

Turkey

At the 26th SCT meeting according to proposal by the Delegation of Jamaica and Barbados Secretariat invited interested members to communicate to the Secretariat cases and case studies relevant to the protection of names of States.

In this paper there are some cases which are examined by the Turkish Patent Institute examiners. Unfortunately in this limited time period no court decision can be reached.

Here are some examples showing TPI's policy about the country names:



Goods and services:

Nice class: 09

Apparatus and media for recording, transmission or reproduction of sound, images and data; data processing equipment; computer software.

Nice class: 16

Printed matter; printed publications, books, newspapers, magazines, catalogues, pamphlets, prospectuses, photographs, posters.

Nice class: 35

Advertising, promotion of third parties' goods and services on all media; public relations; business management and organisation consultancy; organisation of trade shows, exhibitions and events for commercial or advertising purposes.

Nice class: 41

Training, entertainment, cultural activities, organisation of competitions (education or entertainment); arranging and conducting of colloquiums, conferences and congresses and events for cultural or educational purposes; publication of texts, other than publicity texts; publication of electronic books and journals on-line; game services provided on-line from a computer network.

Decision : Provisional refusal for all goods and services.

According to Decree-Law No. 556 on the Protection of Trademarks, trademarks which consist exclusively of signs or indications which serve in trade to indicate the kind, characteristics, quality, intended purpose, value, geographical origin, or designate the time of production of goods or of rendering of the service or other characteristics of goods or services are excluded from trademark protection.



Goods and services:

Nice class: 35

Advertising, business management, business administration, office functions.

Nice class: 39

Transport; packaging and storage of goods; travel arrangement.

Nice class: 41

Education, providing of training, entertainment, sporting and cultural activities.

Decision : Provisional refusal for all goods and services.

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Goods and services:

Nice class: 30

Milk Chocolate Coated Coconut Bar

Registered.

Additional Note: Before the new version of Office Guideline which was released on November, 2011, the non-descriptive and distinctive signs incorporating the names of States could only be registered if the official document proving authorization of the competent authorities is submitted to the Office for the registration of the sign.

According to the current practice of Turkish Patent Institute, names of states are excluded from trademark protection, if they are descriptive or non-distinctive for the relevant goods and services, besides the special merits of the case. Thus, a trademark application which contains exclusively a state name is refused if it is descriptive and non-distinctive. On the other hand, in the case of a trademark application which consists of a state name along any other sign, the examination of the application depends on the latter's distinctive character.