------|------------|--------------|
| | NATIONAL | PCT | TOTAL |
| 2000 | 469 | 2 | 471 |
| 2001 | 644 | 1 | 645 |
| 2002 | 932 | - | 932 |
| 2003 | 1222 | 1 | 1223 |
| 2004 | 1494 | 2 | 1496 |
| 2005 | 1903 | - | 1903 |



| | GRANTED UTILITY MODELS | | |
|-------------|-------------------------------|------------|--------------|
| | NATIONAL | PCT | TOTAL |
| 2000 | 149 | - | 149 |
| 2001 | 268 | - | 268 |
| 2002 | 390 | - | 390 |
| 2003 | 718 | 2 | 720 |
| 2004 | 687 | - | 687 |
| 2005 | 977 | 1 | 978 |



THANK YOU FOR YOUR ATTENTION