

TURKEY

Status as of May 2005

FEATURES	STATUS	CHANGES IN LAWS SINCE 1990
Types of protection for inventions	<ul style="list-style-type: none"> • Patents • Utility models 	N.A
Term of protection	<ul style="list-style-type: none"> • Patents: 20 years • Patents without examination: 7 years • Utility models: 10 years • Extension of patent term is not possible. 	January 1, 1995 – Before that date, there was no protection for utility models. The term of protection for patents was 5 years, 10 years or 15 years according to the request of the applicant.
Subject matters excluded from patentability or not considered to be inventions	<ul style="list-style-type: none"> • The following subject matters are excluded from patentability: <ul style="list-style-type: none"> - Isolated parts of human beings - Animals - Plants - Plant and animal varieties - Traditional knowledge - Inventions contrary to morality/public order • The following subject matters are not considered to be inventions: <ul style="list-style-type: none"> - Discoveries - Scientific theories/mathematical methods - Aesthetic creations - Mental acts - Presentation of information - Computer programs - Business methods - Diagnostic, therapeutic and surgical methods for the treatment of humans and animals 	January 1, 1995 – Before that date, pharmaceutical products were not patentable.
Filing language	<ul style="list-style-type: none"> • Filing an application in languages (English, French and German) other than official language is possible. The time limit to provide translation into an official language is 1 month from the filing date. 	June 27, 1995 – Before that date, the application could be filed in Turkish only.

Certain requirements relating to filing	<ul style="list-style-type: none"> • The inventor rarely waives his right to be mentioned in the patent. 	No
	<ul style="list-style-type: none"> • It is not possible to file provisional applications. 	
	<ul style="list-style-type: none"> • The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty). 	
Link between different inventions in the same application	<ul style="list-style-type: none"> • The applicable law allows that the claims in a patent application relate to a group of inventions so linked as to form a single inventive concept. 	No
Publication	<ul style="list-style-type: none"> • The information related to the application is published or open for public access 18 months from the date of filing or from the priority date. 	June 27, 1995 – Before that date, the applications were published after the grant of the patent.
Classification system	<ul style="list-style-type: none"> • The patent classification system used is the International Patent Classification (IPC) system. 	N.A
Search and examination	<ul style="list-style-type: none"> • The applicable law establishes a substantive search and examination system only for patents. • Search and examination are separated. The applicant is required to request the search and the examination. The request for search should be submitted within 15 months from the filing date or the priority date. If the applicant fails to do so within the time limit, the application is deemed withdrawn. The applicant is required to file a declaration that he opts for the system of a patent with substantive examination within 3 months after the notification of the search report. The request for substantive examination shall be submitted within 6 months from the publication of the search report. If not, the applicant is deemed to opt for a the system of a patent without substantive examination (with a patent term of 7 years only). • During the examination procedure, the following criteria are examined: <ul style="list-style-type: none"> - Novelty - Inventive step/non obviousness - Industrial applicability/utility - Whether the invention is comprehensively described or not. 	N.A
Specific legal provision regarding ownership of patents derived from public (government) research funding	<ul style="list-style-type: none"> • No 	No

<p>Exceptions to exclusive rights conferred by patents</p>	<ul style="list-style-type: none"> • There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> - Private use - Research and/or experimental exception - Preparation of medicines in accordance with medical prescriptions by physicians - Clinical trials for the purpose of obtaining a generic drug's regulatory approval - Prior user's right - Use on board vessels of other countries of the Paris Union of devices forming the subject of the patent in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of the said country, provided that such devices are used there exclusively for the needs of the vessel; - Use of devices forming the subject of the patent in the construction or operation of aircraft or land vehicles of other countries of the Union, when those aircrafts or land vehicles temporarily or accidentally enter the said country. 	<p>June 27, 1995 – Before that date, there was no provision in the law relating to the exceptions to the exclusive rights conferred by a patent.</p>
<p>Options to challenge a patent</p>	<ul style="list-style-type: none"> • There are the following options to challenge: <ul style="list-style-type: none"> A patent <ul style="list-style-type: none"> - Pre-grant administrative procedure within 6 months after the publication of the search report - Court procedure A utility model <ul style="list-style-type: none"> - Pre-grant administrative procedure within 3 months after the publication of the application - Court procedure 	<p>June 27, 1995 – Before that date, only court procedure was available.</p>