

07 – INTELLECTUAL PROPERTY LAW

LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED (LAW)

I. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2007-2008 (01/10/2007 – 30/09/2008)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.0007.1.01	Law on the Approval of our Accession to the WIPO Copyright Treaty	<p>The Law will enable us to become a party of the WIPO Copyright Treaty within the framework of our liabilities that we assume due to international organizations on intellectual property rights that we have been affiliated to and international contracts we take part as a result of the harmonization studies with the EU legislation.</p> <p>Harmonization with the provisions of the Treaty had been achieved by the amendments made in 2001 and 2004 to Law No. 5846 on Intellectual and Artistic Works. These amendments can be implemented more effectively as we become a party of the Treaty.</p>	At the General Plenum of the GNAT		Ministry of Culture and Tourism

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.0007.1.02	Law on the Approval of our Accession to the WIPO Performances and Phonograms Treaty	<p>The Law will enable us to become a party of the WIPO Copyright Treaty within the framework of our liabilities that we assume due to international organizations on intellectual property rights that we have been affiliated to and international contracts we take part as a result of the harmonization studies with the EU legislation.</p> <p>Harmonization with provisions of the Treaty had been achieved by the amendments made in 2001 and 2004 to Law No. 5846 on Intellectual and Artistic Works. These amendments can be implemented more effectively as we become a party of the Treaty.</p>	At the General Plenum of the GNAT		Ministry of Culture and Tourism
07.0708.1.01	Patent and Utility Model Law	<p>Aims at improving the harmonization of our patent legislation with the EU, and to make the issue of patent and utility model, which is regulated by a Decree Law, become law.</p> <p>In this framework, legislation shall be enacted for effective protection of inventions based on biotechnological research and issuing compulsory license for the production of patented pharmaceutical products.</p> <p>Furthermore, harmonization of the provisions on legal application procedures and legal sanctions with the EU legislation.</p> <p>Besides, harmonization of punitive regulations included in the patent legislation with Turkish Penal Law No. 5237 shall be achieved.</p>	Technical studies are in progress	<ul style="list-style-type: none"> - Directive 98/44/EC - Regulation No. 816/2006/EC - Directive 2004/48/EC 	Turkish Patent Institute Ministry of Justice

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.0708.1.02	Trademarks Law	<p>Aims at improving the harmonization level of our trademark legislation with the EU and to make the issue of trademarks, which is regulated by a Decree Law, become law.</p> <p>Furthermore, harmonization of the provisions on legal application procedures and legal sanctions with the EU legislation.</p> <p>Besides, harmonization of punitive regulations included in the trademark legislation with Turkish Penal Law No. 5237 shall be achieved.</p>	Technical studies are in progress	<ul style="list-style-type: none"> - Directive 89/104/EC - Regulation No. 40/94 - Directive 2004/48/EC 	<p>Turkish Patent Institute</p> <p>Ministry of Justice</p>
07.0708.1.03	Law on Protection of Designs	<p>Aims at improving the harmonization level of our designs legislation with the EU and to make the issue of designs, which is regulated by a Decree Law, become law.</p> <p>Furthermore, harmonization of the provisions on legal application procedures and legal sanctions with the EU legislation.</p> <p>Besides, harmonization of punitive regulations included in the designs legislation with Turkish Penal Law No. 5237 shall be achieved.</p>	Technical studies are in progress	<ul style="list-style-type: none"> - Directive 98/71/EC - Directive 2004/48/EC 	<p>Turkish Patent Institute</p> <p>Ministry of Justice</p>

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.0708.1.04	Law Amending the Law No. 5747 on the Protection of Integrated Circuit Topographies	<p>Aims at improving the harmonization level of our legislation on integrated circuit topographies with the EU. Furthermore, harmonization of the provisions on legal application procedures and legal sanctions with the EU legislation.</p> <p>Besides, harmonization of punitive regulations with Turkish Penal Law No. 5237 shall be achieved.</p>	Technical studies are in progress	- Directive 2004/48/EC	Turkish Patent Institute Ministry of Justice

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II. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2008-2009 (01/10/2008 – 30/09/2009)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.0809.1.01	Law Amending certain Articles of Law No. 5846 on Intellectual and Artistic Works	<p>Aims at amending the articles of Law No. 5846, which are not in harmony with the EU legislation within the framework of the Twinning Project with the EU and according to the results of the screening process; besides the objective of harmonization with the EU legislation, rearranging certain contradictory articles, which lead to problems in implementation.</p> <p>Furthermore, harmonization of the provisions on legal application procedures and legal sanctions with the EU legislation.</p> <p>Besides, harmonization of punitive regulations included in the copyright legislation with Turkish Penal Law No. 5237 shall be achieved.</p>	Technical studies are in progress	<ul style="list-style-type: none"> - Directive 2001/84/EC - Directive 93/83/EEC - Directive 96/9/EC - Directive 93/98/EEC - Directive 92/100/EEC - Directive 2004/48/EC - Directive 2001/29/EC 	<p>Ministry of Culture and Tourism</p> <p>Ministry of Justice</p>

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III. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN YEARS 2009 (01/10/2009) – 2013

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.0913.1.01	Law Amending the Patent and Utility Model Law	<p>Aims at encouraging research and development activities in the pharmaceuticals industry, where such activities are costly and time consuming, by means of furnishing additional protection periods.</p> <p>Harmonization shall be ensured in the framework of full membership perspective to the EU legislation.</p>		<p>- Regulation No. 1768/92 - Regulation No. 1610/96</p>	Turkish Patent Institute

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SECONDARY LEGISLATION (REGULATIONS, IMPLEMENTING REGULATIONS, COMMUNIQUEÉS, CIRCULARS, ETC) **ENVISAGED TO BE ENACTED AND DOCUMENTS SUCH AS STRATEGIES, PLANS AND PROGRAMS ENVISAGED TO BE DRAFTED**

I. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2007

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.0007.2.01	Council of Ministers Decision on the Approval of our Accession to the WIPO Copyright Treaty	The Decision will enable us to become a party of the WIPO Copyright Treaty within the framework of our liabilities that we assume due to international organizations on intellectual property rights that we have been affiliated to and international contracts we take part as a result of the harmonization studies with the EU legislation. Harmonization with the provisions of the Treaty had been achieved by the amendments made in 2001 and 2004 to Law No. 5846 on Intellectual and Artistic Works. These amendments can be implemented more effectively as we become a party of the Treaty.			Ministry of Culture and Tourism
07.0007.2.02	Council of Ministers Decision on the Approval of our Accession to the WIPO Performances and Phonograms Treaty	The Decision will enable us to become a party of the WIPO Copyright Treaty within the framework of our liabilities that we assume due to international organizations on intellectual property rights that we have been affiliated to and international contracts we take part as a result of the harmonization studies with the EU legislation. Harmonization with provisions of the Treaty had been achieved by the amendments made in 2001 and 2004 to Law No. 5846 on Intellectual and Artistic Works. These amendments can be implemented more effectively as we become a party of the Treaty.			Ministry of Culture and Tourism

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II. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2008

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.2008.2.01	Implementing Regulation on the Patent and Utility Model Law (It will be enacted after the adoption of the Patent and Utility Model Law with reference number 07.0708.1.01.)	Aims at regulating the provisions on the details of implementation of the Patent and Utility Model Law.	Technical studies are in progress	- Directive 98/44/EC - Regulation No. 816/2006	Turkish Patent Institute
07.2008.2.02	Implementing Regulation on Trademarks Law (It will be enacted after the adoption of Trademarks Law with reference number 07.0708.1.02.)	Aims at specifying the procedures and principles to be followed regarding the place, time, and arrangement of application documents for trademark registration application, which is identified in Trademarks Law, and concerning other applications on trademarks. Includes the principles, rules and requirements of the protection of trademarks in compliance with trademark registration by issuing documents.	Technical studies are in progress	- Directive 89/104/EEC - Regulation No. 816/2006	Turkish Patent Institute
07.2008.2.03	Implementing Regulation on the Law on Protection of Designs (It will be enacted after the adoption of the Law on Protection of Designs with reference number 07.0708.1.03.)	Aims at regulating the provisions on the details of implementation of the Law on Protection of Designs	Technical studies are in progress	- Directive 98/71/EC	Turkish Patent Institute

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.2008.2.04	Implementing Regulation on the Renting and Lending of Intellectual and Artistic Works	Aims at specifying the procedures and principles regarding the use of the exclusive right entitled to the owners of work to rent and lend their works according to article 23 of the Law No. 5846 on Intellectual and Artistic Works.	Technical studies are in progress	Directive 92/100/EEC	Ministry of Culture and Tourism

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III. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2009

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.2009.2.01	Implementing Regulations on the Law Amending certain Articles of the Law No. 5846 on Intellectual and Artistic Works (It will be enacted after the adoption of the Law No. 5846 on Intellectual and Artistic Works with reference number 07.0809.1.01.)	Aims at amending the articles of Law No. 5846, which are not in harmony with the EU legislation, and rearranging certain contradictory articles, which lead to problems in implementation so as to regulate the matters necessary for the implementation of the articles amending Law No. 5846.	Technical studies are in progress	<ul style="list-style-type: none"> - Directive 2001/84/EC - Directive 93/83/EC - Directive 96/9/EC - Directive 93/98/EEC - Directive 92/100/EEC - Directive 2004/48/EC - Directive 2001/29/EC 	Ministry of Culture and Tourism

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IV. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEARS 2010 – 2013

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
07.1013.2.01	Implementing Regulation on Patent and Utility Model Law (It will be enacted after the adoption of Patent and Utility Model Law with reference number 07.0913.1.01.)	Aims at regulating the matters necessary for the implementation of the amendments to the Patent and Utility Model Law in order to encourage research and development activities in the pharmaceuticals industry, where such activities are costly and time consuming, by means of furnishing additional protection periods. Harmonization shall be ensured in the framework of full membership perspective to the EU legislation.		- Regulation No. 1768/92 - Regulation No. 1610/96	Turkish Patent Institute