

TR – TÜRKIYE

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1. Requirements for Deposit

(1) The invention shall be disclosed in a sufficiently clear and complete way, which provides that the invention would easily be carried out by the skilled person in the art, with description, claims and drawings, which are referred in description or claims of the patent application.

(2) If the invention relates to a biological material or includes the use of a biological material, which is not accessible by the public and cannot be adequately identified to enable a skilled person in the art to practice the invention, it shall be considered that the invention has been explained in accordance with the first paragraph in case this material is deposited.

(3) If the biological material deposited in accordance with the second paragraph is no longer accessible in the depositary authority; in case this material is redeposited in accordance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure that we agreed to be the part of, with the Decree of the Council of Ministers dated 5/8/1997 and numbered 97/9731, and if a copy of the document issued by the depositary authority regarding the receipt of the material is sent to the Institution by specifying the number of the patent application or document within four months from the date of filing, this access shall be considered uninterrupted.

(Industrial Property Law No. 6769, Article 92)

(1) If the invention relates to a biological material or includes the use of a biological material, which is not accessible by the public and cannot be adequately identified to enable a skilled person in the art to practice the invention, the invention is deemed to have been disclosed in accordance with Article 92 of the Law, provided that the following conditions are met:

a) Depositing a sample of the biological material to an international depositary authority established in accordance with the Budapest Treaty or a depositary authority recognized by the Institution, on or before the date of the application.

b) Containing information available to the applicant on the characteristics of the biological material deposited at the time of the application.

c) Indication of the name of the depositary authority and the accession number given to the biological material deposited by that depositary authority in the patent application.

(Regulation on the Implementation of the Industrial Property Law No. 6769, Article 81)

2. Time of Deposit

Depositing a sample of the biological material to an international depositary authority established in accordance with the Budapest Treaty or a depositary authority recognized by the Institution, shall be on or before the date of the application.

(Regulation on the Implementation of the Industrial Property Law No. 6769, Article 81)

3. Duration of Storage

As there exist no provisions in the Industrial Property Law or in the Regulations thereunder regarding to the duration of the storage of the deposited microorganisms, the Regulations thereunder and the Guides to the Deposit of Microorganisms under the Budapest Treaty shall apply for that purpose.

4. Conditions for the Furnishing of Samples

(2) If the biological material deposited in accordance with the first paragraph is no longer accessible in the depositary authority; in case this material is redeposited in accordance with the Budapest Treaty, and if a copy of the document issued by the depositary authority regarding the receipt of the material is sent to the Institution by specifying the number of the patent application or document within four months from the date of filing, this access shall be considered uninterrupted.

(3) The information in the subparagraph (c) of the first paragraph shall be given within the period specified below, whichever comes to an end first:

a) Within sixteen months from the date of submission of the application or the priority date, if any, or, if it cannot be submitted within this period, before the completion of the necessary technical preparations for the publication of the application.

b) Until the date of the request for publication of the application according to the first paragraph of Article 97 of the Law.

c) Within one month after the Institution's notification to the applicant that there is a right to examine the application file pursuant to the second paragraph of Article 102 of the Law.

(4) By submitting the information in subparagraph (c) of the first paragraph to the Institution, it is deemed that the applicant gives unconditional and irrevocable consent for the deposited biological material to be made available to the public.

(5) The deposited biological material shall be accessible to everyone upon request from the date of the publication of the patent application, and before this date, to persons authorized to examine the application file in accordance with the second paragraph of Article 102 of the Law. This access is achieved by providing the requester with a sample of this biological material.

(6) A copy of the biological material shall be provided, unless the applicant or patentee expressly indicates that he or she has waived that biological material, or any derivatives thereof,

until the date on which the patent right expires or the patent application is rejected, withdrawn, deemed withdrawn. It shall be given on the condition that the requester undertakes not to give a biological material, or any derivatives thereof, to third parties and to use this material for experimental purposes only. If the requester uses the biological material under the compulsory license, this commitment shall not be sought.

(7) The request in the fifth paragraph shall be made to the Institution with an announced form. In this form, the Institution confirms that a patent application has been made in relation to the deposited biological material and that the requestor is authorized to receive a copy of this material. This request is made to the Institution even after the patent is granted. The Institution sends a copy of the approved request to the depositor and the patent application or patent owner.

(Regulation on the Implementation of the Industrial Property Law No. 6769, Article 81)