

**HAGUE AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF DESIGNS**

– NOTIFICATION OF REFUSAL –

Rule 18(2) of the Common Regulations

I. Office sending the notification:

TURKISH PATENT AND TRADEMARK OFFICE

Telephone: +90 312 303 10 00

Design Department

Telefax : +90 312 303 11 30

Hipodrom Caddesi No:13

PK:06560 Yenimahalle ANKARA

TURKEY

II. Number of the international registration:

DM/213456

III. Refusal for all the industrial designs

Refusal for the following industrial designs: 6, 7, 9, 10
[followed by design numbers]

IV. Grounds for refusal: Novelty

- The registered design does not fulfill the requirement of Articles 56 of Industrial Property Code

Articles of the national law applicable on the matter (see extracted law to the below):

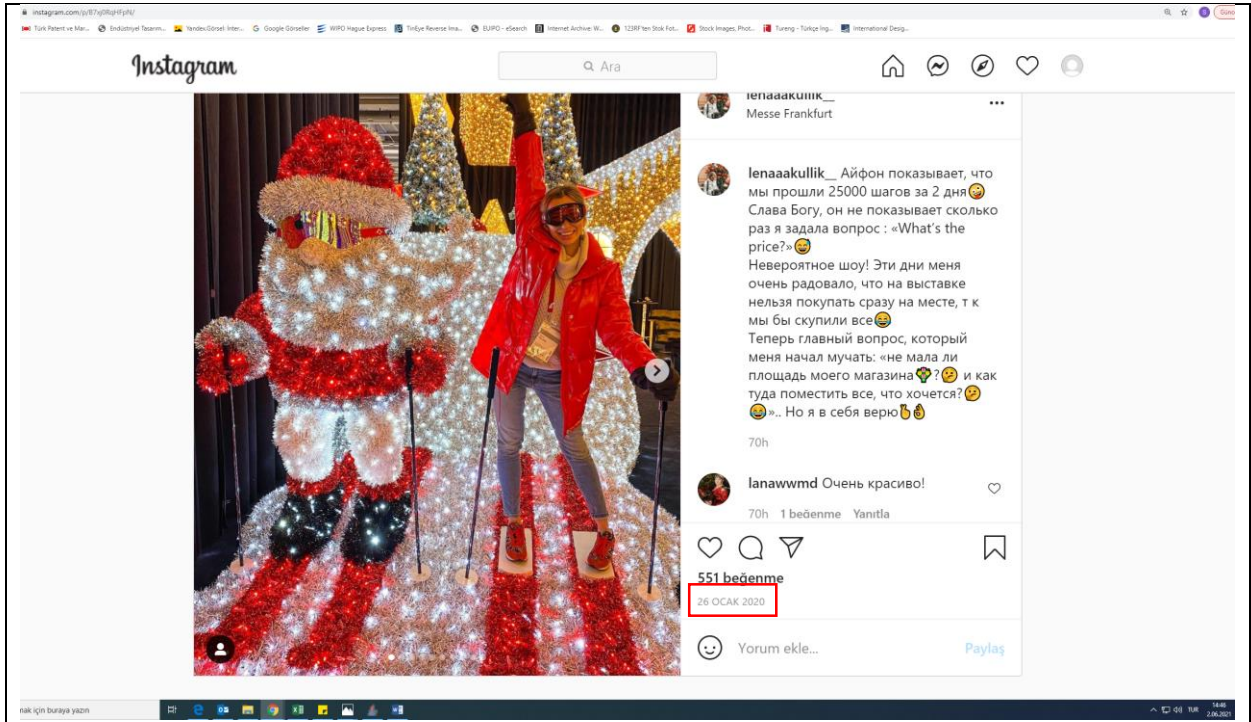
V. Information relating to an earlier industrial design:

As a result of the research conducted, it has been determined that design no. 6, 7, 9, 10 in the design application file no. DM/213456 are the same as the design published on www.instagram.com web site, it has been evaluated that the subject designs are not new.

Design number: 6, 7, 9, 10

Web site: <https://www.instagram.com/p/B7xj0RqHFpN/>

Date of issue: 26.01.2020



VI. The Supply of objections against the decision about the refusal

- a) Period of supply: 2 months from the date of acceptance of the refusal;
- b) Organization where the objection must be addressed:

Turkish Patent and Trademark Office Reexamination and Evaluation Department;

- c) Assignment of the national patent or trademark attorney is obligatory.

VII. Date on which the refusal was pronounced:

15.06.2021

VIII. Signature or official seal of the Office sending the notification:

TURKISH PATENT AND TRADEMARK OFFICE
Design Department

Sinem Öz Arı
Examiner

Number of continuation sheet:

**INDUSTRIAL PROPERTY CODE
IN FORCE AS FROM JANUARY 10, 2017**

Novelty and Individual Character

ARTICLE 56 - (1) Design shall be protected by this Code provided that it is new and has an individual character.

(2) The design of a part of a complex product shall be considered to be new and to have a distinctive character:

a) if the component part is mounted to the complex product, remains visible during normal use of the complex product;

b) if the visible features of the component part fulfil the requirements as to novelty and individual character.

(3) The normal use explained in this article shall mean use by the end user, excluding maintenance, servicing or repair work.

(4) If an identical design isn't presented to the public in any part of the world;

a) before application or priority date for the registered design;

b) before the design is presented to the public for the first time for non-registered design,

it shall be accepted as a new design.

If the design differs only in immaterial details, it shall also be accepted as identical.

(5) If overall impression created by a design on the informed user differs from overall impression created by any design presented to the public on the same user;

a) before application or priority date for the registered design;

b) before the design is presented to the public for the first time for non-registered design,

it shall be accepted that this design has an individual character.

(6) In assessing distinctive character, the degree of freedom of the designer in developing the design shall be taken into consideration.

Authorized representatives and notification

ARTICLE 160- (1) Natural or legal entities and the registered trademark or patent attorneys authorized by those persons may perform an operation before the Office.

(2) Legal entities shall be represented by a natural person or persons assigned by their authorized organs.

(3) The persons whose domiciles are situated abroad shall only be represented by trademark or patent attorneys. Any operations conducted by such legal entity without being represented by an attorney shall be deemed void.

(4) When a trademark or patent attorney is assigned; all operations shall be performed by the attorney. The notification made to the attorney shall be deemed as made to the principal.

(5) When deemed necessary, the Office may request the submission of the original or certified copy of the power of attorney evidencing the authority of the attorney.

(6) The notifications to be made in the implementation of this Code shall be delivered in electronic environment by placing at the electronic mailbox allocated for the natural person or legal entity by the Office without being bound to the procedures related to electronic notification regulated in Article 7/a of the Notification Law no. 7201 of 11/2/1959, provided that the approval of the addressee is taken. The notifications made in this manner shall be deemed as delivered on the first date the addressee logs into the mailbox after the document to be notified is placed at the inbox and in any case, by the end of the tenth day following the placement of the document at the inbox.

(7) The notifications to be made in the scope of the implementation of this Code shall be made through the related Bulletin without being bound to the provisions of Article 29 of the Law no. 7201 related to the form of notification by publication. The notifications made in this manner shall be deemed as delivered seven days after the publication date of the Bulletin.

(8) The Office is authorized to establish any kind of technical infrastructure related to applications and notification in electronic environment, or use the already established ones, stipulate the applications and notifications be made electronically and determine other

procedure and rules related to the items to be notified electronically and the electronic applications and notifications.