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**“FINDING OPPORTUNITIES & BUILDING BRIDGES IN THE
AUTOMOTIVE INDUSTRY BETWEEN TURKEY AND THE EU”
TEBD/019 PROJECT**



INTELLECTUAL AND INDUSTRIAL PROPERTY RIGHTS



EUROCHAMBRES



POLISH CHAMBER OF COMMERCE



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What is Intellectual Property Rights?

In 2019, Turkish Republic's Ministry of Trade defined intellectual property rights as material and moral rights that can be owned via a work as well as other neighboring rights." In other words, intellectual property is an idea product that belongs to a person, an institution or an organization, and its usage is restricted or restricted by certain criteria.

According to the definition made by our Ministry of Commerce in 2019, Industrial Property is defined as an intangible right that allows marks to be used on goods produced and sold in the trade field which distinguish owners of the invention which was developed in the field of industry or agriculture from both the producers and the sellers of these products, thus providing the means for invention owners to be the first applicators of their own invention for a certain period of time and have the right to produce and sell their invented products accordingly."

Types of Intellectual and Industrial Property Rights

Intellectual and industrial property rights, as accepted in general terms, are basically covered in seven groups. These seven main groups are basically classified as follows:

-Idea-Artworks

-Integrated Circuit Topographies

-Breeding Rights on New Plant Varieties

-Patent

-Industrial design

-Geographical Signs

-Brand

Necessity and Importance of the Intellectual Property Rights

Protection of intellectual property promotes innovation, sustainable economic development. In other words, it creates the supply environment necessary for the formation of new inventions.

- Intellectual property rights enable the spread of inventions that will increase innovation incentives both within the industry and across industries.
- Intellectual property rights promote investments.
- Intellectual property rights ensure the protection of intellectual property benefits for the development of the knowledge economy.
- Intellectual property rights create new markets as they are commercial and can be transferred.
- Intellectual property rights play an important role in combining science and innovation.

In addition to all these listed items, the value of the intangible (intellectual) assets of the multinational and high-income firms that operate today, is well higher than the revenues these firms receive from their physical assets. Although Intellectual Rights are not yet shown among other assets in the balance sheets, they are indicated in footnotes and off-balance sheets in general.

Patent

What is a patent?

According to the Turkish Language Association, - patent means "a certificate of invention or document indicating the nationality". Another definition related to patent is "granting the right to prevent others from producing, using or selling the invention for a certain period of time without the permission of the inventor". A patent-invented invention is the property of the inventor, just like any other property that can be bought, sold, leased, or rented.

There are three main criteria for an invention to be patentable and protected by a patent. These internal main criteria are as follows: 1) Innovation, 2) Non-obviousness to the expert in the technique, and 3) Applicability to industry. Although the first and third criteria are taken into consideration during the patent application, it is much easier for an invention that provides all these features to obtain a patent.

1) Innovation: The invention, which is not included in the known state of any technique, is considered new. It consists of publicly available written or oral publicity, use, or otherwise

disclosed information about the invention in any part of the world prior to the filing of the patent application. If the invention desired to be attained differentiates from these existing techniques, it is considered new and becomes one of the important criteria for patenting.

2) Non-obviousness by the expert of the technique: If the invention which is desired to be patented was realized by an activity that could not be evidently deduced from the prior art by a specialist in the technical field to which it is related, the known state of the art is considered to be exceeded.

3) Applicability by the industry: If the invention can be produced or used in any branch of the industry, including agriculture, it is considered to be applicable within industry. Meeting this criterion is one of the most important criteria for the patent to be provided.

Types of the Patents

There are patents in 2 different models available in our country. These models are named as 1) Examination Patent and 2) Useful Model.

1) Examination Patent: Examination Patent provides protection for up to 20 years, the registration process takes an average of 2-3 years. The patent is issued based on a research report. It cannot be extended automatically or optionally after 20 years of protection

2) Useful Model Patent: Inventions patented with this method provide protection for up to 10 years and the registration period is on average 1 year. Just like the other model, this one cannot also be extended. As the process of obtaining utility model protection is simple and inexpensive, it is generally preferred by the small and medium-sized industrialists and research institutions.

Brand registration

What is a brand?

Brand is a sign that distinguishes the goods / services produced by a business from the goods / services produced by other businesses. Shapes, words, letters, numbers, shapes of products or forms of packaging, logos and combinations of them, which can be displayed by drawing, provided that they distinguish them from other brands, as well as a particular color, a specific fragrance produced for commercial purposes, and an even the melody can be registered as a brand. Trademark registrations are made in specific registration classes on each subject. For example: while machine registrations are made in the 7th Class, electrical electronics and software are examined and accepted in 9th Class. The validity period of the trademark registration certificate is 10 years.