




Geographical Signs

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“Industrial Property” is a concept which pertains to the development and protection of human creativeness, inventions, indigenous products and original designs. The purpose of the development and protection of the said rights is to encourage the citizens to create their intellectual products in the most free and comfortable manner, to clarify the data for such products and guarantee the protection of the products, innovations, and technologies.

This particular brochure has been prepared to present information for the geographical signs and registration of such geographical signs. For further information, you may visit the web site of our Institute. There included detailed information on guidance about application forms, legislation, fees etc.

Hiring an attorney is not a requisite for filing applications. In order to furnish an application and follow up the procedures, you may seek assistance from private trademark attorneys registered before our Institute.

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The registration of any geographical sign protects the quality of the product and it provides the production in the familiar speciality.



What is a geographical sign?



The geographical sign is an industrial property right describing a product originated from any region or attributable to any region due to its quality, reputation or other characteristics.

Any product, fruit, stone, mine of any region may be different from those in the other regions or any carpet, pileless carpet, fabric, tile etc may have attained reputation for whatsoever is the reason. Use of the name of the region with such products may be perceived by the consumers as their distinctive features from those with similar nature. The consumers may prefer the products sold through the name of such regions in lieu of the other products due to the fact that they rely on the name of the region.

In this context, the geographical signs are dimensioned in the manner that they are shaped, packaged, purchased and sold through the traditional knowledge and they are the signs of guarantee evidencing the quality of the product, traditional production method and geographical origin.

The geographical signs are evaluated in two different ways as designation of origin and geographical indication.



What is designation of origin?

"Designation of origin" indicates a name of a product, the quality or characteristics of which is essentially or exclusively due to the inherent natural and human factors of a place of which the geographical boundaries have been defined. All of the steps for production, processing and preparation should take place within the defined boundaries. Some examples are Eskişehir Meerschaum, Çelikhan Tobacco, Aegean Cotton. Such products are not manufactured outside their respective regions. It is because the products acquire their characteristics only in the region they are made available.





What is geographical Indication?

The product may be manufactured in any other location provided that at least one of the product characteristics to which a geographical indication is linked to the defined boundary should be originated from the said region. Some examples are, Isparta Carpets, Damal Doll, Siirt Blanket. The nature, quality, reputation and other features of such products may depend on the natural raw materials or human factors which all belong to the specified location.

What is the superiority of the geographical signs over other industrial property rights?

The superiority of geographical signs over other industrial property rights is that it protects not only a manufacturer who applies for the registration of a geographical sign but also all those people manufacturing under same conditions. Because geographical signs have some sort of anonymity, a kind of local, regional, country wise generality, the rights provided through such signs cannot be attributed to an individual or individuals.



The rights provided through a geographical sign are not specific to any individual or individuals; it grants common utilisation rights.

The genuine manufacturers enjoy the protection provided through the registration of the geographical signs in the first priority.



Why the registration of a geographical sign is required?

The registration of any geographical sign is made due to two reasons :

- 1.** Protection of the quality of the product which is the subject of the geographical sign and provision of the production according to the known speciality.
- 2.** Provision of the benefiting from the protection of the manufacturers and the region for which geographical sign is granted, through registration in the first priority. The consumers may prefer such products due to their reliance on the region and the products which are sold under the name of such region. Therefore it is beneficial for the people of the region to protect the name of the region which has become the symbol of quality for any given product as a geographical sign. A geographical sign adds dynamic marketing power to the product and functions as the regional or social development tool through its anonymous possession force. It is especially an important means for rural development. One of the aims and benefits of the protection through geographical sign is to prevent misleading the consumers by using the wordings on the geographical signs on false products which fail to attain the necessary characteristics. Thus it assists in the protection of the consumers.



Who may apply for geographical signs?

Application for registration of a geographical sign may be made through the natural or legal persons who are the genuine manufacturers of the product which is the subject to the geographical sign, consumers union or governmental units dealing with the geographical location in question.



Who may utilise the geographical signs?

The geographical sign may be used by everybody who manufactures in according to the provisions of registration.



What are the requirements for filing an application for the registration of a geographical sign?

- ▶ A petition for application
- ▶ If the geographical sign is symbolized by a logo, the representation of the logo
- ▶ The original receipt evidencing the payment of the application fee
- ▶ Description of the product and where deemed necessary technical data and documents clarifying the physical, chemical, microbiological and such other properties of the product.
- ▶ Information on production techniques and conditions and particular production techniques, if any.
- ▶ Data/ documents and maps which clearly define the boundaries of the region, location or district.
- ▶ The documents evidencing the properties of the product regarding the claimed designation of origin or geographical indication
- ▶ Information detailing the labeling, marking and means of using the registered designation of origin or geographical indication,
- ▶ Data which clearly explain the inspection procedures in detail

Where to apply for the registration of a geographical sign?

Those who wish to register a geographical sign may apply to the address of the Turkish Patent Institute at Hipodrum Caddesi No : 115, Yenimahalle/ANKARA.



The sole address for those who wish to register a geographical sign is Turkish Patent Institute.





If no objection is filed within 6 months from the date of publication of the application for registration in the Official Gazette, the application is protected as of the date of publication.

What are the signs that can not be registered as a geographical sign?

- ▶ Names and signs which do not comply with the definition of the geographical sign,
- ▶ Names and signs which have become the genuine name of the product,
- ▶ Types of flora and fauna families or such other names which may mislead the public about the real origin of the product,
- ▶ The signs contrary to the public order and general principles of morality,
- ▶ Names and signs which are not protected or the protection of which has expired or not used in the countries who established the World Trade Organisation and who are the parties to the Paris Convention.



What is the registration procedure of a geographical sign?

The petition of application presented for the registration of a geographical sign are evaluated. Where deemed necessary, opinions from any specialist institution or institutions are to be sought. The application is published in the Official Gazette, two daily newspapers with the highest circulation within the country and a local newspaper. The period for raising an objection is six months from the date of publication in the Official Gazette. The objections raised by the third parties within the publication period are to be forwarded to the one or more specialist institution(s) along with the grounds of such objections. The application may be registered, amended or refused as per the comments received. If the application is refused, it is to be published in the Official Gazette.



Why is the protection provided through registration so important?

The aim of the registration of the geographical signs is to protect the products which attained reputation depending on their local characteristics such as production method and origin etc. It is a well known fact that almost all of the province even the districts in Turkey have been the source of production of a product and attained reputation for such product





Naturalness, tradition, sustainable quality, regional development and competition in the global markets are amongst the added value of the geographical signs.

In brief;

- Protection of the product,
- Protection of the manufacturer,
- Protection of the consumer,
- Protection of the national and cultural values of the country.

What are the rights provided through registration of a geographical sign?

Any direct and indirect commercial use of a registered name in respect of products which are similar or comparable to the products registered or any use of the name which would exploit the reputation of the registered name are prevented. Any usage of the name through indicating a real geographical place as a word but which conveys a false impression as to its origin; or of the translated name; or usage of the name accompanied by expressions such as 'style', 'type', 'method', 'as produced in' or other similar descriptions is prevented.

Any use of false or misleading indication as to the origin, nature or essential qualities of the product on the packaging, on advertising material or on documents relating to the product is prevented. Any packaging of the product in a container liable to convey false impression as to its origin or any other practice liable to mislead the public is prevented.

What is the relationship between geographical signs and trademarks?

The trademark owner is granted individual property rights through registration of the trademark. As for geographical sign, no individual property right is granted. The geographical sign provides joint utilisation of the rights to everybody who manufactures in according to the provisions of registration.

The commercial use of the registered name, directly or indirectly, by the third parties is prevented.



Those who enjoy the rights arising from registration of geographical signs shall have the right to institute civil and criminal proceedings against the infringing party.



Is the geographical sign registered in Turkey valid all through the world?



The geographical signs registered in Turkey are valid only within the boundaries of Turkey. For protection in abroad, application should be made in each country in accordance with the laws of the country in question.

Who inspects the geographical signs?



The inspection commission is specified in the records kept for the registered geographical sign. The said commission is made up of the producers or the processors of the said product and irrespective of its legal form any association, union or such other organisation shall be capable of employing sufficient number of personnel, equipments and other facilities to inspect in a detailed manner. The production, marketing, labelling and specifications on the registered geographical sign shall be regularly inspected. For inspection purposes, co-operation with the experts and impartial organisations / institutions is possible.

What are the penal terms for the geographical signs?



The penalties applicable in the case of infringement of the rights arising from the geographical signs vary depending on the nature of the action and participation in the committed crime.

The upper and lower limits of the penalties to be applied are as follows :

-Depending on the nature of the committed crime:

-Imprisonment between one and four years.

Fine between fourteen thousand New Turkish Lira and forty six thousand New Turkish Lira.

-Closure of the principal place of business not less than one year and prohibition from the commercial activities during the same period.

(*) The penalties are arranged through the law numbered 5194 and dated 26/04/2004.



LIST OF THE REGISTERED GEOGRAPHICAL SIGNS

- HEREKE SILK HAND MADE CARPET (100 X 100)
- HEREKE WOOL HAND MADE CARPET (80 X 80)
- HEREKE WOOL HAND MADE CARPET
- SIMAV HAND MADE CARPET
- BÜNYAN HAND MADE CARPET
- SİVAS HAND MADE CARPET (50 X 50)
- TAŞPINAR HAND MADE CARPET
- KARS HAND MADE CARPET
- TÜRKMEN HAND MADE CARPET
- PAZIRIK HAND MADE CARPET
- YUNDAĞI HAND MADE CARPET
- SÜMER KARS HAND MADE CARPET
- KULA HAND MADE CARPET
- BERGAMA HAND MADE CARPET
- MİLAS HAND MADE CARPET
- DÖŞEMEALTI HAND MADE CARPET
- YAĞCIBEDİR HAND MADE CARPET
- YAHYALI HAND MADE CARPET
- ÇANAKKALE HAND MADE CARPET
- GÖRDES HAND MADE CARPET
- ISPARTA FINE HAND MADE CARPET (HASGÜL)
- JIRKAN PILELESS CARPET
- EŞME-YÖRÜK PILELESS CARPET
- SUPER FINE PILELESS CARPET
- TURKISH RAKI
- ESKİŞEHİR MEERSCHAUM
- ANTEP PISTACHIO
- BOZDAĞ CHESTNUT CANDY
- BAYAT TÜRKMEN PILELESS CARPET
- ERZİNCAN SKINNED CHEESE
- GİRESUN NUT
- MALATYA APRICOT
- ŞANLIURFA PEPPER
- İZMİT COTTON CANDY
- KAYSERİ SAUSAGE
- KAYSERİ DRIED MEAT
- ÇİMİN GRAPE
- ERZİNCAN COPPER TREATMENT
- GEMLİK TURKISH HORSE
- KARS TURKISH SHEEP DOG
- TURKISH GREYHOUND



- ÇORUM ROASTED CHICKPEA
- MARAŞ PEPPER
- MERSİN CARROT CANDY
- ÖDEMİŞ POTATO
- KANGAL BALIKLI THERMAL SPRINGS
- KANGAL SHEEP
- DAMAL DOLL
- MUSTAFAKEMALPAŞA DESSERT
- MUSTAFAKEMALPAŞA CHEESE DESSERT
- KEMALPAŞA DESSERT
- KANGAL TURKISH SHEEP DOG
- AKBAŞ TURKISH SHEEP DOG
- OSMANİYE PEANUT
- KANGAL SHEEP DOG
- ANAMUR BANANA
- SİİRT BLANKET
- SİİRT PERDE PİLAF
- PERVARİ HONEY
- TAVŞANLI ROASTED CHICKPEA
- AEGEAN SULTANİ GRAPE
- GÜMÜŞHANE DRIED FRUIT PULP
- GÜMÜŞHANE MULBERRY PULP
- SOĞANLI DOLL
- ADANA KEBAB
- ÇELİKHAN TOBACCO
- AEGEAN COTTON
- SİİRT BURYAN KEBAB
- TARSUS WHITE GRAPE
- GÖRECE BLUE BEAD
- DEVREK STICK
- ZARA HONEY
- AFYON DRIED MEAT
- AFYON SAUSAGE
- AKŞEHİR CHERRY
- GEMLİK OLIVE
- KÜTAHYA TILE
- İNEGÖL MEATBALL
- GÜNEYEĞE OLIVEOIL
- AEGEAN FIG
- İSABEY SEEDLESS GRAPE
- MARAŞ ICE CREAM
- ISPARTA ROSE

