

Madrid Protocol Concerning the International Registration of Marks

The opposition system in Turkey – monitoring the designation of Turkey

1. The Turkish Patent Institute (TPI) has provided the following information addressing users' questions about the opposition procedure related to international registrations under the Madrid Protocol where Turkey is designated and about how to obtain information on the status of the trademark proceeding in Turkey.
2. International registrations designating Turkey are examined and accepted for publication usually within two months from the receipt by TPI of the notification of the international registration or subsequent designation from the International Bureau of the World Intellectual Property Organization (WIPO). From the date of the publication of the international registration in the TPI Official Trademark Bulletin, third parties have three months to submit any opposition against the granting of protection of the designation of Turkey. Where no opposition is filed, TPI will send a statement of grant of protection to the holder of the international registration, through the intermediary of the International Bureau of WIPO.
3. Upon receipt of an opposition, TPI re-examines the international registration in view of the arguments put forward by the opponent. Counter-arguments by the holder of the international registration can be submitted through a local trademark agent. However, counter-arguments are not required since TPI examines the arguments put forward by the opponent regardless of whether a counter argument exists or not.
4. Where an opposition is submitted against an international registration designating Turkey, TPI will issue either a formal statement of grant of protection or a notification of provisional refusal *after* the decision on the opposition has become final.
5. Where TPI, following an opposition, decides to grant protection to the designation of Turkey, it will send a statement of grant of protection to the holder of the international registration, through the intermediary of the International Bureau of WIPO, as soon as this decision is final, i.e., after any subsequent appeal is decided. Subsequent appeal is possible to the TPI Re-examination and Evaluation Board (the "Board") within two months from the opposition decision.

6. Where TPI, following an opposition, decides to refuse protection, it will immediately send a notification of provisional refusal based on opposition to the holder of the international registration, through the intermediary of the International Bureau of WIPO. This notification will inform the holder of the grounds for refusal and the procedural steps that the holder may wish to undertake in order to overcome the provisional refusal. The holder of the international registration has the option to appeal the refusal to the Board within two months from the date of the notification of the provisional refusal. For any action in this respect, the holder must appoint a local trademark agent recorded in the Registry of Agents kept by TPI. A list of Turkish trademark agents is available on the TPI website at:
<http://www.tpe.gov.tr/TurkPatentEnstitusu/attorneysearchAll/>.

7. Holders of international registrations designating Turkey can monitor the status of the proceedings before TPI by using the open online file tracking service available on the TPI website at <http://www.tpe.gov.tr/TurkPatentEnstitusu/?lang=en>. While the information provided appears in Turkish, the search is facilitated by a search mask in English. In addition, TPI maintains an online file inspection service which gives access to specific scanned documents and is available from the TPI website at <http://online.turkpatent.gov.tr/CES/> for everyone with a Turkish citizen or tax number, including trademark agents.

8. While all notifications provided for under the Madrid System concerning either grant of protection or provisional refusal of a trademark registration are ensured by the TPI in a timely manner, monitoring the status of a registration, through the file tracking service, may enable a holder to remain informed, in advance, about all pre-granting steps; in particular, of any opposition, independently of the official notification issued in accordance with the provisions of the Madrid System. Monitoring allows a holder of an international registration to anticipate the need for appointing a local trademark agent.

9. Further detailed information on the process for the protection of marks in Turkey as well as access to the applicable law are available from the TPI website at <http://www.tpe.gov.tr/TurkPatentEnstitusu/?lang=en>. Contact information for all matters relating to the Madrid System at TPI is also available from the WIPO web site under <http://www.wipo.int/madrid/en/members/profiles/tr.html>.

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