

**NATIONAL GEOGRAPHICAL INDICATIONS STRATEGY  
DOCUMENT AND ACTION PLAN**

**2015-2018**

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## LIST OF ABBREVIATIONS

EU	: European Union
USA	: United States of America
EA	: European Accreditation
EFTA	: European Free Trade Association
EN	: European Norms
GTHB	: Ministry of Food, Agriculture and Stock Breeding
IAF	: International Accreditation Forum
SD	: Statutory Decree
KOSGEB	: Small and Medium Enterprises Development Organization
IPARD	: Instrument for Pre-Accession Rural Development Component
PDO	: Protected Designation of Origin
PGI	: Protected Geographical Indication
SEI	: Support Activities to Strengthen the European Integration Process
TAIEX	: European Commission Technical Assistance and Information Exchange Programme
TBMM	: Grand National Assembly of Turkey
TKDK	: Agriculture and Rural Development Support Institution
TOBB	: Turkish Union of Chambers and Exchange Commodities
TPI	: Turkish Patent Institute
TRIPS	: Trade Related Aspects of Intellectual Property Rights
TSG	: Product Name with Traditional Properties
TÜBİTAK	: The Scientific and Technological Research Council of Turkey
TÜRKAK	: Turkish Accreditation Agency
URGE	: Support for the Development of International Competition
WIPO	: World Intellectual Property Organization

## **I. INTRODUCTION**

The primary regulation in reference to geographical indications within the legal and corporate framework of our country's intellectual property system is based on Decree Law no:555 pertaining to the Protection of Geographical Indications enacted in 1995.

In parallel to global developments, interest towards products' origin and geographical indications have significantly increased in recent years. As the consumer attention towards geographical indications has increased, the importance of effective market controls to guarantee the source of the goods and protect the geographical indications has increased.

During the first meeting of Intellectual and Industrial Property Rights Coordination Council, which was established based on the Circular of the Prime Ministry numbered 2008/7 for the purpose of maintaining effective communication and cooperation among the agencies continuing their activities in the field of intellectual right, it was decided to develop a national strategy in the field of intellectual rights; during the second meeting held in 25.02.2009 it was decided to "commence studies to set out a national policy for geographical indications". Subsequent to the resolutions efforts to prepare a strategy document in the field of geographical indications was accelerated with the coordination of Turkish Patent Institute (TPI) by taking into account "National Intellectual Right Draft Strategy and Action Plan" prepared in 2013.

Two separate workshops were organized both in national and international levels with the attendance of relevant governmental bodies, non-governmental organizations, academicians and members of courts during the preparatory work process of National Geographical Indications Strategy Document; and strategic objectives were determined together with the problematic areas. Systematic problems were determined in the form of a problem tree and these problems were examined during the national workshop held with moderation technique. Recommendations developed as a result of negotiations were defined as the primary development areas. Results obtained from the workshop were assessed by TPI and draft document was prepared accordingly; then it was presented for the opinions of the related parties. Subsequent to the international workshop organized in cooperation with World

Intellectual Property Organization (WIPO) strategy objectives and actions were reviewed in the framework of good practice examples considered in the workshop.

Ninth and Tenth Development Plans, National Rural Development Strategy, National Intellectual Rights Draft Strategy Action Plan and Turkish Industrial Strategy and National Science, Technology and Novelties Strategy Documents were reviewed while defining the strategic objectives and relevant actions.

Draft document was shared with the shareholders asking for their opinions; and it was revised based on the comments received from them and finalized accordingly.

## **II. CURRENT STATUS ANALYSIS**

### **2.1.GEOGRAPHICAL INDICATIONS CONCEPT**

#### **2.1.1. Definition of Geographical Indications**

The term “geographical indication” was defined in Article 22 of the Trade Related Aspects of Intellectual Property Rights (TRIPS) for the first time as a type of industrial property right as follows; *“indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”..*

Geographical indication, in Article 3 of Decree Law no 555 pertaining to the Protection of Geographical indications which is the fundamental regulation for the protection of geographical indications in Turkish Legislation, is defined as follows “signs indicating the origin of a product which possesses a specific quality, reputation or other characteristics attributable to that place, area, region or country of origin.”. Based on this definition, the components of geographical indications are: an area with defined geographical boundaries and a product emanating by the natural and human aspects and a connection between product’s distinctive characteristics and the geography; whole or at least one of the processes in reference to production, processing and other processes should be realized in this area. Natural products, agricultural, mine and handicrafts and industrial products bearing the conditions stipulated under the legislation as per Article 1 of Decree Law no: 555 can be the subject of application for geographical indications.

Geographical indications as per Article 3 of Decree Law no: 555 can be registered as either designation of origin or geographical indication. For the designation of origin, it is necessary that production, processing and all other procedures should be realized in the defined area; on the other hand, for geographical indication at least one of those properties should be realized in the specified area. In order to speak about designation of origin, there should be a product originating from a region, area, zone or a country under very specific conditions, having defined their geographical boundaries and its whole or primary characteristics or properties should be sourced from natural and human factors specific to this region, area or zone; and all

the production, processes and other procedures should be realized within the boundaries of this place, area or region. Designation of origins cannot be produced out of the defined geographical area; because the product can acquire its characteristics only if it is produced in this geographical area. Finike Portakalı and Malatya Kayısısı can be good examples for designation of origin. It is also necessary for the product to originate from a place, area or region having defined geographical borders, and the product should be identified with this place, area or region in terms of its specific properties, fame or other characteristics and at least one of its production, processing and other procedures should be carried out in the borders of this place, area or region in order to speak about geographical indication. The product can also be produced out of the relevant geographical area with the condition that at least one of the product's characteristic properties is sourced from the geographical area. Antep Baklavası can be a good example for geographical indications.

### **2.1.2. Role of Geographical Indications**

Geographical indications are quality signs those indicating and guaranteeing the product origin, characteristics and the link between the characteristics and the geographical area .

One of the objectives of geographical indication registration is to provide protection of the product which has achieved a specific fame in terms of its local characteristics such as production or geographical origin. For instance phrase “Çorum” for roasted chickpea, “Hereke” for carpets and “Afyon” for skin reveal stands for the sign of a certain level of quality. Production methods and quality standards related to the geographical origin are protected through geographical indication registration for the products which has historical background and are produced in a defined geographical area.. Geographical indications have functions such as reflecting the geographical origin, guaranteeing production method and quality which has been shaped via traditional information and cultural values, being a marketing tool by discriminating the products in the market, supporting local production and rural development, to contribute local tourism and fighting with product counterfeiting. It can be claimed that geographical indications have a significant role for supporting the rural development.



A product which is launched as a local product in the market can be sold at price levels approximately over 20% of the market value. Examples around the world might be guides to express the economical values of products with geographical indications. For instance French economy gained 19 billion Euro income only from the products subject to geographical indications. France acquire 6 billion Euro income from the export of products with geographical indications and this figure constitutes 30% of total annual export of food industry. French cheeses with geographical indication were able to find buyers with the prices approximately 30% above the market level when compared to other cheeses while these rates can reach up to 230% in case of wines. Italian Toscano oils are sold with 20% higher price after being registered in 1998 as geographical indication; 85% of exported French wines bear geographical indication. Total sales amount of the food products with geographical indication according to the data of year 2012 in EU wide is 14,5 billion Euro, it is 13 billion Euro for wine and 30 billion Euro for spirits. According to EU export figures: food products with geographical indication provide 0,7 billion Euro, wines provide 5,9 billion Euro and spirits provide 5,7 billion Euro income.

## **2.2. GEOGRAPHICAL INDICATIONS LEGISLATION**

### **2.2.1 National Legislation**

The first legislation about the protection of the geographical indications is the Decree Law no 555 was enacted after being published in Official Gazette dated 27.06.1995 and numbered 22326. Geographical indications in our country are protected in scope of the Decree Law no 555 and the framework of the Regulation pointing out the Method of Application of this Decree Law.

Furthermore, the provisions *“The Ministry shall perform controls with respect to verification of compliance with the specifications of agricultural products and foodstuffs which are protected geographical indications and protected designations of origin or protected as traditional specialities guaranteed.”* in the 2<sup>nd</sup> paragraph of the Article 23 of the Food Codex Chapter of the Law on Veterinary Services, Plant Health, Food And Feed (Law number 5996) dated 11.06.2010, has authorized Ministry of Food, Agriculture and Livestock (GTHB) as

the control body for the geographical indications where the subject of the geographical indication is an agricultural product or a foodstuff.

The scope of the legislation about geographical indications currently in force in reference to is given below in chronological order.

- a. Decree Law for the Protection of Geographical Indications dated 24.06.1995 and Regulation no: 555
- b. Law about the Modifications in various Laws dated 03.11.1995 and Regulation no: 4128
- c. Law about the Modification in various Decree Laws dated 22.06.2004 and Regulation no: 5194
- d. Law about the Modification in Decree Law about the Protection of Geographical Indications dated 23.10.2008 and Regulation no: 5805
- e. Implementing regulations about the Decree Law no: 555 about the Protection of Geographical Indications dated 05.11.1995
- f. Regulation about Modifications in the Regulation pointing out the method of application of the Decree Law no 555 about the Protection of Geographical Indications dated 21.04.2009
- g. 23<sup>rd</sup> Article of Law no: 5996 on Veterinary Services, Plant Health, Food and Feed dated 11.06.2010.

Together with the Decree Law no: 555, geographical indications are also protected in the framework of provisions laid down under Decree Law no: 556 about the Protection of Trademarks . For instance, according to the subparagraph 1/c of Article 7 of Decree Law no: 556 with the title of “grounds for refusal for registry of a trademark” states that expressions specifying geographical origin as primary or exclusive elements cannot be registered as trademarks. This legislation prevents the monopoly of a person or on the geographical indication.

### **2.2.2. International Legislations**

Basically two distinct implementation systems are observed in worldwide for the protection of geographical indications. While some countries protect geographical indications based on *sui*

*generis* rules as in Turkey, some other countries protect geographical indications within the scope of their trademark law system.

In France, Italy and Spain, geographical indications are protected through *sui generis* rules and it is globally accepted that they are among the good practices. In the other system, expressions specifying geographical origin are protected through trademark laws, the United States is one of these countries. .

As international trade becomes prevalent, the protection of marks showing geographical origin has gained significance and various conventions were held in different times at an international platform. Turkey is a party to TRIPS Agreement, Paris Convention and Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods . Furthermore Turkey is party to various free trade agreements where there are provisions about geographical indications in its content. These agreements are listed below:

#### **Paris Convention Dated March 20<sup>th</sup>, 1883 for the Protection of Industrial Property**

It is the first international agreement involving provisions in reference to indications of source and appellations of origin . Paris Convention had effects on the regulations of various countries during the 20<sup>th</sup> Century.

In Articles 9 and 10 of Paris Convention which regulate the protection of indications of source, it was prohibited to falsely indicate the source of the goods and sanctions to be implemented against direct or indirect false indications were defined.

#### **Madrid Agreement Dated April 14<sup>th</sup>, 1891 for the Repression of False or Deceptive Indications**

It is the first international regulation with the subject solely the geographical indications. However in wording, there is no “geographical indication” expression in the Convention text, the expression “indication of source” was used in the text to state the geographical area specifying the region where the product is originated. Convention, being enacted in 1891,

involves provisions solely on false or deceptive indication of source, differently from Paris Convention which is comprised of rulings on different intellectual property types.

Madrid Agreement has been modified for several times and by the year 2014, 36 countries are party to the Agreement .

### **Lisbon Agreement for the Protection of Apellations of Origin and Their International Registration dated 1958**

Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration was prepared in 1958. By the year 2014, there are 28 states which are party to Lisbon Agreement. WIPO is the Executor of Lisbon Agreement. Based on its provisions, registered appellations of origin are protected in whole member countries.

Appellation of origin concept was defined in an international regulation for the first time with Lisbon Agreement. 921 registrations have been realized up to date in the framework of the agreement and protection of 816 of these registrations are still alive. France is the country having the maximum number of registrations with 509 products.

### **Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) dated April 15<sup>th</sup>, 1994**

It is the TRIPS Agreement where the geographical indication concept firstly appeared in a text of a multilateral agreement. Provisions laid down under the agreement are executed by the World Trade Organization. It was aimed by the agreement to protect geographical indications efficiently and effectively at an international levelsimilarly to the other intellectual property rights.

Articles 22, 23 and 24 of the agreement involves provisions regarding to the definitions of in reference to geographical indications and prevention of unfair or misleading usages. Furthermore additional protections were defined for wine and spirits as per article 23.

Status of providing additional protection to wine and spirits by the TRIPS Agreement has been causing debates between the EU countries respected as “old world” and the countries of “new world” leaded by the USA. Various drafts were offered by party countries during the eight years of Doha Development Agenda commenced in 2001, to work on problematic articles of the treaty however no agreement has been achieved in any of them.

## **2.3. GEOGRAPHICAL INDICATIONS REGISTRATION PROCESS**

### **2.3.1. Geographical Indications Registration Process in Turkey**

Head of Trademarks Department within the body of TPI which operates under Ministry of Science, Industry and Technology performs geographical indications registration procedures.

Geographical indication applications submitted to the TPI are examined in scope of the 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Articles of Decree Law no: 555 subsequent to the documentary control. Opinions of expert institutions and organizations are asked about the technical information submitted in the application. If the application is found appropriate subsequent to assessing the expert opinions, applications of designation of origin are published in the Official Journal and an announcement is published in a local newspaper. Applications of geographical indications shall be published as newspaper annotations in one of the two newspapers with the highest rate of circulation, in addition to the publications in the Official Journal and the local newspaper.

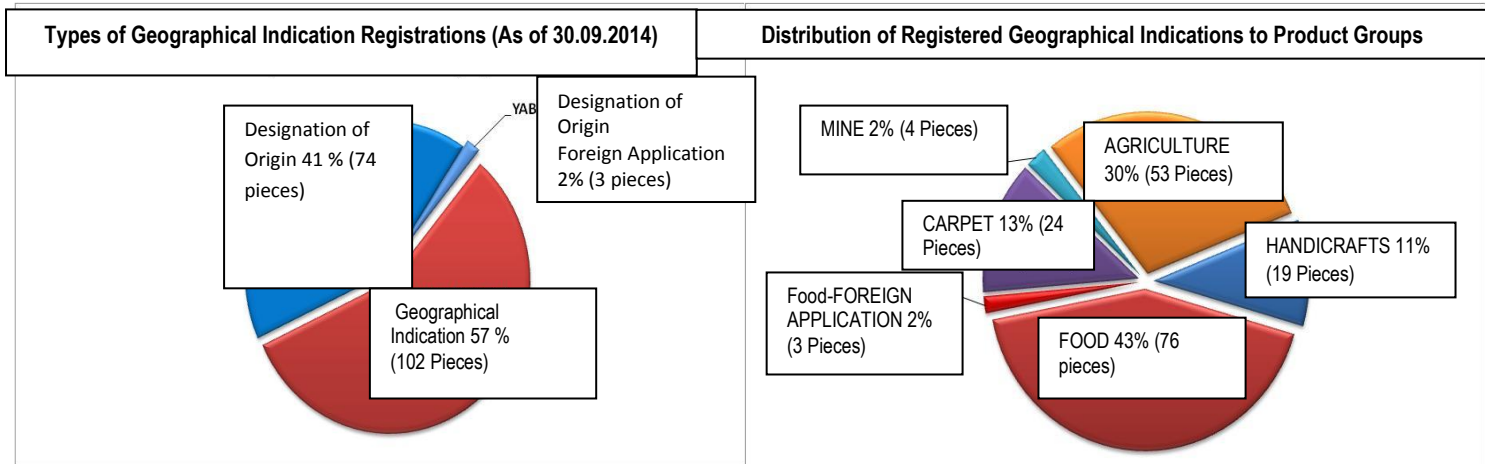
Relevant parties have the right to object to the registration of the application within 6 months of the date of announcement in the Official Journal. Objections made against geographical indication applications are examined by the TPI after having the opinions of expert agencies and institutions. Applications which need modification in its scope as the result of examinations, shall be republished in relevant journals in its modified form. There is no right of objection against applications in this status.

Geographical indication applications having no objection against or having made a scope change as a result of the objection shall be recorded to the registry and registered accordingly.

### **2.3.2. Registered Geographical Indications in Turkey**

There are a total of 179 registered geographical indications comprised of 77 designations of origin and 102 geographical indications in TPI by the end of September 2014. Three of these registrations are foreign country originated. Procedures of 203 geographical indication

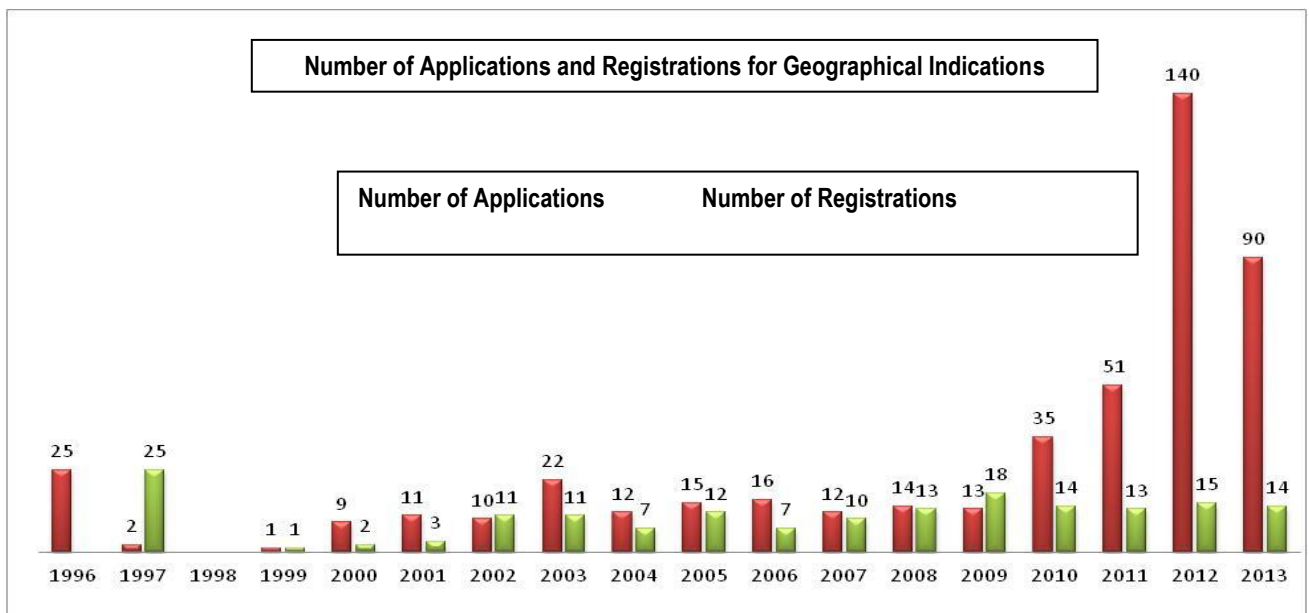
registration applications are ongoing by the same date. Graphics where the relevant rates shown in reference to these registrations are given in Figure 1 and Figure 2.



**Figure 1. Types of Geographical Indication Registrations**

**Figure 2. Product Groups**

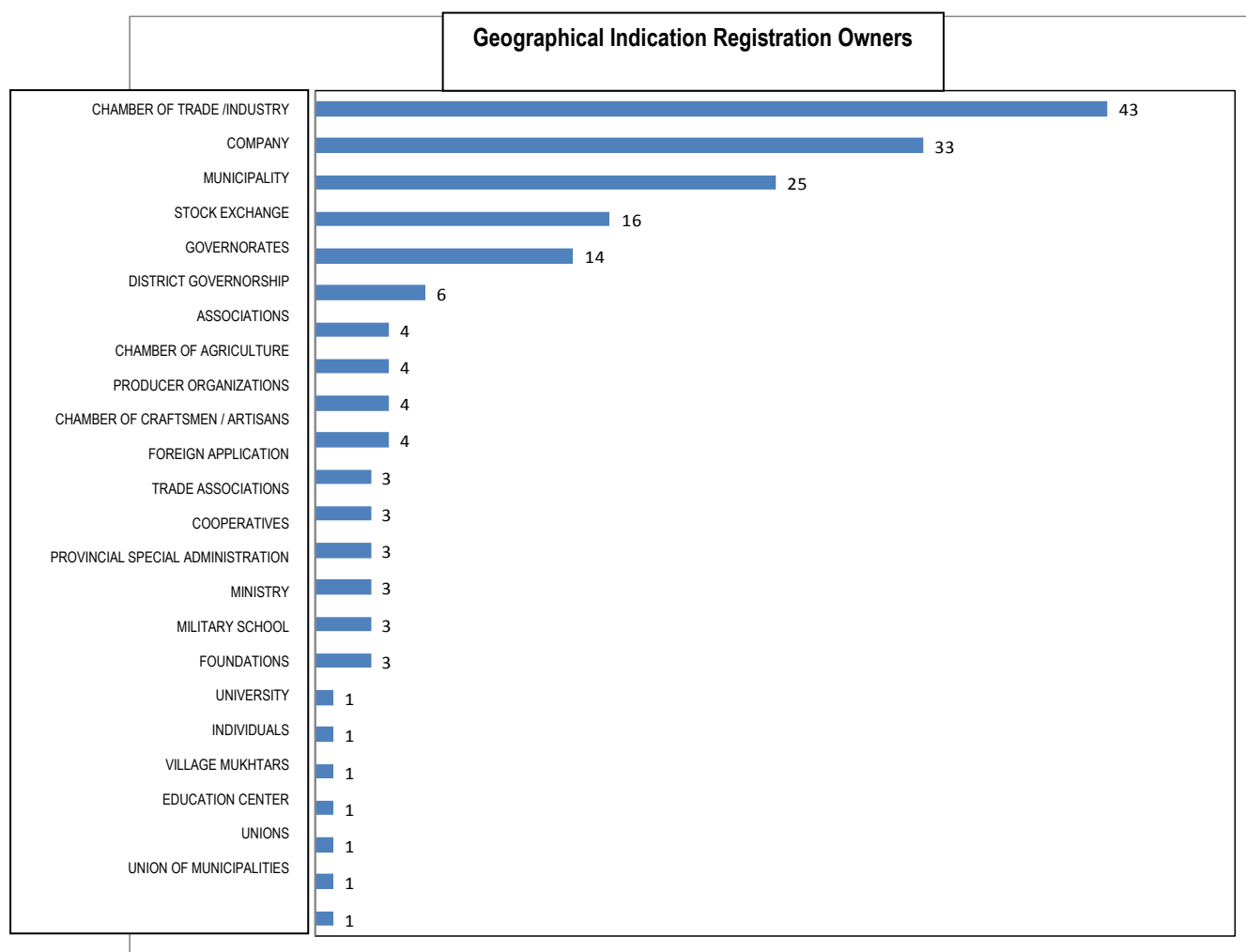
As seen in Figure 2, a significant portion of geographical indications registered in Turkey covers food and agricultural products. Rate of these two groups in registered products is 73%. In Turkey, awareness for geographical indication registration in recent years has been significantly increased and the number of applications and registrations has ascended accordingly which can be seen in Figure 3.



**Figure 3. Distribution of Geographical Indication Application and Registration Numbers in Turkey by Years**

Geographical indication registration, different from other industrial property rights, does not render monopoly right to its owner. Registration holder ensures production management of a product bearing characteristics of a particular geographical area and thus its quality with the registration. From this point of view, it can be claimed that the most appropriate bodies for geographical indication registration are the organizations created by the producers. It can be observed by the practices of EU countries that protection to be provided by the registrations on behalf of these organizations can be more effective.

In Figure 4 it can be seen that only four of the applications for geographical indications registered in Turkey are made by the producer organizations.



**Figure 4. Registration Owners of the Geographical Indications**



Registered geographical indications, in accordance with the principle of territoriality, enure in the country where they are registered. In this respect, geographical indications registered in Turkey are only protected within the boundaries of Turkey.

In order to be able to obtain geographical indication protection in other countries it is necessary to make registration application in connection with the legislative regulations of the country where protection is sought. It is also possible to obtain protection for geographical indications through bilateral or multi-lateral agreements.

It is possible to make registration application for foreign country originated geographical indications pursuant to Decree Law no: 555, the conditions for that is geographical indications should be registered in their own countries and emanate from countries providing equal protection for applications to be made from.

### **2.3.3. EU Registration System and Statistics**

It is necessary to make application to the EU Commission as per the provisions laid down under EU Parliament and EC Council Decree dated 21.11.2012 and numbered 1151/2012 on quality schemes for agricultural products and foodstuffs to obtain geographical indication protection in all EU member countries. Besides, wines and spirits can also be the subject of registrations as geographical in the EU; these types of products can be registered within the framework of various legal arrangements other than Decree no: 1151/2012.

Groups involving producers without prejudice to its legal formation and components can apply for geographical registration application as per Decree no: 1151/2012. If the geographical indication to be applied to the EU Commission belongs to any of the EU member states it shall initially be subject to an examination process in its own country. Thereafter this process it shall be transmitted to the EU Commission by the member state's government agency. EU Commission goes through the application within 6 months and notify the applicant about the deficiencies in the application, if any, and the applicant is asked to eliminate these deficiencies. Appropriate applications are published in the EU Official

Journal. If there are no objections about the application or if the objections are found invalid, the application is registered after months.

From the geographical indications, the ones in the form of “designation of origin” registered by the EU Commission are used with the term “Protected Designation of Origin” and its relevant abbreviation as “PDO”; the ones in the form of “geographical indication” are used with term “Protected Geographical Indication” and its relevant abbreviation as “PGI”. “Traditional Specialities Guaranteed” has no legal protection system in our country yet, their protection is provided by the EU Regulation no: 1151/2012, and “TSG” abbreviation is used for them. These expressions appear on the label of the product with geographical indication and they are written with the official language of the member state where the geographical indication is originating.

EU emblems mentioned in the above paragraph are given in Figure 5.



**Figure 5. Emblems used for registered geographical indications and traditional specialties in the EU**

A non-EU member third country originated geographical indication application can directly be made to the EU Commission EU Commission for registry after obtaining protection in their own countries. In this respect, “Antep Baklavası” being the first geographical indication application made to the EU from Turkey was registered in 21.12.2013 and recorded to the DOOR, geographical indication database, as “Protected Geographical Indication / PGI”. On the other hand, applications of Aydın İnciri, Afyon Sucuğu, Afyon Pastırması and Malatya Kayısısı geographical indications are still in the examination stage in the EU Commission.

There are 1923 wines, 326 spirits and 1078 food and agriculture products registered geographical indications in the EU by 2012. Currently 184 food product applications are being examined and 14 of them were submitted by the third countries.<sup>1</sup> In the recent Report published by EU Commission dated October 2012 and in reference to production and sales the following data about geographical indications are given.<sup>2</sup>

- EU's geographical indications sales reached to 54.3 billion Euro in year 2010.
- Geographical indications export from EU to third countries reaching to 11.5 billion Euro corresponds to 15% of the total food and beverage export.
- 60% of the geographical indication products are sold in the country where the products were produced and 20% of them are sold to another EU country and other 20% is exported.
- It is observed that 40% of the products with geographical indications exported from the EU have French origin while 25% have English and 21% have Italian origin and these three countries cover 86% of the geographical indication products exported from the EU.

On the other hand, when geographical indication product export of EU countries in 2010 is considered, it can be seen that 51% are wine, 40% are spirits and 9% are food and agricultural products. In Table 1, figures of the countries placed top for the export of geographical indication products are presented.

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<sup>1</sup>Peutz, Isabella: "GI's On In The Turkey-Eu Customs Union", Presentation, Ankara, 2013

<sup>2</sup> [http://ec.europa.eu/agriculture/external-studies/2012/value-gi/summary\\_en.pdf](http://ec.europa.eu/agriculture/external-studies/2012/value-gi/summary_en.pdf)

**Table 1. Export figures for 2010 in reference to product groups with geographical indications in EU**

<b>Product group with geographical indication</b>	<b>Number of products with geographical indications</b>	<b>EU country having the highest share for export</b>
Fresh meat	110	1. France (530 million Euro) 2. England (490 million Euro) 3. Spain (162 million Euro) 4. Portugal (11 million Euro)
Processed meat	98	1. Italy (1.8 billion Euro) 2. Germany (705 million Euro) 3. France (356 million Euro) 4. Spain (165 million Euro)
Cheese	176	1. Italy (3.4 billion Euro) 2. France (1.5 billion Euro) 3. Spain (186 million Euro) 4. Netherlands (90 million Euro) 5. Austria (89 million Euro)
Liquid and Saturated fats	106	1. France (129 million Euro) 2. Italy (72.5 million Euro) 3. Spain (72.4 million Euro) 4. Greece (42 million Euro)
Fruit, vegetables and other food products	215	1. Italy (320 million Euro) 2. France (190 million Euro) 3. Spain (158 million Euro) 4. Germany (36 million Euro) 5. Greece (31 million Euro)

## **2.3.4. Geographical Indications Control System**

### **2.3.4.1. Current Control System in Turkey**

Article 20 of the Decree Law no: 555 involves the following provision *“Any association, irrespective of its legal form, of the producers or the processors of the product which has registered the related geographical sign within the provisions of this Decree-Law, shall possess sufficient qualified staff, equipment and resources to inspect the production, marketing, medium of use of registered designation of origin or geographical indication, labeling details of the product bearing the protected geographical sign. Co-operation of the related experts and independent bodies may be enlisted. The scope and the form of inspection procedures shall be ruled by the Implementing Regulation.”*. Accordingly, the body which have registered the geographical indication constitute an independent control commission involving any association, union or similar organization which have necessary qualifications without prejudice to its form, for production, processing or other relevant procedures.

The body which have registered the geographical indication is required to submit information defining the methods of control in details, as per Article 5 of the Decree Law; and also required to submit reports of the controls to the TPI in every 10 years as per Article 14

It is checked whether products bearing geographical indication registrations conform to the characteristics specified in the registry via control mechanism those specially mentioned under the scope of each geographical indication registry as per the above mentioned provisions. By this way, while meeting the expectations of the consumers preferring products with geographical indication is satisfied, real producers of the products compensate for their work.

Along with the Decree Law no: 555 and the Regulation assignment of control of conformity of the geographical indication registrations to registry in reference to food and agricultural products is given to the responsibility of GTHB according to Article 23 of the Law no: 5996 on Veterinary Services, Plant Health, Food and Feed dated 11.06.2010.

### **2.3.4.2. Control in EU**

Fundamental regulation involving provisions in reference to the control of geographical indications are EU Regulation no: 882/2004 of EU Parliament and EU Commission on Official Controls performen to ensure the verification of compliance with feed and food Law. Basic principles about controls in Regulation no: 1151/2012 and other relevant regulations are defined by referring to Decree numbered 882/2004.

As specified in Article 36 of the Regulation no: 1151/2012, in accordance with Regulation (EC) No 882/2004, Member States shall designate the competent authority or authorities responsible for official controls carried out to verify compliance with the legal requirements related to the quality schemes established by this Regulation. According to the rules, authorized control body assigned by the members; may authorize one or more control organs to fulfill various tasks in reference to official controls. These institutions should be organizations accredited as per standards numbered EN 45011 or ISO/IEC Guide 17065 and have satisfactorily qualified personnel and resources for control. Similarly, laboratories where products are analyzed should be accredited as per the relevant standards. Furthermore, the accreditation institutions should be recognized by International Accreditation Forum – IAF or by European Accreditation Cooperation (EA) since May 1<sup>st</sup>, 2010.

Producer groups such as unions, cooperatives and consortiums applying for geographical indication may execute control activities besides the authorized control bodies or the control organs of the member states. Components of the control mechanism regulated in the EU system shall work under the coordination of the authorized national authority.

It is obligatory for the non-member states which have applied for registry in the EU, to make controls for the conformity with the distinctive properties of geographical indications before they are launched to the market. Relevant countries should determine one or more authorized public authorities or product certification organization to execute control activities. Obligation of being recognized by IAF or EA for accreditation organizations also valid for non member countries.

While IAF accredits accreditation organizations in worldwide, EA contracts mutual recognition treaties with European and EFTA (European Free Trade Association) countries. Turkish Accreditation Agency (TÜRKAK) being the official accreditation agency of Turkey

became of one of the accreditation agencies having international recognition by contracting a mutual recognition treaty with EA in 2006.

Each of the member states publish the names and addresses of the authorized accreditation agencies and regularly update them. EU Commission publishes and updates the information of non member countries' accreditation agencies.

## **2.4.INCENTIVES AND SUPPORTS IN REFERENCE TO GEOGRAPHICAL INDICATIONS IN TURKEY**

Protection and registration of geographical indications at national and international levels require various types of expenditures. Supporting such expenses via various projects or incentive mechanisms facilitates registered geographical indications in our country also to be registered at the international level.

Publication costs of geographical indication applications in relevant newspapers occurs as an important expenditure and therefore prospective applicants might be reluctant to make applications. TPI prepared a new regulation in the Draft Law which was submitted to Grand National Assembly of Turkey (TBMM); according to the new regulation geographical indications are going to be published in the Official Trademark Bulletin. It is anticipated that if the mentioned Draft passes, the publication costs of geographical indications will be eliminated.

Various expenses occur during preparation of the geographical indication applications; in particular, during the phases of determination of distinctive properties and production methods of products and conducting scientific studies revealing the connection between the product and the geographical area. Studies in question may require a significant amount of budget according to the product characteristic.

When international level is considered; a condition sought for the registration of a geographical indication registration in the country of origin is required; other than that there is no extra payment made to the EU Commission. Despite, travel and accommodation expenses reveal when mutual negotiations become necessary during applications and these have a significant place besides the translation and consultancy expenses. Foreign language stands as the most important drawback for the applicants who wants to make international applications.

Expenses made for promotion and adherence in the industry following to the registry of geographical indications may reach to great values when compared to expenses of national and international registry. Geographical indication products getting into foreign markets and providing its recognition in the international arena have great significance and its economic benefit may reach to considerably high levels. In this regard some of the institutions provide



supports for processes such as registration of geographical indications, their promotion and marketing.

In scope of the “Decree in Reference to the Development of International Competitiveness” (URGE) numbered 2010/8 for international marketing products by the Ministry of Economy, common action of local producers is aimed. Additionally, companies need to present documents proving that they have registered their trademarks in Turkey and in at least one of the foreign markets in order to get support in scope of “TURQUALITY” which is a brand building program executed by the Ministry of Economy. Furthermore, “producer organizations and exporter unions” can also benefit from supports in scope of TURQUALITY Program and there is no necessity of trademark registration for the applications of the organizations and unions. Moreover; companies exporting products with geographical indications can benefit from the supports of Communiqué no: 2010/6 regarding Supporting Units, Trademarks and Promotion Activities in Abroad, Communiqué no: 2008/2 regarding Design Support, Communiqué no: 2006/4 regarding Branding of Turkish Products in Abroad and Improvement of Turkish Products’ Image and Supporting Turquality

Support up to TL 150.000 is granted to projects involving geographical indication products in the framework of “Thematic Project Support Program” provided by Small and Medium Industry Development Organization (KOSGEB). These projects aim the groups called “professional organizations”.

In the scope of the sub-measure for the “Development of Local Products and Micro Enterprises” within the framework of “Instrument for Pre-Accession Assistance-Rural Development Program” IPARD prepared by GTHB and implemented by Agriculture and Rural Development Support Institution (TKDK); support is provided for traditional and local agricultural products (food and non-food) by giving priority to geographical indication products registered by TPI and for traditional handicrafts; however this support does not cover the international registration fee to be paid by the applicant for the international registration of the products.

European Commission’s Technical Assistance and Information Exchange Instrument (TAIEX) can also be used to gain information about the practices of EU member countries. Expenses of attendants of studies to be carried out under TAIEX Program are borne by EU

Commission. Activities might be organized under Support Activities to Strengthen the European Integration Process – SEI for the purpose of increasing awareness in reference to the geographical indications by Ministry for EU Affairs; only public enterprises can apply in scope of this project. It is possible for multiple public institutions to make joint applications, but accommodation and traveling expenses of participants cannot be reimbursed.

## **2.5.DRAFT LAW PROPOSING MODIFICATIONS IN DECREE LAW NO:555 ABOUT THE PROTECTION OF GEOGRAPHICAL INDICATIONS**

“Draft Law for Making Modifications in the Decree Law Pertaining to the Protection of Patent Rights and Some Other Decree Laws ” prepared by TPI has been proposed to the TBMM and it is expected to be discussed in the General Assembly. There are regulations about geographical indications in this draft law and the aim is to bring solutions for problems encountered in practice and harmonize the legislation with the EU Decree no: 1151/2012. Fundamental modifications proposed by the Draft Law are defined below.

- Right to make application is given to groups constituting producers irrespective of their statutory formation and consolidation, compatible with the EU legislation. By considering that geographical indications right is not a monopoly right but a collective right comprising all the producers of the product; found remarkable to enable producer groups for making application. In this respect, right of application of real or legal persons made conditional on being the exclusive producer of the product.
- Practice of “emblem” utilization was proposed to be used with geographical indications for the purpose of protecting the benefits of the real producers and the consumers of the product subject to geographical indication. It was aimed to increase awareness and the level of consciousness with emblem practice for both producers and consumers.
- Publishing geographical indications applications in Official Trademark Bulletin was proposed with the aim of expediting the application processes and lowering the costs. In the current practice, applications are published in Official Journal and in a local newspaper. Applications in the form of geographical indications are additionally published in a national newspaper.

- Objection period for the published geographical indications is 6 months in the current practice; this duration is proposed to be reduced to 3 months; compatible with the EU Legislation.

Regulations were made to reflect modifications those may occur in the name, address, title of the registration holder or allow revisions in the registration about the content if any amendment is needed in related information.

- Article related to control was rearranged for the purpose of establishing a more effective control mechanism and meeting relevant EU standards. It was proposed with the new regulation that the control activities will be carried out by the control authorities which will be authorized by the legislation and approved by the TPI about their sufficiency. Since one of the objectives of registration is to provide continuity of quality and characteristics, it was regulated that control can be made in every phase of the production and market launching. In addition to that it was laid down as a condition to submit control reports every two year to the TPI to provide an efficient control system.

## **2.6.ROLES OF SHAREHOLDERS**

Geographical indication is a major asset that can be the leading aspect of the rural development. Local production is a significant employment and income source in rural regions where agriculture and stock breeding is difficult in industrial respect. Registration of geographical indications and adding value to local products through registration is a major tool to increase employment and income. In line with this objective, GTHB, TKDK, Ministry of Development, development agencies, regional development administrations, local administrations, producer unions and all relevant non-governmental organizations are the organizations that can take part in establishing the relation between geographical indications and rural development..

It is necessary to create a powerful statutory infrastructure in order to effectively protect and control geographical indications. It is necessary to eliminate the deficiencies of the current legislation, strengthen its sanction power and make it parallel with the other relevant national

and international legislations. Ministry of Justice, GTHB, Ministry of Culture and Tourism, Ministry of Foreign Affairs, Ministry for EU Affairs, Ministry of Customs and Trade, Ministry of Science, Industry and Technology and Ministry of Economy are institutions that can take responsibility in line with the objective.

There are significant problems about the registration processes of geographical indications. Major problematic areas include, defining the production area of the product, revealing its differences from other equivalent products, preparing scientific reports for the product, establishment of a functional control mechanism. GTHB, universities, chamber of trade and industries, producer unions, municipalities, governorates and trademark attorneys are the shareholders that can be taken in charge in eliminating these deficiencies.

Despite there are significant number of registered geographical indications in our country, there are major deficiencies about the supply of these products to domestic and foreign markets. Consumers have insufficient awareness about geographical indications and this leads to lack of demand for these products. These problems restrict the supply of the products to the market and weakens competitive power against industrial products. Failing to provide sufficient support during marketing, sales, distribution processes, national and international registration processes and producers having no awareness of the limited opportunities reveals as major problems. In this respect; Ministry of Economy, Ministry for EU Affairs, KOSGEB, TOBB, TKDK, TÜBİTAK, chambers of trade and industry, development agencies, universities, local administrations, non-governmental organizations, representative of the relevant private sector and producer unions are the institutions that might be charged for facilitating social awareness, increasing demands to products with geographical indications and providing support during registration period and subsequent stages.

Analysis for the above mentioned shareholders' parts is not limiting in terms of roles of these institutions, they will function as a guide in the working process.

TPI has established 79 information and documentation units in 43 provinces for the T purpose of providing relevant information and documentation about registration and protection of industrial property rights more effectively to the benefit of the public. These units provide services within the organizational body of relevant shareholders; 29 of them are available in

chambers of trade and industry, 48 of them are in universities and 2 of them are in development agencies. Personnel assigned in these units, namely “TPI Information and Documentation Unit” attend to training programs organized by TPI and are trained about the developments on industrial property rights including geographical indications.

## **2.7.SWOT ANALYSIS**

### Strengths:

- There are fundamental national regulations in the area of geographical indications
- National regulations for geographical indications are significantly in harmony with international treaties and EU regulations
- There are courts specialized in intellectual property rights Institutions assigned in the field of geographical indications have been showing successful development about institutionalization and promotional issues
- Institutions which are closer to producers such as local administrations, development agencies and chambers of industry and trade are being eager to inform and support the producers
- TPI has information and documentation units in universities and chambers of industry and trade

### Weaknesses:

- Inadequate coordination among the institutions performing in the field of geographical indications
- Incompetency of scientific studies required for the issues of determining “the discriminative properties” and “geographical boundaries of the production” of the products subject to geographical indications
- Lack of organization of the geographical indication producers in order to “act together for common rights and interests”
- Lack of effective control system with sanctions
- Insufficiency of statistical data for products with geographical indications and their producers

- Unsatisfactory level of knowledge of attorneys and counsels working in the area of geographical indications Public awareness on geographical indications is not sufficiently widespread Scope and limits of geographical indications are not sufficiently known by related parties

#### Opportunities:

- Various supports in reference to intellectual rights system can possibly be used for geographical indications
- Geographical indications issue has been up to date
- Increasing interest towards regional products in worldwide and entrepreneurs eager to consider this promising market
- GI registrations and applications to the EU from Turkey can be encouraging success stories for the other geographical indications in our country
- Our country is a properous country country in terms of geographical indications, genetic resources and plant species
- Increasing awareness about the positive effects of industries based on geographical indications on the economy in our country and also worldwide

#### Threats:

- Productions made in contrary with the characteristics specified in the geographical indications registry damage the reputation of geographical indications, misleading the consumers and puts producers in a disadvantaged position
- Decrease in the number of rural population and regional producers and relatedly extinction of the traditional information
- Imitation of the geographical indication products of our country in the foreign markets and usage of the advantage of their fames

### III. PURPOSE AND STRATEGIC OBJECTIVES

#### 3.1 PURPOSE

It is necessary to optimize geographical indication system in a way to contribute Turkey's agriculture, economy, rural development and intellectual property policies. Accordingly the overall objective of the strategy is as follows:

Establishing a geographical indication system adopted by the society for the effective protection of geographical indications at national and international level and contribute to national development process by developing added value obtained from geographical indication products.

#### 3.2 OBJECTIVES AND PERFORMANCE INDICATORS

It is anticipated to reach following objective in line with the determined objectives.



#### Performance Indicators:

- Increase in the number of geographical indication registrations and qualified applications
- Increase in the number of foreign registrations of national geographical indications
- Analyzing added value created by products having geographical indications in the light of economic and social analysis studies

### **A.1. TARGET 1: Making legislation and practices in parallel with national and international developments in line with the countries requirements.**

The Draft Law including Modifications in the Statutory Decree for the Protection of Patent Rights and Modifications in some other Laws and Statutory Decrees is prepared by TPI and presented to the Grand National Assembly of Turkey. It is expected to be discussed in the Assembly. However, even after the acceptance of the said draft, there may be need for new legal regulations due to the the dynamic structure of geographical indications..

#### ***Anticipated Activities:***

- **Strengthening the Legislation:** Geographical indications legislation shall be reviewed and deficiencies shall be overcome in line with the national requirements and international obligations. Furthermore, the fact that the current legislation being in form of [Statutory](#) Decree causes various problems in practice. With the help of regulations made to solve problems and to overcome legal gaps especially in crimes and punishments, a more efficient geographical indication protection system shall be obtained.
- **Increasing the efficiency of control system:** Both in our country and around the world, a great portion of products being subject to geographical indications registration are food and agricultural products. It was recorded as a major development when GTHB was assigned by the Law Nr. 5996 dated 13.06.2010 as the authority responsible for controlling food and agricultural products having geographical indication registration .. Because firstly, production and marketing conditions in the country are activated with this law and secondly, public warranty is provided for the reliability of export products having geographical indication. However, the fact that having no provisions in Law Nr. 5996 regarding enforcement in case of contradictions to the registration hinders the smooth operating of the system. Analysis studies shall be carried out for the various regulations to correct this deficiencies and suggestions will be developed accordingly. On the other hand principles for the control of the products other than food and agricultural products are continued to be assessed in the framework of Article 20 of the Statutory Decree Nr. 555 and Article 14 of the Regulation for Implementation of this Statutory Decree. **Investigating the Lisbon Agreement for the Protection of Appellations of**



**Origin and their International Registration:** Lisbon Agreement has been established for the purpose of protecting geographical indications in member states. Possible effects of acceding the Agreement shall be analyzed by investigating and comparing the provisions laid down under the Lisbon Agreement and Turkish legislation and implementation background.

- **Investigating relationship of geographical indications with plant varieties and animal breeds:** As is known, recording and registration procedures of plant varieties and animal breeds are done in reference to the statutory regulation in the relevant fields under the responsibility of different public agencies. On the other hand, plant varieties and animal breeds are not directly included in the scope of geographical indication protection however they can be used to produce products having geographical indication. Since this situation may cause some different interpretations in practice, a working report shall be prepared to comparing the geographical indications legislation and other relevant regulations.
- **Making studies intended for the protection of product designations with traditional characteristics:** Expressions such as “Traditionalspecialities” “product with traditional characteristics”, etc may create different perceptions and even cause to think “geographical indications” as “traditional products”. The concept of “traditional specialities” shall be defined to overcome conflicts between concepts and a working report shall be prepared analyzing the possibility of protecting the traditional specialities. If needed, a legislation study shall be carried out. Furthermore, a study namely “Fixing National Food Composition and Establishment of a Widespread-Continuous Exchange System” Project was carried out by TÜBİTAK Marmara Research Center for 53 different food having traditional specialities . An baseline study shall be carried out to enable legal protection of the data obtained in the scope of the project.
- **Providing Harmony of the other regulation regarding geographical indications with Statutory Decree numbered 555:** The concept of “geographical indication” is included in some regulation such as Turkish Food Codex Wine Comminiqué numbered 2008/67, Turkish Food Codex Spirits Comminiqué numbered 2005/11 and product standards. Those regulations shall be harmonized by comparing with KHK numbered 555.

## **A.2. PERFORMANCE INDICATORS:**

- *Impact analysis report for the legislative regulations regarding geographical indications*
- *Working report for the regulations to be performed for the cases when the product is found against the registration certificate during control of food and agricultural products.*
- *Analysis report intended for comparing legislation and implementation infrastructure in Turkey with Lisbon Agreement*
- *Study report investigating the relationship of geographical indications with plant varieties and animal breeds*
- *Study report intended for the protection of the traditional specialities.*
- *Number of Turkish Food Codex Regulations, Comminiqué and product standard which is analyzed compared to the the Statutory Decree numbered 555. standards*

**B.1. TARGET 2: Enhancing institutional capacity of relevant institutes as to support geographical indications, promoting scientific studies in geographical indications, strengthening inter-institutional coordination.**

Number of product types subject to geographical indication is quite high. Many agencies have legal missions in different scopes in reference to these product types. Furthermore, the fact that geographical indications functioning as rural development tool requires the subject to be treated primarily by local administrations. On the other hand, providing an effective protection for geographical indications also shows us that the legal aspect of the issue has major importance. For that reason there is a significant need for optimizing the corporate capacities of the relevant agencies and to maximize coordination among these agencies.

***Anticipated Activities:***

- Many agencies have direct or indirect tasks for issues regarding geographical indications. There is a need for permanent staff formed by experts in agencies which indirectly take part in the issue for geographical indications. For that reason regular training programs will be organized in the relevant institutes and agencies to increase technical capacity. Information about the geographical indications shall be mutually exchanged in the above mentioned trainings. Furthermore, the attendance of foreign experts to training sessions is anticipated to enable direct learning of practices in abroad. EU resources and funds will be utilized while planning these training organizations intended to develop staff capacity.
- **Establishing the Department of Geographical Indications in TPI:** The number of geographical indications applications increased significantly as a result of the raising awareness in reference to geographical . There is increasing number of geographical indications applications from foreign countries in addition to the local applications. On the other hand it is obvious that protecting our geographical indications only in our country is not sufficient and protection in other countries is also needed. As the protection systems for geographical indications differ according to the countries, it can be seen that studies needed to be realized in this field should be quite comprehensive. In this respect, “Department of Geographical Indications” shall be established in TPI both for

making geographical indications registration processes in Turkey more effective and also developing information and experiences in reference to protection procedures in abroad.

- **Establishing coordination unit in GTHB:** Statutory Decree numbered 555 involves provisions about taking the opinions of the expert agencies and institutes on technical information presented to TPI during the investigation phases of investigating geographical indication applications and oppositions to applications. A great portion of the applications are for food and agricultural products. GTHB is responsible for many regulations relevant to the market regulations for these products and also Law numbered 5996 involves control task of the registered geographical indications. Therefore, it can be necessary to have technical opinions of many department of GTHB while executing the ordinary procedures in reference to Statutory Decree numbered 555. For the purpose of carrying out procedures in a shorter period of time and in more effective manner, a coordination unit to form GTHB's opinions shall be established in GTHB which will compile technical information acquired from different departments.
- **Activating coordination between TPITPI and GTHB:** As specified in the previous action, for geographical indications in food and agricultural products the GTHB is one of the most significant shareholders in the system. In order to activate cooperation mechanism, a cooperation protocol shall be signed between TPI and GTHB following the formation of a coordination unit before GTHBTPI. It is primarily aimed to develop quality of applications and to activate the control procedure in the scope of the protocol to be signed. With thanks to that, the qualifications of food and agricultural product applications will be enhanced by increasing the quality in a way to include technical and measurable data about production method, the distinctive aspects, geographical boundaries based on analysis results, and define measurable criteria, etc. On the other hand, it shall be provided to perform tasks in the control procedure to be carried out after the registration of the geographical indication in an efficient manner and establishing annual control plans in reference to the products to be controlled.
- **Enhancing coordination among the relevant agencies:** As per the definitions stated in the Statutory Decree numbered 555, the product diversity subject to geographical indication registration is quite high. GTHB has legal duties for both technical regulations and also for control of food and agricultural products. However, there are some kind of

uncertainties for the products other than food and agricultural products. Agencies having tasks in reference to the products in question will be defined and cooperation mechanisms between TPI and these agencies shall be established. With the establishment of cooperation mechanism, the qualifications of applications shall be enhanced on one hand and on the other hand tasks and responsibilities especially in reference to control processes shall be defined. Furthermore in the framework of such co-operation, an analysis study shall be prepared regarding the establishment of control and certification agencies and their accreditation, in order to constitute an effective control system.

- **Encouraging scientific studies in research projects related to the geographical indications:** There is need for scientific studies which will develop quality of geographical indication applications and their effective control. Considering the fact that such studies can take long term and may be costly, it shall be also encouraged and supported to include geographical indications within the scientific studies realized in research projects within the scope of regular tasks of the relevant agencies..

## **B.2. PERFORMANCE INDICATORS:**

- *Establishing a department in TPI responsible for geographical indications*
- *Forming a coordination unit in GTHB in reference to geographical indications*
- *Number of training provided to expert staff on agency basis, number of personnel attended to these trainings and number of EU facilities and amount of EU funds utilized in reference to the issue*
- *Signing cooperation protocol between TPI and GTHB*
- *Signing co-operation protocols between agencies / institutes those fixed for products other than food and agricultural products and TPI*
- *Preparing analysis report analyzing the establishment of control and certification agencies and their accreditation.*
- *Number of scientific studies and research projects supported about the geographical indications.*

### **C.1. TARGET 3: Increasing the consciousness in geographical indications and awareness of all segments of the society.**

For the effective protection of geographical indications, it is necessary for the issues to be recognized and adopted by the society. For that reason, it shall be provided to include the concept of “geographical indication” in all phases of the education system starting from the elementary education and introducing geographical indication products to society through visualmedia.

#### ***Anticipated Activities:***

- **Informing producers, local administrations, non-governmental organization, relevant agencies and universities about the geographical indications:** TPI, GTHB and relevant agencies shall carry on activities to continuously inform geographical indication producers and potential applicants about geographical indications concept, its importance, protection and control, etc.

Protection of geographical indications is an aspect providing added value to the products which have “different” in other words “distinguishing” characteristics as they are produced in a specific geographical area. It is obvious that all inputs used in the production process of the geographical indication which bring distinctive properties to the product have strategic importance and should benefit from the added value of the final product. Therefore, the method of management defined as “values chain” are also applicable to the geographical indications. This issues shall be additionally emphasized in the the informative activities to be realized by the relevant agencies.

Successful examples for geographical indications shall be identified and shared with the producers through these informative activities.

The previous application history of development agencies and other institutions will be reviewed by TPI and the products will be identified which have potential for the registration and are eligible for application.. While preparing the application files for these identified potential products, data of economical and social studies of geographical

indications with high export potential as well as successful pilot projects will be taken into account.

- **Promoting products with geographical indication:** Multi-purpose and wide scope activities shall be carried out for the purpose of rising awareness of the society for geographical indications. Basic information to be utilized in intended activities shall be prepared in coordination with the relevant agencies. Promotional activities shall especially cover the following issues.

1. Products having geographical indications shall be allowed to play in movies which are prepared for country promotion. Social media and public service announcements (psa) shall be utilized to raise the visibility of the issue. (Ministry of Culture and Tourism)

2. Information services rendered by the provincial cultural tourism directorates and their introductory documents shall include information about geographical indications of that province or region. (Ministry of Culture and Tourism)

3. In the “provincial promotion days” currently organized, the products having geographical indication shall be brought into prominence. (Local administrations, development agencies)

4. Promotional activities shall be organized for geographical indications in places where many domestic and foreign passengers are served such as airports, bus terminals, ports and train terminals. (Ministry of Transport, Maritime Affairs and Communication, TOBB, Local Administrations)

5. The establishment of special markets shall be encouraged and markets should present shelves to enable the access of consumers to products having geographical indication. (Ministry of Customs and Trade)

- **Informing the Agencies for Geographical Indications:** Agencies related to geographical indications shall continuously exchange information for issues and developments in their duty scope. It shall be encouraged to exchange information given during geographical indication trainings both within the organization and also announce from the web sites. Furthermore, these trainings shall be organized in different provinces of Turkey in order to reach large masses.

- **Increasing number of geographical indication activities of producer organizations:** Different from other industrial property rights, the geographical indications protection provides a common benefit not only for the registering party but also for all producers of the geographical indication in the same geographical area. Therefore, producers need to take joint action for their common interests. For that reason the awareness of producer organizations shall be raised and their effectiveness in geographical indications issue shall be increased.
- **Including the concept of “geographical indication” in all phases of the education system starting from the elementary education:** Issues related with geographical indications are already included in modules of occupational and technical training courses such as geography, folk culture, life sciences, social information courses and in tourism, handicrafts, Turkish cuisine, etc which are taught in training agencies. However in order to enable the concept of “geographical indication” fully adopted by society it will be provided to include it in the agenda in each phase of the educational programs starting from the elementary education. On the other hand, it shall be provided to give place to geographical indication products in activities such as “Thrift, Investment and Domestic Goods Week” etc.

## **C.2. PERFORMANCE INDICATORS:**

- *Number of activities organized and number of people accessed in these activities*
- *Number of documents prepared/distributed*
- *Increase in the number of producer organizations which involve producers of the geographical indication products*
- *Number of training program related to geographical indications*
- *Number of agencies given place for information on geographical indications on their web pages*
- *Number of inventory studies investigated*
- *Number of geographical indications application as a result of these inventory studies*
- *Number of country promotion movies and public service announcements (psa) mentioning geographical indication products*



- *Number of documents prepared by provincial cultural directorates mentioning geographical indication concept and products*
- *Number of provincial promotion days including geographical indications*
- *Number of activities, adverts hanged and stands opened etc organized for the promotion of the geographical indication products in places where many passengers are served*
- *Number of markets providing to access geographical indications and number of markets presenting special shelves for these products*

#### **D.1. TARGET 4: Establishing an effectively functioning control system commencing from the preparatory process of the application and involving scientific criteria**

It is necessary to fully determine the scope of each geographical indication in order to enable effective protection of the geographical indications. In this respect, in light of the knowledge and experience of the relevant agencies, common principles shall be defined for the issues how to identify geographical boundaries of the product, how to define the distinguishing properties and how to control the distinctive characteristics and also the geographical indications applicants and other shareholders shall be informed.

##### ***Anticipated Activities:***

- **Strengthening application, examination and control phases of geographical indications:** Increasing the efficiency of the geographical indication protection system is directly related to the enhancement of the application quality. Guiding information presented to shareholders should be updated in order to enhance the quality of applications. With this purpose, Geographical Indication Investigation Guide shall be revised and e published in TPI web page as including sample applications in different product types and the method for the examination and control phases of the applications. TPI's web site shall be revised to facilitate access to the geographical indication information.
- **Identifying the geographical indication producers in a geographical area defined:** For an efficient control system, it should be known which producers to be controlled. There are various databases generated under the framework of the regular tasks of GTHB. Said databases shall be revised in a manner to involve the producers and the food and agriculture products having geographical indications as well as their production capacities. By this way “producer records” shall be created for producers of products having geographical indication and they will be kept updated. On the other hand, after identifying the agencies relevant to the product types other than food and agricultural products and establishing co-operation mechanism, “producer records” will be prepared also for the producers of such products.

- **Producer records constituting basis for the geographical indication control:**  
 “Producer registers” shall be taken into account during the controls to be made by both GTHB and the members of the “controlling commission” defined in the registration certificate of the geographical indication. It shall be ensured to include the producer records in the control reports to be submitted to TPI. On the other hand, subsequent to the generation of the “producer records” for the product types other than food and agricultural products it shall be provided to include “producer records” also in the control reports intended for such products.
  
- **Creating an electronic platform for the geographical indications:** An electronic platform will be created including data about the distinctive characteristics of the geographical indications, producer information, academic studies about those products and control reports, etc if available. This electronic platform will be active, subsequent to the creation of the “producer records” and this platform will help to increase recognition and reliability of the products having geographical indication.

## **D.2. PERFORMANCE INDICATORS:**

- *Publishing of the updated examination guide in TPI’s web site*
- *Revising TPI web site to facilitate access to geographical indication information*
- *Creating a database involving “producer records” for food and agricultural products having geographical indication*
- *Creating a database involving “producer records” for the geographical indications other than food and agricultural products*
- *Number of control reports duly prepared and presented to TPI*
- *Creating an electronic platform for geographical indications*

### **E.1. TARGET 5: Increasing efficiency of marketing strategies to develop added values of products having geographical indications.**

For the purpose of introducing products having geographical indications to consumers in the market and for the purpose of providing the continuation of their preference on geographical indications; marketing strategies shall be activated by adopting special strategic approaches based on experiences obtained as a result of studies conducted by the relevant agencies and data obtained.

#### ***Anticipated Activities:***

- **Promoting the existing domestic and foreign support and incentive mechanisms for marketing and making studies to provide additional supports:** Activities shall be organized to give information about the domestic and foreign supports to be used by the producers of geographical indications. Furthermore, studies shall be conducted in co-operation with the relevant agencies to provide additional support for loans, tax deduction, etc issues in light of data to be obtained as a result of economic and social analysis studies realized for geographical indications which have higher export potential and sample studies to be carried out in line with the pilot geographical indication products.
- **Developing marketing and market finding skills for geographical indication products:** Geographical indication products differentiate from similar products of produced in different regions due to their distinctive characteristics originating from their geographical area. This difference represents a guidance for consumer preferences and is also reflected to the product market.. Products having geographical indication increase in price parallel to the demand of specific consumer groups. As it can be understood there is need for special strategic approaches for both finding markets for geographical indication products and also for marketing. In this context; training sessions shall be organized for producers of the products having geographical indications to develop their skills about marketing and finding markets for their products in national and international area by taking advantage of the knowledge and experiences of the relevant agencies. Moreover, in the training sessions, the importance of joining international networks will

be explained to producers of products having geographical indications as it will enable them to promote their products and recognize products with geographical indications in other countries.

- **Conducting economic and social analysis studies for the geographical indications having high export potential:** Taking account that the number of currently registered geographical indications and the applications at the examination stage is high, it is obvious that it is impossible to make separate economic and social analysis for each of these geographical indications. In this respect, the ones having higher export potentials among these geographical indications will be identified. Economic and social analysis shall be conducted in order to define benefits of geographical indications to their producers and community and their benefits in the case of “increasing recognition”. Results obtained shall be used for creating marketing strategies. Furthermore, these results are anticipated to be used for the purpose of contributing to the development agencies those established to support regional development and for the activities of institutes carrying out scientific studies in reference to the geographical indications.
- **Sample studies for products having geographical indications shall be performed where all processes starting from raw material production phase to final product and marketing phases analyzed:** Pilot geographical indications shall be selected among the products having higher export potential. The processes of the specified geographical indications shall be analyzed starting from raw material to final product and thereafter until the marketing phase. Successful practices obtained as a result of these pilot studies including problems encountered during the process and solutions developed for these problems shall be open for access and used for other geographical indications. It is anticipated that these results to be used by shareholders who have not made any geographical indication application yet but preparing.

## **E.2. PERFORMANCE INDICATORS:**

- *Number of social and economic analysis studies made for products having geographical indication*
- *Number of model studies conducted for the selected pilot products having geographical indications*
- *Number of other implementations performed using successful results obtained from model studies for pilot products having geographical indications*
- *Number of successful examples*
- *Number of trainings given to develop producers' skills about finding markets and marketing*
- *Number of activities organized about introducing the support and incentive mechanisms*
- *Number of studies performed to provide additional support mechanisms for marketing studies*
- *Number of additional supports created for marketing studies*

#### **IV. APPLICATION OF THE STRATEGY**

The strategy has been prepared for four-years-period covering 2015-2018. The next strategy study will be performed in year 2018 in line with the rate of realization of the current indicators and recommendations of shareholders.

Four years Action Plan covering 2015-2018 period has been constituted in order to access to fundamental objectives and strategic targets (ANNEX-1). Action Plan shall be revised annually within the implementation period.

Monitoring and reporting of the strategy shall be provided by the Monitoring Commission for National Intellectual Property Strategy.

Realization status for actions and performance indicators set in the scope of strategic objectives shall be reviewed by the Monitoring Commission quarterly.

Monitoring Commission Reports; shall be presented during meetings of Coordination Council for Intellectual and Industrial Rights. Required revisions shall be made in the action plan in line with the suggestions of the Council.

Acting in co-operation with all the shareholders is the main issue of the implementation of the strategy. Notification of deficiencies, recommendations and suggestions within the strategy period transmitted to the authorities responsible for actions , shall be taken into consideration as much as possible.

# **APPENDICES**



## ANNEX-1: ACTION PLAN

Target 1	Making legislation and practices in parallel with the national and international developments in line with the country's requirements.					
Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
1.	Legislation related with the geographical indications shall be revised in line with national requirements and international obligations.	TPI	Ministry of Justice, Ministry of EU, GTHB	Continuous	Required regulations shall be prepared in line with the national requirements and obligations. Impact analysis shall be conducted in line with the regulations.	Preparing Impact analysis report
2.	Analysis study shall be conducted regarding enforcement in case of contradictions to the registration during the controls of food and agricultural products	GTHB TPI	Ministry of Justice	2015-2016	Current situation analysis shall be conducted in reference to enforcement in case of contradiction to the registration by considering the control task given to GTHB for food and agricultural products by the Law Nr. 5996 besides the provisions regulated with the Statutory Decree Nr. 555. Also recommendations shall be developed.	Preparing the study report

Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
3.	Legislation and implementation background in Turkey shall be analyzed in the framework of accession to Lisbon Agreement.	TPI	Ministry of Justice  Ministry of Foreign Affairs, Ministry of Economy, GTHB Ministry of Customs and Trade	2015-2016	Legislation and implementation background shall be comparatively investigated with the provisions laid down under Lisbon Agreement and possible effects of accessing the Agreement shall be analyzed.	Preparing the analysis report
4.	Comparative analysis of geographical indications legislation and legislation involving plant varieties and animal breeds shall be made.	TPI	Ministry of EU, GTHB Ministry of Forest and Hydraulic Works, TÜBİTAK	2015-2017	Relevant regulations shall be comparatively investigated to find out the relations of geographical indications with plant varieties and animal breeds.	Preparing the working report

Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
5.	Analysis study intended for the protection of the product designations with traditional aspects shall be done.	GTHB	TPI Ministry of Culture and Tourism, TÜBİTAK TOBB, Universities	2015-2017	Concept of “traditional specialities” shall be defined and study report for the protection of product designations with traditional aspects shall be prepared.	Preparing the working report
6.	Level of adaptation of definitions given place in regulations for Turkish Food Codex Regulation and Decrees and products standards with Statutory Decree numbered 555.	GTHB	Ministry of Justice TAPDK TPI TSE TÜBİTAK	2015-2017	Definition given place in Turkish Food Codex Wine Decree numbered 2008/67, Turkish Food Codex Distilled Alcoholic Beverages Decree numbered 2005 /11 and other food codex and product standards shall be investigated by comparing to the Statutory Decree numbered 555.	Number of regulations investigated

<b>Target 2</b>	<b>Enhancing institutional capacity of relevant institutes as to support geographical indications, promoting scientific studies in geographical indications, strengthening inter-institutional coordination.</b>					
<b>Action No:</b>	<b>Action Name</b>	<b>Authorized Agency</b>	<b>Agency to be Co-operated</b>	<b>Period</b>	<b>Procedures and Descriptions</b>	<b>Performance Indicators</b>
<b>1.</b>	<b>The Department of Geographical Indications will be established in TPI.</b>	<b>TPI</b>	<b>Ministry of Finance</b>	<b>2015-2016</b>	<b>“Department of Geographical Indications” shall be established in TPI in order to execute application and registration procedures of geographical indications in a more efficient manner.</b>	<b>Establishing the Department</b>
<b>2.</b>	<b>Coordination unit to execute studies in reference to geographical indications will be established in GTHB.</b>	<b>GTHB</b>		<b>2015-2016</b>	<b>Coordination unit shall be established in GTHB in order to provide more efficient communication between TPI and GTHB.</b>	<b>Establishing the Coordination unit</b>
<b>3.</b>	<b>Level of knowledge about the geographical indications of the expert staff in the relevant agencies will be enhanced and their level of qualification will be enhanced.</b>	<b>TPI</b>	<b>Ministry for EU</b> <b>Ministry of Justice</b> <b>Ministry of Foreign Affairs</b> <b>Ministry of Economy</b> <b>GTHB</b> <b>Ministry of Customs and Trade</b> <b>Ministry of Interior /EGM</b> <b>Ministry of Development</b> <b>Ministry of Culture and Tourism</b> <b>TAPDK, TSE</b> <b>TÜBİTAK</b> <b>Development Agencies</b> <b>TOBB</b>	<b>Continuous</b>	<b>Training programs shall be prepared for the purpose of enhancing staff capacity in agencies and institutions related to geographical indications.</b>	<b>1. Number of training activities realized on agency basis</b>  <b>2. Number of staff attended to these trainings.</b>

Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
4.	Co-operation mechanism shall be established in order to activate coordination between TPI and GTHB.	TPI	Ministry of Science, Industry and Technology, GTHB	2015-2016	Co-operation protocol will be signed for the purpose of developing quality of the geographical indication applications, strengthening coordination between TPI and GTHB and for activating the control process.	Signing the co-operation protocol
5.	Agencies for the product types out of food and agricultural products shall be fixed and co-operation mechanisms shall be established between TPI and these agencies.	TPI	Ministry of Culture and Tourism MTA Ministry of Forest and Hydraulic Affairs TÜBİTAK Universities Relevant Agencies and Institutes	2015-2017	Agencies for products out of food and agricultural products shall be fixed and co-operation protocols shall be signed between TPI and these agencies.  Furthermore in the framework of co-operation for the sake of establishing an effective control system, establishment of control and certification agencies shall be provided and analysis study shall be prepared about accreditation.	1. Signing co-operation protocols with the agencies TPI 2. Preparation of the analysis report analyzing the establishment of control and certification agencies and their accreditation.
6.	Studies in conformity with the scientific principles for geographical indications shall be supported.	TÜBİTAK	Ministry of Science, Industry and Technology GTHB Ministry of Development Development Agencies TOBB Universities	2016-2018	It shall be provided also to encourage scientific studies for geographical indications in the research projects realized in the scope of the regular duties of agencies.	Number of scientific studies and research projects supported about geographical indications

Target 3 Increasing the consciousness in geographical indications and awareness of all segments of the society						
Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
1.	Producers, local administrations, non-governmental organizations, relevant agencies and universities shall be informed about the geographical indications concept	GTHB TPI	TOBB Development Agencies Local Administrations Universities Relevant agency and institutes	Continuous	TPI, GTHB and other relevant institutes shall organize activities to continuously inform producers and potential applicants as per the services they render. Furthermore, geographical indications inventory studies previously carried out by relevant agencies shall be reviewed and technical information support shall be provided for application of potential products having adequate qualifications.	1.Number of events organized 2. Number of people accessed through these events 3. Number of prepared/ distributed documents 4. Number of inventory studies investigated 5. Number of geographical indication applications as a result of these inventory studies
2.	Activities of producer organization on geographical indications shall be increased.	GTHB	Ministry of Economy Ministry of Customs and Trade TPI Local Administrations TOBB Universities	Continuous	The awareness of producers of the geographical indication products shall be raised about taking joint action.	1. Increase in the number of producer organization which involve producers of the geographical indication products 2. Number of informative events organized to raise awareness 3. Number of producers accessed through these events
3.	Geographical indications issue shall be included in the agenda in every phase of educational programs starting from the elementary education.	Ministry of Education	TPI YÖK Universities	2015-2017	It will be provided to include it in the agenda in each phase of the educational programs starting from the elementary education	Number of educational programs where geographical indication concept is mentioned

Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
4.	Activities will be performed for the promotion of the geographical indication products .	TPI	Ministry of Science and Technology Ministry of Economy GTHB Ministry of Customs and Trade Ministry of Culture and Tourism Ministry of Transport Maritime Affairs and Communication TOBB Local Administrations Development Agencies Relevant Agencies and Institutes	Continuous	Multi-purpose and wide scope activities shall be carried out for the purpose of rising awareness of the society for geographical indications. Basic information to be utilized in these activities shall be prepared in coordination with the relevant agencies.	1. Number of country promotion movies and public service announcements (psa) mentioning geographical indication products 2. Number of documents prepared by provincial cultural directorates mentioning geographical indication concept and products 3. Number of provincial promotion days including geographical indications 4. Number of activities, adverts hanged and stands opened etc organized for the promotion of the geographical indication products in places where many passengers are served 5. Number of markets providing to access geographical indications and number of markets presenting special shelves for these products
5.	Training shall be given to inform relevant agencies on geographical indications.	GTHB TPI	Ministry of Justice Ministry of Customs and Trade Ministry of Science, Industry and Technology Ministry of Culture and Tourism MTA Ministry of Forest and Water Works TÜBİTAK Governorates TOBB Development Agencies Chamber of Trade Universities	Continuous	Agencies related to the geographical indications shall continously exchange information with each other and other shareholders for issues and developments. Training activities shall be realized in different provinces of Turkey.	1. Number of trainings organized in different provinces 2. Number of people accessed in trainings 3. Number of agencies giving place to information on geographical indications in web pages.

Target 4 Establishing an effectively functioning control system commencing from the preparatory process of the application and involving scientific criteria						
Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
1.	Application, examination and control phases of geographical indications shall be strengthened.	GTHB TPI	Relevant agencies and institutes	2015-2017	Geographical indications Investigation Guide shall be revised and published in TPI's web site. TPI's web site shall be revised to facilitate access to geographical indication information.	1.Publishing updated examination guide in TPI web site 2.Revizing TPI web site to facilitate access to geographical indication information.
2.	Geographical indication producers in a defined geographical area shall be identified.	GTHB	Ministry of Culture and Tourism MTA TOBB TPI Development Agencies	2016-2017	1. Current databases in GTHB will be updated in order to create "producerrecords" for the producers of food and agriculture products having geographical indications. 2. On the other hand, after identifying the agencies relevant to the product types other than food and agricultural products and establishing co-operation mechanism, "producer records" will be prepared also for the producers of such products.	1.Creating database by GTHB involving "producer records" for food and agricultural products 2. Creating database involving "producer records" by relevant agencies for the geographical indications other than food and agricultural products.



Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
3.	Producer records will constitute basis for the geographical indication controls	GTHB TPI	Ministry of Culture and Tourism MTA TOBB	2016-2018	“Producer records” specified under the previous actions shall be included in control reports to be submitted to TPI.	Number of control reports duly prepared and presented to TPI
4.	An electronic platform shall be created for the geographical indications.	TPI TOBB	Ministry of Culture and Tourism MTA GTHB Development Agencies	2016-2018	An electronic platform will be created including data about the distinctive characteristics of the geographical indications, producer information, academic studies about those products and control reports, etc if available.	Creation of an electronic platform

<b>Target 5</b>	<b>Increasing efficiency of marketing strategies to develop added values of products having geographical indications.</b>					
<b>Action No:</b>	<b>Action Name</b>	<b>Authorized Agency</b>	<b>Agency to be Co-operated</b>	<b>Period</b>	<b>Procedures and Descriptions</b>	<b>Performance Indicators</b>
<b>1.</b>	<b>Economic and social analysis studies shall be conducted for the geographical indications having high export potential.</b>	<b>Ministry of Economy</b>	<b>GTHB Ministry of Development TPI TÜİK TOBB Development Agencies Universities</b>	<b>2016-2018</b>	<b>Economic and social analysis studies shall be carried out to identify the geographical indications having high export potential. Results obtained shall be used for creating marketing strategies.</b>	<b>Number of social and economic analysis made for the products having geographical indication.</b>
<b>2.</b>	<b>Sample studies for products having geographical indications shall be performed where all processes starting from raw material production phase to final product and marketing phases analyzed</b>	<b>TPI</b>	<b>Ministry of Economy GTHB Ministry of Customs and Trade Ministry of Development TOBB Universities</b>	<b>2016-2018</b>	<b>The processes of the specified geographical indications shall be analyzed starting from raw material to final product and thereafter until the marketing phase. Successful practices obtained as a result of these pilot studies including problems encountered during the process and solutions developed for these problems shall be open for access and used for other geographical indications.</b>	<b>1. Number of model studies conducted for the selected pilot products having geographical indications 2. Number of other implementations performed using successful results obtained from model studies for pilot products having geographical indications 3. Number of successful examples</b>

Action No:	Action Name	Authorized Agency	Agency to be Co-operated	Period	Procedures and Descriptions	Performance Indicators
3.	Trainings shall be given for the marketing of geographical indication products in national and international area and increasing market finding skills.	TOBB	Ministry of Economy GTHB Ministry of Customs and Trade Ministry of Development TPI Universities Development Agencies	2015-2017	Training sessions shall be organized for producers of products having geographical indications to develop their skills about marketing and finding markets for their products in national and international area	Number of trainings given to develop producers' skills about finding markets and marketing
4.	Studies shall be carried out to promote the foreign and domestic support and incentive mechanisms for marketing studies and to provide additional supports.	Ministry of Economy	GTHB Ministry of Customs and Trade Ministry of Finance TPI KOSGEB Development Agencies TOBB	2015-2016	Activities shall be organized to give information about the domestic and foreign supports to be used by the producers of geographical indications. Furthermore, studies shall be conducted in co-operation with the relevant agencies to provide additional support for loans, tax deduction, etc issues in light of data to be obtained as a result of economic and social analysis studies realized for geographical indications which have higher export potential and sample studies to be carried out in line with the pilot geographical indication products.	1. Number of activities organized 2. Number of persons accessed by the activities 3. Number of studies performed to provide additional support mechanisms for marketing studies 4. Number of additional supports established.

## **ANNEX-2: PARTICIPANT AGENCIES AND INSTITUTES**

Preparatory studies for **National Geographical Indication Strategy Paper** and Action plan has been coordinated by Turkish Patent Institute. Agencies and institutes contributed to the preparatory studies of the strategy paper:

### **Public Agencies**

Ministry of Justice  
Ministry for EU Affairs  
Ministry of Science, Industry and Technology  
Ministry of Foreign Affairs  
Ministry of Economy  
Ministry of Food, Agriculture and Stockbreeding  
Ministry of Customs and Trade  
Ministry of Interior  
Development Agencies  
Ministry of Development  
KOSGEB  
Ministry of Culture and Tourism  
Ministry of Finance  
Ministry of Education (MEB)  
MTA  
Ministry of Forest and Water Works  
High Council of Judges and Prosecutors (HSYK)  
TAPDK  
TKDK  
TSE  
TÜBİTAK  
TÜİK  
TÜRKAK  
Ministry of Transport Maritime Affairs and Communication

### **Universities, Non-Governmental Organizations and Other**

TOBB  
TÜSİAD  
Mustafa Kemal University  
Ankara University  
Namık Kemal University  
Uludağ University  
Süleyman Demirel University  
Bahri Dağdaş Institute  
Directorate of FİSAUM  
Gaziosmanpaşa University  
Hacettepe University  
Bayburt University  
Kafkas University  
İstanbul Technical University  
Mediterranean University  
SÜMER Holding