

**NATIONAL STRATEGY PAPER AND ACTION
PLAN ON INTELLECTUAL RIGHTS**

2015-2018

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LIST OF ABBREVIATIONS

AB	European Union
AR-GE	Research and Development
ATAD	Court of Justice of the European Communities
BÜGEM	General Directorate of plant Production
DTÖ	World Trade Organization
EGM	General Directorate of Security
EPO	European Patent Office
GTHB	Ministry of Food, Agriculture and Stockbreeding
HSYK	High Council of Judges and Prosecutors
KHK	Statutory Decree
KOB	Small and Medium Size Enterprises
KOSGEB	Small and Medium Industry Development Organization
MASAK	Financial Crimes Investigation Board
MEB	Ministry of Education
OHIM	Office for Harmonization in the Internal Market
PCT	Patent Cooperation Treaty
RTÜK	Radio and Television High Council
STK	Non-Governmental Organization
TBMM	Turkish Grand National Assembly
TESK	Confederation of Turkish Tradesman and Craftsmen
THGM	General Directorate of Copyrights
T TCK	Turkish Drug and Medical Device Institution
T M	Turkish Exporters Assembly
T SK	Turkish Confederation of Employer Associations
TOBB	Turkish Union of Chambers and Exchange Commodities
TPE	Turkish Patent Institute
TRIPS	Trade Related Aspects of Intellectual Property Rights
TRT	Turkish Radio and Television Corporation
TTGV	Technology Development Foundation of Turkey
TTO	Technology Transfer Office
TÜB TAK	The Scientific and Technological Research Council of Turkey
TÜ K	Turkish Statistical Institute
TÜS AD	Turkish Industry and Business Association
UFHS	National Intellectual Rights Strategy
UNESCO	United Nations Education Science and Culture Organization
UPOV	International Treaty for the Protection of New Plant Varieties
UYAP	National Judiciary Network Project
YASED	International Investorsø Association
YO KK	Coordination Committee for the Improvement of the Investment Environment
YÖK	Higher Education Council
WIPO	World Intellectual Property Organization

I. INTRODUCTION

The legal and corporate infrastructure of intellectual property system of our country has a history of one hundred fifty years, which was considerably reformed in the last twenty years. Administrative agencies assigned for establishment of rights were constituted, relevant legislation renewed and a specialized judicial system was created. There are interfaces charged for the establishment and protection of rights (patent and trademark attorneys, **copyright unions**). However since the system has a dynamic structure it experiences a continuous change. There emanate types of new right and implementation instruments develop and these are subject to international regulations. Naturally a continuous change emanating from this development is also necessary for our country.

When viewed from this aspect, instead of new mechanisms for deeply developing the intellectual property system, the primary point for our country is to increase efficiency of the current mechanisms, providing comprehensive information of people, enterprises and producers in need of this system and to develop awareness for the benefit to be acquired from the system. Furthermore, encouraging the users to take more advantages of the current system's instruments and supporting them are among the prominent issues. Redounding intellectual rights and products subject to these rights to economy emerging from these activities and providing the commercialization is observed as the fundamental objective intended for this field.

Even though the system is created with all of its agencies and rules, violations of rights do happen. In recent years there have been major strides for fighting against counterfeit and piracy however it has still not reduced to the desired level. For that reason, strengthening the practice and developing capacities of implementing agencies bear great importance. However it is not satisfactory only to strengthen implementation for fighting against counterfeit and piracy. It is indispensable to create a respectful consciousness in the society for creativity and its protection. Therefore settlement and wide spreading of the intellectual rights culture in society bears greater importance.

During the negotiations and screening procedure of Turkey with European Union, even though their tasks and authorizations are in different areas, the necessity for creating an efficient communication and co-operation environment between the agencies assigned for intellectual rights became evident. In this point, Coordination Council for Intellectual and Industrial Property Rights has been established in the Prime Ministry's Circular No. 2008/7. One of the primary resolutions taken during the first meeting of this Council is to establish a strategy for the country in the field of intellectual rights. This resolution completely reflects the policy objective given place in the Ninth Development Plan: "A short, mid and long period strategy shall be established in consideration of the contribution of intellectual rights system to country economy and an action plan shall be created intended for the implementation of this strategy."

Studies required for this policy objective has been initiated in the planning period although it has taken longer for full completion. Thus, areas of priority were set in policy level with the purpose of guiding the said strategy preparation studies.

In order to identify the current state of IPR in Turkey, a survey prepared by the World Intellectual Property Organization has been used. The analysis report of this study reveals that legislation and innovative support infrastructure for registration of intellectual rights and for the protection of legal and criminal protection in Turkey is at a considerably good level.

However, as expressed in different platforms by the majority of sector representatives, an analysis of problems within the functioning of the system has been essential. In this regard, two separate workshops were organized with the attendance of relevant public agencies, non-governmental organizations, academicians and judicial members as one for copyrights and the other for industrial rights where it was tried to identify the problematic areas together with possible solutions. Initially a problem tree was prepared in workshops conducted with moderation technique and systemic problems were identified. Then solution recommendations were developed during the separate group studies constituted by workshop attendants by consolidating these problems under five different topics. Solution recommendations generated by the groups have been presented to all workshop participants by the group representatives and opened for discussion. Recommendations matured as a result of negotiations have been fixed as the preferred development areas.

After preparing reports summarizing workshop results these were transmitted for all shareholders and their opinions were collected. Consensus with wider participation has been achieved for priority activities intended for objectives by organizing five different group meetings where these opinions have been discussed within a time period of approximately three months. Thereafter, Ninth and Tenth Development Plans have been reviewed as regards the format and content of the document while also taking into account Industrial Strategy of Turkey and National Science, Technology and Innovation Strategy Paper. Furthermore, the method and approaches followed in the intellectual rights policy documents of China, Croatia, Japan and as United States of America has also been analyzed.

Once the structure of the strategy paper was identified, the same stakeholders were included in the study to identify the priority actions. The stakeholders were requested to scan their own corporate strategies, which were considered as substitutes to actions identified in this plan. At the final coordination meeting, all priority actions were reviewed once more in order to ensure inclusion of all possible actions that were identified under strategic objectives.

In this respect, strategy study has adopted a solution-based approach concerning protection of intellectual property rights while adopting an enhancement-based approach concerning the creation of rights and supporting innovation towards achieving an IP friendly atmosphere. Agencies and institutes involved at the various phases of the strategy preparation studies are listed in ANNEX-2.

II. CURRENT SITUATION

It is necessary to keep in mind the long standing background of our country in this area when the current status of the intellectual rights system in Turkey is defined. Thus, Encümen-i Dani Nizamnamesi (Council of Consultancy Regulation) dated 1850, Telif Nizamnamesi (Regulation for Copyrights) dated 1857, Copyrights and Interpretation Regulation as supplementary to Copyrights Regulation dated 1870, Hakk-, Telif Kanunu (Copyrights Law) dated 1910 are the initial regulations for copyrights. On the other hand, Alamet-i Farika Nizamnamesi (Trademark Regulation) which is the first legal text for industrial rights is dated 1871 while Patent Rights Law is dated 1879 and this legislation conducted Ottoman State being one of the first model states in world in the field of industrial property.

These significant studies commenced in the field of intellectual rights has been maintained with an increasing acceleration since the foundation of Republic of Turkey and current intellectual rights system has been established in line with the country's requirement with the international developments.

Principles considered during the consideration of the current status are the national legislation currently in force in Turkey, international treaties Turkey is a party to, utilization indicators of the corporate structuring and intellectual rights.

2.1. Global Status Analysis

One of the fundamental foundations of the present day's information economies is the intellectual rights system providing ownership and protection of the information by the moment of its generation. It is evident that countries aiming to be information society would not be able to reach their target unless they constitute a powerful intellectual rights system and even if they would succeed, it would be unsustainable. Considering that commodities of international trade having highest rate of income are products of advanced technology and products of cultural industry, the reason for the countries concentrating on producing national strategies in the field of intellectual right can be better understood.

With the same reason, it was necessary to take trade regulatory measures in global scale in order to ensure these exported products are also protected in their final destinations and TRIPS Agreement as a part of the WTO has become an international standard in this regard. This Treaty, which Turkey is party to, sets minimum standards for the protection of each kind of intellectual rights. It also addresses any inequalities that might rise against developing or underdeveloped countries with respect to developed countries through introducing certain flexibilities.

When regulative aspects of international intellectual rights are considered, WIPO being an subsidiary of United Nations today keeps its characteristic as one of the significant actors. Despite the fact there are many international treaties executed in WIPO the most prominent ones Patent Cooperation Treaty allowing international patent applications, there are Madrid Treaty and Madrid Protocol providing international registration of trademarks, Hague Convention for the international registration of designs and Paris Treaty dating back to older times, Bern Treaty for the Protection of Literature and Work of Arts, Rome Treaty for the Protection of Artistic Performance, Phonogram Producers and Broadcasting Corporations, Executions and

Phonograms Agreement and Copyrights Agreement. In this respect, our country is member to nearly all of the registration mechanisms and international treaties executed by WIPO. Detailed list for the international treaties to which Turkey is a party are given in ANNEX-4.

When regulative roles in regional scale are considered, intellectual rights system in EU to which our country's candidacy is ongoing, have significant importance. WIPO treaties administering international registration are realized by in a similar but at micro level within EU by OHIM under the Community Trademark and Community Design systems where registration process covers all community countries. One of the significant components of the system is courts established in some countries in order to settle the disputes for Community Trademark.

On the other hand, Unitary Patent is an issue discussed among the European countries approximately for the last fifty years. Finally two decrees and one treaty came to light in reference to the issue taken to agenda with the incentives of the Commission in year 2012. These regulations will be covering all EU Member states, except Spain, Italy and Croatia that has not become signatories. The Unitary Patent is expected to have effects not only to EU member states but also to the countries such as Turkey as soon it becomes effective.

Another EU body having close relationship with our country is the European Observatory for Fight against Counterfeit and Piracy established in OHIM. Foundation of the Observatory is among the resolution taken in the framework of Comprehensive Fighting against Piracy and Counterfeit Plan as of September 25th, 2008 of EU Competitiveness Council. By the publication of the Decree of European Commission and Council dated August 19th, 2012 and numbered 386/2012 in reference to the Implementation of Intellectual Property Rights missions of Observatory were transferred to OHIM. Observatory was founded for the purpose of optimizing level of knowledge and statistics concerning counterfeit and piracy actions in the single market, developing public awareness, strategies involved in public and private sector for fighting against counterfeit and piracy and developing enforcement techniques.

Lately, with WIPO's adoption on cultural industries based on copyrights, strong emphasis has been made to the role of copyrights for the creation of these industries and their development. On the other hand, internet use and digital media rapidly developing in recent years in parallel to technologic developments are the leading issues discussed in international area for copyrights. Access to works of arts increase with the easier access to Internet and while this trend becomes a threat against creative industries it also presents new opportunities since the area where products and services can be rendered are expanded.

Recently, international actors such as EU and WIPO have been making efforts to create preventive systems for the protection of copyrights in digital area. Turkey also monitors this process in terms of international trends and national requirements and records advancements for both legal aspects and also for making practical arrangements.

When it is considered for EU-Turkey relations; modernization process of intellectual rights in Turkey accelerated after Customs Union being established with the Resolution of EU-Turkey Partnership Council numbered 1/95. Intellectual rights protection system has been established with the legal arrangements given in the appendix numbered 8 with the title of Protection of Intellectual, Industrial and Commercial Property.

There has been rapid developments in Intellectual Property Law Chapter since 2005 when the Accession negotiations began, which was followed by the screening process and the beginning of

negotiations on Chapter 7 officially began in June 17th, 2008. Action Plan presented by Turkey and accepted by EU has been implemented in a great extent and the Chapter was opened. In addition to the closing criteria in reference to Additional Protocol, the following technical closing benchmarks were introduced.

1. Turkey achieving a successful dialogue in the field of Intellectual Property area in the framework of process principles submitted by the Commission to Turkey in April 3rd, 2008,
2. Providing the executive agencies to have satisfactory administrative capacity for the implementation of rights in reference to fighting against piracy and counterfeit activities,
3. Turkey's presenting a satisfactory progression record involving significant drop for the number of counterfeit and pirated products exported to EU about the legal actions for investigation, prosecutions and tenders and for the efficient implementation of Intellectual Property Law,
4. Finalizing harmony to legal acquis in reference to vesting of Rights in Community level and implementing supplementary certificates and implementing rights with attendance.

Coordination for EU-Turkey Intellectual Property Rights Working Group established within the scope of the first closing benchmark is executed by Ministry of Culture and Tourism on behalf of our country. Said Working Group is assembling every year in regular intervals for the purpose of information exchange concerning institutional reforms, coordination with units in local level, human and financial resources, implementing the intellectual property rights, central and local practices of customs, police and judicial positions for fighting against counterfeit and piracy, awareness rising for consumers and beneficiaries, and legislative studies. Closing benchmark constitutes basis for the optimization studies carried out in this field and guides the strategy studies.

2.2. National Legislation for the Protection of the Intellectual Rights

Legislation currently in force for the protection of the intellectual rights in the current situation has been listed below in reference to the fields of protection. Intellectual rights enjoying protection in Turkey and relevant legal texts are:

- a. Law on Intellectual and Artistic Works (Rights of Author and Connected Rights)
- b. Decree Law for the Protection of Patent Rights (Patent and Utility Model)
- c. Decree Law for the Protection of the Trademarks
- d. Decree Law for the Protection of the Industrial Designs
- e. Law for the Protection of Integrated Circuit Topographies
- f. Decree Law for the Protection of the Geographical Indications
- g. Law for the Protection of the Plant Breeders' Right.

Relevant supplementary laws, secondary regulations and other legislation are given in ANNEX-3. Trade secrets, traditional information and cultural expressions are protected under different laws in terms of their subjects yet have no individual regulation.

2.3. Institutional Structure and Stakeholder

Fundamental actors carrying on activities in the field of intellectual rights and their functioning are one of the indicators of protection infrastructure in Turkey. Accordingly;

Turkish Patent Institute: executes registration processes for patent, utility model, trademark, industrial design, geographical indication, integrated circuit topographies. It is the principle body for the international legislation, national legislation and awareness rising activities. It carries out activities as a subsidiary of Ministry of Science, Industry and Technology.

Ministry of Culture and Tourism General Directorate of Copyrights; It is the principle agency for monitoring international developments in the field of copyrights, developing national legislation, execution of required measures and application intended for fighting against violations of rights and for awareness rising in the public. In addition to that they execute record and registration and banderole and certificate processes for literary and artistic works.

General Directorate of Security; It carries out procedures anticipated in law for the protection of copyrights by ex officio and by complaints for industrial rights in the boundaries of Turkey via police organization. It carries out activities as subsidiary to Ministry of Interior.

Ministry of Customs and Trade; It executes procedures anticipated in laws for the protection of rights in the framework of transacting ex officio and in application basis for the violations of intellectual property rights in Turkish customs.

Ministry of Food, Agriculture and Livestock; it carries on registration procedures for new types of plants and supervises conformity with the characteristics specified for the registration of geographical indications or traditional product designation in reference to agriculture and food within the boundaries of Turkey.

Intellectual and Industrial Rights Civil Courts/ Criminal Courts; they handle civil and criminal cases in reference to intellectual rights.

Collecting Societies: It carries out activities for fighting against piracy and awareness rising activities for the protection of intellectual rights besides its tasks such as fixing tariffs for uses, to concluded contracts and taking legal actions when deemed necessary within the framework of authority for the management and monitoring of its members' financial rights for works of arts, execution, phonogram, production and publications under administrative and financial supervision of Ministry of Culture and Tourism.

Patent and Trademark Attorneys: These are persons authorized to make transactions before the Institute on behalf of the applicants for industrial rights applications to be made to TPE. It is necessary to bear the conditions anticipated in the relevant law and to pass qualification exam done once in two years.

Coordination and co-operation between the aforementioned public agencies is executed by the Coordination Council of Intellectual and Industrial Property Rights with the attendance of their

senior representatives. Furthermore, under the Coordination Council for Improving the Investment Environment administered by Ministry of Economy, the Intellectual, Industrial Property Rights and R&D Technical Committee develops and implements priority actions as identified by the private sector on intellectual property rights. Finally, a design strategy and action plan has been prepared in the framework of Turkish Design Consultancy Council, which gathers with the attendance of public agencies and non-governmental organizations for the purpose of identifying policies towards increasing contribution of designs in the economy. Attendance to coordination mechanisms is provided by representation of non-governmental organizations. Two significant agencies among them are TOBB and YASED.

2.4. Prevalence of Industrial Rights

In Turkey use of industrial property rights is dating back to old times and establishment of corporate structures has significant shown increase by 1995 with the harmonization period to European Union. It is observed that this increase trend continued in last five years. Accordingly, indications in reference to industrial property application made in the relevant protection areas are given in Table 1.

Table 1: Distribution of Industrial Property Applications By Years¹

		1995	2000	2005	2010	2011	2012	2013
Patent Application Numbers	Domestic	170	277	935	3.250	4.087	4.543	4.528
	Foreign	1.520	3.156	2.526	5.093	6.154	7.056	7.525
Trademark Application Number	Domestic	12.815	21.188	48.981	73.142	103.747	97.311	93.320
	Foreign	3.379	8.195	11.436	11.986	13.976	13.832	15.288
Utility Model Application Number	Domestic	38	454	1.896	2.994	3.175	3.726	3.453
	Foreign	3	17	28	39	69	63	88
Design Application Number	Domestic	2.885	10.030	26.716	29.467	35.451	39.890	43.626
	Foreign	29	592	1.209	974	1.127	1.330	1.465
Geographical Indication Application Number		25	9	15	35	51	140	90
Breeders' Right Application Number		-	-	119	76	112	122	215
Integrated Circuit		-	-	-	3	-	3	

¹ Source: TPE, GTHB

As regards patent applications and grants; foreign applications are higher while concerning utility models, domestic applications prevail. In recent years a decrease can be observed in the number of utility model applications and the rate of applications. Number of domestic patent applications exceeded domestic utility model application numbers for the first time in year 2010. This situation can be interpreted as an indication that domestic inventions began to increase in quality.

Both domestic and also foreign trademarks applications and registration numbers recorded a great increase in last five years. Besides 25% share of foreign application numbers has shown a decreasing trend in 2005-2008 period and has been realized approximately in 10% level of the total application numbers by 2011. Garment industry and textile sector and food sector has a significant share for trademark registration applications. These sectors are followed by trademark registration applications for production, informatics and service sectors.

The maximum number of design registration applications was made in furniture, textile and sanitary ware fields in the scope of production sector. Training sessions, seminars, contact meeting enabled applicant to raise their awareness.

Geographical indications mediate rural development and provide contribution to country's economy by adding marketing power to products, which are protected not by exclusive rights but through collective rights intended to protect real producers. In total, there are 176 registered geographical indications in Turkey by the end of year 2013. Upon four applications before the European Commission, one GI has been registered so far in the EU.

Turkey protects new plant types with a sui-generis system in lieu of patent in line with the option provided under TRIPS Treaty. Procedures in reference to plant breeders' right is executed by the Presidency of BÜGEM Seed Growing Department as the subsidiary of Ministry of Food, Agriculture and Livestock. Procedures in reference to plant breeders' rights published in Plant Types Bulletin are conducted in line with the provisions laid down under Law numbered 5042 and UPOV Treaty. Maximum applications and registrations in the field of plant types were realized respectively as, fruit, vegetables and ornamental plants.

Although there is a law providing protection in the field of integrated circuits, the number of applications received in this field is extremely limited.

Table 2: Comparing Number of Applications to TPE with Global Offices²

Domestic Application Sorting By 2011 According to Origins				Domestic Application Sorting By 2012 According to Origins			
	Patents	Trademarks	Designs		Patents	Trademarks	Designs
China	1	1	1	China	1	1	1
Germany	5	4	2	Germany	2	3	6
USA	3	2	9	USA	5	5	2
Japan	2	8	6	Japan	4	9	3
Korea	4	9	3	Korea	7	2	7

² Source: World Intellectual Property Indications 2013, WIPO Economics and Statistics Series, WIPO

France	7	3	8		France	3	4	9
Italy	9	10	4		Italy	15	6	4
Croatia	10	5	11		Croatia	9	12	5
Turkey	17	6	5		Turkey	10	7	11
United Kingdom	8	11	10		United Kingdom	8	11	10

According to 2011 and 2012 data of World Intellectual Property Indicators annually published by WIPO, Turkey has ranked in world order for domestic intellectual rights;

- Went up from 17th row to 15th row for patent applications.
- Protected its 6th row for trademark application.
- Went up from 5th row to 4th row for design application.

In the same period Turkey ranks in following rows among European countries;

- Went up from 9th row to 8th row for patent applications.
- Protected its 3rd row for trademark application.
- Went up from 5th row to 2nd row for design application.

2.5. Literary and Artistic Works Production

Banderol, record-registration and producer certificate statistics executed by the Ministry of Culture and Tourism is a significant indicator of the production and size of the sector in this field.

2.5.1 Banderol statistics:

Banderols being an effective supervision tool for the discrimination of legal copy and pirated copies also bear importance for identifying the right holders via their serial numbers. It is compulsory to stick banderols over the reproduced copies of music and movies and over non-periodical publications (banderole). This obligation covers imported works of art besides the work of arts produced in home.

Table 3: Number of Book Banderols³

2006	2007	2008	2009	2010	2011	2012	2013
55.759.167	145.682.555	163.165.695	170.324.457	214.414.289	289.193.982	293.257.824	330.017.405

When banderol statistics are investigated for years 2006-2013, a 161% increase is observed between the years 2006-2007. This situation is an indication of increase for the number of books supplied to market and also adoption of implementation of banderol system. Furthermore,

³ Source: Ministry of Culture and Tourism, General Directorate of Copyrights

increase for the number of banderols realized from the year 2006 up to the present day can be accepted as an indication of the gradual increase in the size of the publication sector.

2.5.2 Record- registration statistics:

Record registration procedure in our country for intellectual and works of art is executed by Ministry of Culture and Tourism to provide attestation facility for identifying the beneficiaries. Record-registration procedure bears importance for acquiring statistical data in cultural production level in our country. Statistics for movie and music production produced in our country or imported are given below.

Table 4: Record registry statistics⁴

	2006	2007	2008	2009	2010	2011	2012	2013
Music	2063	3666	3392	3568	3138	3595	3498	3152
Movie	2243	1926	2426	1832	1986	1286	956	929
Computer Games⁵						364	385	181
Total	4306	5592	5818	5400	5124	5245	4839	4262

When statistics between years 2006-2013 for mandatory record registry implementation are investigated; recently a decreasing trend is observed. It is possible to claim that internet and developments in digital area are effective for this decrease.

2.5.3. Certificate Statistics:

Establishments dealing with filling, reproduction, distribution and sales of literary and artistic works are certified by the Ministry of Culture and Tourism. Certification system facilitates the supervisions of the enterprises working in this field and allows collection of statistical data.

Table 5: Number of Certified Workplaces⁶

2008	2009	2010	2011	2012	2013
1.695	2.308	2.616	2.998	4.156	3.699

2.5.4. Number of Producer Certificates:

Movie and music producers carrying on their activities in Turkey need to have producer certificate from Ministry of Culture and Tourism. In this scope, by the end of 2013 there are total 739 music producers and 769 movie producers, in total 1508 producers carrying on their activities in Turkey.

⁴Source: Ministry of Culture and Tourism, General Directorate of Copyrights

⁵Record registry number for computer games between years 2006-2010 are assessed in the scope of movie works of art.

⁶Source: Ministry of Culture and Tourism, General Directorate of Copyrights

2.6. SWOT Analysis

Strengths:

- Having fundamental national statutory regulations in the field of intellectual rights
- Participating to international treaties in the field of intellectual rights having realized to a large extent
- National regulations for intellectual rights being in harmony with international treaties and EU regulations to a large extent.
- Contributions of Ministry of Science, Industry and Technology, Ministry of Finance, Ministry of Economy, Ministry of Culture and Tourism, Undersecretariat of Treasury, TÜB TAK and KOSGEB for intellectual rights system and research and development activities
- Availability of customs staff trained by the companies for the detection of counterfeit products in customs
- Judges and prosecutors having trained in the provinces where there are no specialized courts and where cases for intellectual rights are relatively intense
- Specialized courts having been founded in the field of intellectual rights
- Availability of supervision commission in country wide for the supervision of the pirated products
- Agencies carrying on their activities in the field of intellectual rights showing a successful development in the field of rendering efficient services and promotion
- Having established widespread information and document centers in universities and in chamber of industry and trade
- Increasing co-operation and coordination between shareholder agencies
- Qualified human resources capable of developing creative and innovative ideas

Weaknesses:

- Relatively slow judicial proceedings as an obstacle before efficient IPR protection
- Difficulties in accessing information and court decisions
- Legal infrastructure for patent and trademark attorneys not finalized
- Insufficiency of statistical data in the field of intellectual rights

- Level of knowledge for attorneys and agents employed in intellectual rights area not at a desired level
- Lack of specially authorized and trained security forces in the field of industrial rights
- Public awareness in the field of intellectual rights not being adequately widespread
- Lack of knowledge among relevant sectors as regards scope and limits of intellectual rights
- Intellectual rights area not being trained as a separate expertise area in law faculties and other relevant departments
- Small number of globally recognized Turkish trademarks

Opportunities:

- Opportunities of new IT technologies
- IPR, technologic innovation, information age issues being contemporary in Turkey
- A dynamic economy
- Motivation support of EU negotiation process
- Having rich sources of geographical indications, genetic resources and plant species
- Development trend in creative sectors
- High entrepreneurship tendencies and demands for specialization
- High demand for cultural products in connection with the young population
- Increased awareness about the positive effects of industries based on intellectual rights in global and local economies

Threats:

- Informal economy (especially in textile, drugs, food and software sectors)
- Information technologies being accessible and utilizable only by small portion of society
- R&D and innovation ecosystems not at a desired level
- Public tendency toward low priced counterfeit and pirated product due to lack of knowledge of their possible hazards
- Changing dimensions of piracy in connection with technological developments and additional difficulties in fighting piracy
- Products with China and Far East origin providing cheaper labor force for products and services with added values

III. GENERAL OBJECTIVE AND TARGETS

3.1. General Objective

Expectations of Turkey in the field of intellectual rights as an instrument to provide qualified contribution to upper policy objectives is to bring intellectual rights system to a better point. Accordingly the overall purpose of the strategy is as follows:

Contribution of intellectual rights and products subject to these rights to development process shall be optimized by establishing an effective, widespread and an intellectual rights system adopted by the society.

3.2. Targets

It is anticipated to reach the following targets in line with the purpose aimed:

<p>Target 1</p> <p>Efficient implementation of intellectual property rights by optimizing legislation and implementation in line with the country's needs.</p>	<p>Target 2</p> <p>Supervision and protection of the intellectual rights in an efficient manner by creating human and corporate capacity in relevant units primarily as justice, customs and security services.</p>
<p>Target 3</p> <p>Increasing the efficiency of the mechanism for the commercialization of intellectual rights by developing market perception and valuation.</p>	<p>Target 4</p> <p>Providing contribution for the objective of being a society having respect to ideas and knowledge by increasing social awareness in the field of intellectual rights.</p>

The above mentioned targets are created by the matching of target areas generated during strategy studies and policy priorities of Tenth Development Plan. Furthermore target overlap with the priorities laid down under the Intellectual Rights Expertise Commission Report prepared in Ninth Development Plan period, the ones being appropriate among the priorities laid down in the Report are additionally given under the relevant targets as strategies. Fundamental progresses recorded for performance indicators set for each target shall be interpreted as cumulative progresses to reach the general objective. On the other hand, measuring general objective in advanced macro and independent indicators shall produce more efficient result for the measurement of the strategy. Accordingly,

General Objective Performance Indicators:

- Patent application targets

There are targets in reference to the domestic patent applications in Tenth Development Plan. Degree for reaching the said targets at the end of the strategy period can be an indicator of technologic development in our country.

Table 6: Current Status for Patent Applications and Expected Development⁷

	2013	2018
Number of Domestic Patent Applications⁸	4.510	16.000
Share of the Domestic Patent Applications in the Total (%)⁹	37	55
Number of Turkey Origin International and Regional Patent Applications¹⁰	983 (398EP+585PCT)	2.140
Number of Turkey Triadic Patent Applications¹¹	35	167

- Improvement in the global positioning on industrial rights applications

When report published in year 2013 is taken as basis for WIPO annual statistical reports, Turkey ranks in fifteenth order in national patent applications and it is aimed to involve Turkey in first 10 row in year 2018. Report annually published by WIPO called World Intellectual Indicators shall be taken as basis.

- Increase in ratios of intellectual products with high value-added

Rates of application to patents granted shall be monitored in terms of domestic patent applications. In the current status while this rate for original national patent application of foreign offices in Germany is 30%, 54% in USA and 68% in Japan, it is about 20% for

⁷Source: Tenth Development Plan, Ministry of Development

⁸Applications made to TPE.

⁹It is the total of International Patent Applications (PCT) and European Patent (PEC) applications.

¹⁰WIPO Statistics PCT filings by country of origin (<http://www.wipo.int/ipstats/en/statistics/pct/>)

¹¹Values in 2010.

domestic applications in our country. It is aimed for this rate to be minimum 30% by 2018. TPE patent applications and number of patent grants shall be taken basis as data sources.

- Rate of increase in added value created by cultural industries based on copyrights, GSYH, employment and foreign trade shares

The Tenth Development Plan emphasizes the importance of monitoring the ever growing cultural industries and creating policies accordingly. It is also aimed in strategy period for the measurement of cultural industry and providing its development.

Economic values of all sectors and activities bear importance for reaching to targets identified in the strategy. Results of the studies initiated for this purpose shall be significant parameters to assess the strategy period.

IV. TARGETS AND PERFORMANCE INDICATORS

A.1. TARGET 1: Efficient application of intellectual property rights by optimizing legislations and practices in line with the country's needs.

Intellectual rights belong to an area that continuously changes and develops. Change in question, also affect the system in our country and create need for updating. Legislation in Turkey in the field of intellectual rights continuously developed since 1995 and remarkable distances covered in practice. However, in connection to certain deficiencies and issues observed in implementation, revision of the current legislation started in 2005. Draft laws prepared as a result of such studies were not ratified in time and finally in year 2013, the updated draft law was submitted to the National Assembly.

Legislation in reference to industrial rights is prepared by taking advantage of EU legislation and international treaty texts. However since such regulations made by Decree Laws in lieu of laws, punitive provisions of industrial rights legislation were cancelled by the resolution of the Constitutional Court. Especially concerning jurisdictions for trademarks were discontinued and commodities subject to criminal cases had to be released. A law to correct such situation was enacted as aiming to regulate punitive provision for trademarks (Law dated January 21st, 2009 and numbered 5833) although in terms of patents, utility models, design and geographical indications, such provisions were not introduced.

Law on Intellectual and Artistic Works dated 1951 and numbered 5846; has been modified for many times for purpose such as harmonization with international treaties and technologic developments and fighting against piracy activities. In the Law numbered 5846 modified with the Law numbered 5728 for the purpose of harmony with Fundamental Criminal Codes in 2008, it is in agenda to provide full harmony with EU legislation and for the correction of problems emanating by practice.

From the point of stakeholders, high number of collecting societies in Turkey makes it difficult to license at one source and this difficulty is being addressed through joint protocols signed among the societies. Although current legislation allows collecting societies in the same sector to make joint licensing, this is not legally mandatory. In this respect, there is a need for regulating legislation to bring the collecting societies under one umbrella and ensure effective monitoring of collective rights. It is necessary to perform some systematic studies including mapping of the databases of the employee associations subsequent to the modification made in the relevant legislation. On the other hand there reveals practical discrepancies in reference to representation capacities for collecting societies in court cases when representing their members and there is a need for an explicit provision in the law in reference to their representation authorizations.

There is no legal mechanism supervising functioning of the patent and trademark attorneys Due to the lack of administrative sanctions against professionally adopted principles, there are cases when right holders face problems..

Although specialized IP courts are the key actors in protection of IP rights, they frequently seek expert opinions. The time required for expert opinions and also late issuance of such reports elongate jurisdiction periods.

Foreseen Actions:

- **For improving legislation;** necessary regulations in line with the country's needs for patent, trademarks, industrial designs and geographical indications will be adopted in consideration with criminal provisions. Studies for regulations intended for worker inventions anticipated in patent legislation will be finalized. Harmony to EU legislation will be observed for all regulations. Criminal indemnification provision in Law on Intellectual and Artistic Works will be rearranged in line with the practical needs and regulation will be made to allow more effective process of the collective rights management. Academic studies will be encouraged for the analysis of exemption provisions granted with the international treaties primarily under TRIPS and such exemptions related to the needs of the country will be provided for in relevant laws.
- **For more effective management of patent and trademark attorneys system;** qualification examinations will be redesigned to assess knowledge of the candidates towards actual practice and their level will be measures in line with the contemporary developments as a result of theoretical and practical training to be delivered to agencies in particular periods. For the system supervision; legal studies shall be done fixing the acts of patent and brand representatives requiring discipline penalties and to fix sanctions to be implemented for these acts.
- **For more effective operation of expertise system;** Workshops with the attendance of members of Supreme Court where international samples shall be considered intended for the necessity of reducing need for application to experts by the judges of specialized courts will be organized. Under the circumstances when it is inevitable to assign experts, considering of training delivered to security officers shall be provided. Systematic training will be delivered to experts for the issues to be considered during the preparation of the expert report. Seeking the condition of specialization for experts and criteria for their assignment shall be fixed. Cooperation will be made with non-governmental organization within the framework of flexibilities providing opportunity for legal arrangements for the realization of these criteria. Informative booklets defining the scope of issues which their solution requires special techniques and information.
- **For the strengthening of the application unity of the legislation;** Regular meetings where resolutions of Supreme Court, Regional Courts of Justice, Courts of first instance, ATAD and TPE are discussed and a mechanism involving feedback will be established. Technical problems during investigations, expropriation storage and annihilation shall be analyzed and solutions will be searched. Expertise seminars delivered to security units by brand representatives (beneficiaries) shall be increased their frequency within a systematic mechanism. TPE investigation guides shall be reviewed in particular intervals and they shall be reviewed and developed according to the requirements and developments. Training delivered to judges and prosecutors in the field of intellectual rights shall be periodically provided in coordination with HSYK. Communication and information exchange between the shareholders shall be optimized via training to be delivered to implementers working on site and to the relevant public servants. Resolutions of authorized courts and Supreme Court shall be organized in a systematical manner and their accessibility shall be provided. Legal scope of the authorization certificates delivered to professional associations will be clarified.

- **For strengthening registration infrastructure;** Training will be delivered to TPE personnel for contemporary developments in the field of intellectual rights and their qualifications shall be enhanced. System enabling exchange of finalized court awards for cases filed against TPE resolutions between legal consultancy department and relevant department experts will be activated. Integration of TPE database with UYAP shall be provided. Processes intended to shorten processes for announcement shall be optimized primarily for brand applications. A separate department responsible for geographical indications shall be established in TPE.
- **For increasing the patent research and investigation capacity and to reduce costs;** TPE experts will be provided to have probation training in EPO or in International Research and Investigation Authority offices. Current infrastructure intended for the regulation of all patent applicationsø research-investigation procedures by TPE without dependence to contracted offices in abroad will be improved. Required physical investments and expert recruitments required for the qualification of International Research and Investigation Authority shall be organized under the framework of Patent Co-Operation Agreement.
- **In order to develop structural efficiency for professional associations;** more transparent operation of the associations shall be provided. Legal and systematic infrastructure to enable associations to gather under a single roof.

A.2. PERFORMANCE INDICATORS

- Judgment periods¹²

Annual average decision making periods of specialized courts and criminal courts shall be taken as basis. Judicial statistics of Ministry of Justice will be used as data source.

- Use of experts in specialized courts/ case number rate

The rate of file numbers applied for expert opinion against the number of case filed before specialized courts within the same year shall be calculated. Jurisdictional statistics of Ministry of Justice shall be used as data source.

- Sector perception level in reference to system efficiency

Modifications in level of perception in reference to system process shall be observed via regular surveys to be organized among the occupational groups carrying on their activities in the field of intellectual rights. Annual surveys of THGM, TPE and TOBB shall be taken basis as data source.

- Number of published legislations

Laws, statutory decrees, regulations and similar legal arrangement published within the year in the field related with the intellectual rights shall be monitored. Official Gazette shall be taken as basis in line with the notifications made by the relevant agencies as data source.

¹²This indicator shall be measured by the precautions anticipated in A1 and B1 and they shall be in parallel with the periods defined under B2.

B.1. TARGET 2: Effective supervision and protection of intellectual rights by establishing adequate human and corporate capacity in relevant units primarily the jurisdiction, customs and security services.

There are multiple agencies in reference to the sanction of the laws for intellectual rights. These are;

- Police department ó Ministry of Interior ó General Directorate of Security
- Provincial Supervisory Commissions
- Gendarmerie Department ó Ministry of Interior General Commandership of Gendarmerie
- Customs Department ó Ministry of Customs and Trade
- Ministry of Food, Agriculture and Stock Breeding
- Judiciary Department

Task fields were fixed for each agency in the organization law.

Chief Public Prosecutor's Offices, Provincial Security Directorates, Provincial Gendarmerie Commanderships and Customs Directorates officiate for procedural acts executed in home for fighting against counterfeit and piracy acts. Administrative procedures are carried out by banderol supervisions of Supervisory Commissions involving general security officers, Provincial Culture and Tourism Directorates and representatives of professional association carrying on their activities in 81 provinces in the framework of Regulation for the Procedures and Principles for the Implementation of Code of Intellectual and Artistic Works and Procedures and Principles for Banderole Application numbered 5846. Persons or organizations applying for geographical indication registration for the supervision of geographical indications is obliged to constitute an independent supervisory commission consisting of ant association, union or similar organization and to submit supervisory reports to TPE in every 10 years. In addition to that in accordance with Veterinary Services, Phitosanitary, Food and Fodders Law numbered 5996 Ministry of Food, Agriculture and Stock Breeding is charged to öSupervise Geographical Indication Related with Food and Agricultural Productsö.

For the sake of providing such cases to be heard by the trained judges since disputes in the field of intellectual rights require expertise provisions enabling basis for the foundation of specialized courts were added for intellectual rights. Total 22 judges officiate in total 21 pieces FSH specialized courts as 6 Civil Courts and 7 Criminal Courts, 4 Civil Courts, 2 Criminal Courts in Ankara, 1 Civil Court and 1 Criminal Court in zmir. Authority to hear cases related with intellectual property right in places where there are no specialized courts with the resolution of HSYK is granted to civil courts and criminal courts numbered 1 or 3 (number 1 if there is one court, number 3 if there are more than 3).

There is no systematic intellectual rights training curriculum to be used for in service training of the judges and Public Prosecutors assigned in specialized courts who are intended to be charged in Specialized Courts for Intellectual and Industrial Rights for the prevocational training of the Judges and Public Prosecutors. Judges and public prosecutors assigned in these courts are trained via in service training programs organized by Justice Academy of Turkey and training programs organized by various international agencies and by cooperation among the Ministries.

There are difficulties to communicate with customs organization, security organization, provincial supervisory commissions, beneficiaries and brand representatives. This situation

causes products to be removed from the trade area due to failing to make transactions on due time. There is a need for official reports in order to comprehend volume and effects of counterfeit and piracy industry in our country's economy (tax loss, employment loss, etc.) and to fix the correct measures.

It is necessary to develop cooperation and coordination between the agencies to supervise registered geographical indications according to the aspects specified in the registry.

Resolutions of specialized courts and Supreme Court should be open for access of all beneficiaries.

The initial study anticipating the coordinated capacity increase of corporations working in the field of intellectual rights has been executed in the Action Plan framework which is set as the opening criteria of 7th Section negotiations with EU. Continuing reflection of this coordination can also be observed in No. 2 closure criteria. Framework of the activities to be carried out in line with the objective which is also anticipated in Tenth Development Plan shall be in harmony with the following objectives.

Anticipated Activities:

- **For the activation of geographical indication supervisions;** Coordination mechanism shall be established between GTHB and TPE in order to fix quantifiable and controllable criteria when defining specification of the product subject to geographical indication and scientific studies will be encouraged.
- **For developing the judiciary efficiency;** Studies shall be organized intended for increasing the capacities of judges of Supreme Court for issues in reference to intellectual rights and especially for the fields of these rights having intensive technical aspects. Capacities of the judges of specialized courts for the sector utilizing patent system in an intense way shall be developed. Alternative dispute settlement methods and mediation system shall be encouraged for some disputes. It shall be provided to search for legal and administrative solution methods for the storage of confiscated counterfeit and pirated materials. Studies shall be carried on to generalize specialized courts in home. Analysis studies shall be carried out in order to authorize Commercial Courts to execute cases for industrial rights in lieu of Civil Courts of First Instance. Assignment of a law and criminal court in Supreme Court shall be provided to deal with the disputes those may rise in connection with intellectual and industrial rights. It shall be worked over the regulation intended for overcoming problems emanating by the authority of decisions for search and confiscation to be given by court of pieces in lieu of specialized courts.
- **To fix the volume of counterfeit and piracy industry;** data for the intellectual rights violations shall be edited by the implementing agencies. Reports indicating the reflections (informal employment, tax loss, etc.) of the intellectual rights violation to country's economy shall be prepared. Sector measures shall be fixed in line with the counterfeit industries coming into prominence. Events being the subject matter of cases however their judiciary process completed shall be announced by the private sector.

- **To increase the efficiency of security units;** theoretical, practical and coordination concentrated training sessions gathering security components shall be organized and coordination and cooperation shall be developed. Required mechanisms (seminars, providing updated access to legislations and precedents) shall be realized for the purpose of providing regular data flow for legislation to security units. Technical device and tools required for the security units to make instant supervisions and evidencing of crime shall be supplied. Development areas for the increasing of efficiency of the provincial supervisory commission in fighting against piracy applications shall be fixed. Attendance of representatives of Ministry of Finance to provincial supervisory commissions and to enable Ministry of Finance an efficient task during supervisions. Legal arrangements shall be realized for investigating intellectual property violations in terms of tax loss and tax fraud and for confiscating revenues obtained as a result of said violations.
- **To increase efficient for practices for transit passes;** Customs Law, Law for the Protection of Integrated Circuit Topographies, Law for the Protection of Plant Breeders' Rights for New Plant Species, Patent KHK, Brands KHK and Design KHK and judicial decisions (ATAD and Supreme Court) for transit pass issues shall be assessed together and a joint policy will be adopted. It shall be provided the issue of definition of 'fake' is about trademark violations by the implementers. Required infrastructure intended for informing to beneficiaries for practices shall be realized by the cooperation of private and public sectors.
- **To increase efficiency for fighting against digital piracy acts;** the current notification system becoming functionless in the event that content providers or service providers' notification address is in abroad shall be reorganized. Young population constituting wide user mass of technologic devices shall be provided to be informed about the sanctions they will encounter for intellectual property and violence cases. Judicial and administrative measures shall be developed intended to fight with actions constituting violation primarily as content sharing in digital platform. The issue for establishing an expert unit for fighting against digital piracy shall be assessed.

B.2. PERFORMANCE INDICATORS

- Judgment periods ¹³

Annual average decision making periods of specialized civil and criminal courts shall be taken as basis. Judiciary statistics of Ministry of Justice shall be utilized as the data source.

- Number of the prepared sectoral analysis reports

The number of reports prepared for fields such as volume of counterfeit and piracy and their effect to economy and number of report presented to public shall be taken as basis.

- Sectoral perception level in reference to the system efficiency

Modifications for the perception level in reference to the system operation shall be observed with the regular surveys to be organized among the profession groups carrying on their activities in the field of intellectual rights sector. Annual surveys by THGM, TPE and TOBB shall be taken as data source.

- Number of operations carried out by security forces and rates of confiscated counterfeit and pirated products

Number of operations realized by police, customs and provincial supervisory commissions and statistical data for the confiscated counterfeit and pirated materials shall be monitored. In addition to that their comparison with data for the counterfeit products being Turkey origin in Customs Activity Report and confiscated in EU customs shall be made. Statistics to be organized by the relevant agencies and EU reports shall be taken as data source.

- Number of geographical indications supervisory reports

Number of supervisions organized by GTHB and supervisions report numbers prepared by the applicants shall be monitored. Information to be provided by the relevant units of the GTHB and TPE shall be taken as basis as data sources.

¹³This indicator shall be measured with the common effect of the measures anticipated in A1 and B1 and shall be in parallel with the periods specified under A2.

C.1. TARGET3: Developing market perception and value conversion infrastructure and increasing the efficiency of the mechanisms for commercialization of intellectual rights.

Commercialization of industrial rights; is provided by means of utilizing various support mechanisms by universities and research agencies. TTOs available in small quantities in universities and techno-parks render service in this field. However it should be considered that these have started for activities in near past. Despite the fact that the increase for the number of technology transfer offices is anticipated, the current offices to have infrastructures and experts to meet the requirements in places where necessary should be considered when determining the priorities.

Potential commercialization partners and researchers are assembling by project market activities via TTOs and web sites (matching sites).

Finance agencies and institutes carrying on activities in Turkey, due to the possibility of obtaining law income against the risk inhibited in advanced technology and R&R investments fail to guide their sources to the areas in questions. Therefore, when the entrepreneurship capital models those considered to be an alternative for the funding of the investments in question is investigated, it is considered that these models have no adequate structure and size to support especially the R&D process for applications in Turkey.

In the framework of the following decisions made during 23rd meeting of The Supreme Council for Science and Technology;

- Developing Policy Tools for the Purpose of Activating R&G Intense Initiation Companies and to Increase Their Numbers,
- Developing Policy Tools for the Purpose of Triggering Innovation and Entrepreneurship in Universities,

Studies to encourage technology transfer shall be commenced. There are two actions with the title of activating technology transfer offices and commercialization of research results in Turkey Industry Strategy Action Plan.

On the other hand, it is understood that there is a perception claiming that contributions provided by state for the acceleration of the technological improvements are not in a level to meet the needs of the investment finance models currently in force. Furthermore, feed backs received claiming the unavailability of intellectual rights training program intended for researchers and accelerators and incubator numbers being insufficient and there had been conflicts due to the fact that R&D Supports are granted by many agencies. Furthermore it is necessary to increase numbers of academicians and academic studies working in this field.

Issue of measuring intellectual rights as an economic asset besides commercialization of the industrial rights is bearing importance. Up to date the concept of copyrights has been considered in its legal aspects for the protection of rights of works of art owners or for providing transfer of the culture to future however it gained importance for its economic aspect in recent years. These products as a result of conversion of movie, music and informatics areas protected with copyrights and those becoming attractive in terms of new investments began to have vital importance for countries' economies.

In this framework policies intended to the protection of copyrights; has gained new dimensions with the awareness of its role for the formation and developments of cultural industries and studies for the industrialization of the sectors protected with copyrights became to the prominence. It bears importance exhibit the economic dimensions of culture industry and to fix the indicators of industries for the fixing of policies intended for the strengthening of the culture industries. In this scope, sectors dealing with creation, production, distribution and public transfer of the works of arts given place in the scope of copyright protection for the development of cultural industries which is one of the developing axis of our country in 21st century should be defined and studies to measure their share in gross national product, their foreign trading sizes and studies to measure their employment potential should be made and these studies should be updated in light of healthy statistical data and should be exchanged with all sector representatives, investors, academicians, agencies having power to set sector policies and law makers.

In light of foregoing, activities anticipated in the framework of the UFHS are given below.

Anticipated Activities:

- **To facilitate commercialization of the inventions;** project market activities shall be increased. Training shall be delivered to inventors for creating business plan models and network installation training to investors. Intellectual property market shall be established. And legal infrastructure studies shall be realized intended for the establishment of a market system where intellectual property rights are sold as a commercial value. Awareness shall be created in terms of Developing Enterprises Market (G P). Incentives to be provided for the inventions those put under protection shall be analyzed with model country applications and efficiency of the currently granted supports shall be increased. Patent contests will be organized.
- **To develop importance attributed to intellectual rights for accelerators and incubators;** special intellectual rights training shall be organized for the companies ranking in accelerators and incubators and companies granted fund support. Exchange of success and fail stories involving the concrete samples for the results those may rise by the negligence of industrial rights protection shall be provided. Specialization of personnel employed here for patent valuation and for license agreements shall be provided. Specialization of accelerators and incubators in their sectors/technology area and their creating own expert networks in these fields shall be provided. It shall be provided to have information to specify the ownership of intellectual rights for the applications made for the technologic entrepreneurship support programs intended for increasing the number of R&D intense initiation companies.
- **To encourage KOB s and entrepreneurs to utilize intellectual rights;** announcement of agencies providing support for industrial rights shall be provided via ads in visual and printed media shall be made. Training and promotion activities shall organized for current supports special to KOB s and entrepreneurs. Successful KOB patents will be awarded. Exchanging stories of success and fail will be provided for KOB s. Patent maps and technology status in the support assessment process shall be searched and KOB s will be encouraged for production of higher technology with higher added values.

Promotion for the obligations of the protection of the intellectual rights by the agencies supporting to KOB s and intended for their benefits shall be organized.

- **To encourage studies of academicians for the intellectual rights;** training shall be delivered to academicians by technology transfer offices. Intellectual Rights Law readership area will be established and studies will be maintained to adopt this area as department. Their benefiting by the current intellectual property incentives of the scientific studies primarily as geographical indications.
- **To increase competence of the technology management;** training programs in reference to the management of technology management shall be designed. Invention management system shall be established in universities. Industrial rights experts to manage the process shall be trained by TPE in a systematical manner. Qualified patents serving strategic purposes shall be encouraged. Fixing the rate of conversion of patents to values shall be provided and initially patent numbers convertible to values shall be considered in lieu of the patent numbers used in statistics.
- **To encourage production of intellectual and works of art;** studies for the investigations of the country's socio-economic structure. Students' productive capacities will be provided by organizing incentive activities for creativeness by giving weight to arts training for primary-secondary-high school and university training. Material and moral support of the state intended for the production and submission to society of literary and artistic works and state-private sector in this field shall be developed.
- **For the measuring of the copyrights area;** economic indicators to constitute source for the statistical data for the production of literary and artistic works; statistical data edited from the relevant units shall be reported. Design of THGM's administrative records and relevant professional agencies shall be provided to generate statistical value besides the administrative purposes. Development studies by the partnership of TU K and THGM shall be provided in the framework of the Official Statistical Program with the recommendation of Ministry of Culture and Tourism as member to Statistical Council. Generation of Literary and Artistic Database and generation and reporting of statistics and indicators commonly fixed with TU K shall be provided by THGM.

C.2. PERFORMANCE INDICATORS

- **Number of thesis studies published in the area of intellectual rights**

Number of thesis studies about the intellectual rights in the framework of post graduate and doctoral programs of universities shall be monitored in annual basis. National Thesis Archive and National Collective Catalog shall be taken as data source by YÖK.

- **Number of license agreements**

Number of license agreement recorded by TPE and numbers of intellectual right agreements signed by TTOs with the industry for the use of intellectual rights shall be monitored. TPE's data also TTO's data founded within the year shall be taken as basis.

- **Patent applications by Technology Transfer Offices**

Number of patent applications made by TTOs in annual basis for the inventions will be monitored. TPE database shall be taken as basis as data source. Required revisions shall be made in application form for the correct data entry to databases.

- **Literary and Artistic Works Production**

Number of literary and artistic works prepared in line with the statistical data according to the economic indicator fixed in the scope of the strategy shall be monitored in annual basis. Statistics published by TÜ K shall be taken as basis as data source.

D.1. TARGET 4: Providing contribution for being an information society respectful to opinions and information by increasing the social awareness for the issue of intellectual rights.

There have been realized two perception surveys between 2004 and 2005 by TPE. When results obtained from these surveys are considered, it is seen that the most widely known concept is the brand registry and patent rights. Approximately half of the participants of survey are able to correctly define the concept of brand registry and patent rights. Besides, recognition and awareness rate of concepts of protection of geographical indications and protection of design is quite low. It is worth attention that the rate of recognition of the concept of industrial property rights as a concept covering the whole concepts defined in the text being low. Only 8.8% of the subjects specify that they have previously heard about this concept and know its meaning and it was fixed by the detailed interrogation that only 50% of these subjects know the concept correctly. Rate of the industrial right concept within the overall sample is only 4.4%. A great portion of the companies participating to the research declared that they are opposing all implementation to damage industrial rights and they support required measures for the protection of the rights in question.

A social perception survey has been organized by Ministry of Culture in 2010 in collaboration with Gazi University. According to the result obtained as a result of surveys having its subject from young population from universities people primarily think about movies and music when the subject is pirated however books stay in the background. One over fourth of the subjects is not concerned whether the product they purchase is pirated. It is another vital issue in the report that the word "Piracy" is insufficient to reflect intellectual rights seizure in other words theft. In this content there is no serious lack of knowledge is observed there is a need to organize campaigns for the purpose of strengthening social moral compass and to reinforce the feeling that the market is supervised.

Awareness in training agencies is in low degree for the issue of intellectual rights. However it is possible for this area coming to agenda to prepare e-contents by starting to implement FAT H project in longer period.

Furthermore, as a result of co-operation made between TPE and MEB Turkish Education Board in year 2006, information about the industrial rights and especially patent and design issues are included to Technology and Design Course curriculum.

Nearly in all law faculties intellectual property law is thought as a selective course. Furthermore, intellectual property law courses given with sufficient amount of credit hours in post graduate and doctoral programs of some law faculties. In our country there is no intellectual property law institute making academic studies in this field, post graduate program established in Ankara University began to recruit students in 2013-2014 academic year. Moreover, there are researches in limited number of universities on post graduate programs and in doctoral programs level.

Awareness of intellectual property rights is high amongst the academic members carrying on activities in advance technology issues however, researchers failing to move forward basic research level have limited information about the intellectual rights.

Various awareness rising campaigns organized by Ministry of Culture and Tourism and TPE intended for training of public/consumers about the effects/hazards of counterfeit and pirated

products and to create awareness. Recently a public service announcement was organized about the counterfeit and piracy crimes with the material support by Ministry of Culture and Tourism under the coordination of TOBB and with the attendance of relevant agencies. There are individual studies carried out organized by the non-governmental organizations.

In this respect, activities planned for creating a social awareness in the framework of UFHS are given below.

Anticipated Activities:

- ***To increase social awareness for the concept of intellectual rights;*** activities intended to increase consciousness and awareness rising for intellectual rights for children (computer games, kids publications, etc). Visual aids for the issue shall be increased. Subject visibility shall be provided in social media. Report indicating reflections of intellectual and industrial rights violations to country's economy will be shared with the public. Correct concepts will be provided to be used in news. Level of awareness in public agencies and institutes shall be increased. Promotion and awareness rising activities shall be executed in reference to collective rights management.
- ***For creating awareness for the application and acquisition processes of the industrial rights;*** Information given in web page of TPE shall be given in a quick and legible manner. Chambers of industries and trade shall give links to this subject from their web sites. Industrial rights application guide shall be updated and simplified. Studies for beneficiaries making application via patent and brand representatives shall be carried out. Information will be given to beneficiaries by periodic seminars and informative brochures about the issues such as rights provided by registration certificates and periods of these rights and informative brochures. Required platforms for the brief announcement of basic adjudication to relevant authorities shall be provided. Patent and brand representatives will provide detailed information about the rights to be provided to applicants as a result of registration. Activities intended for beneficiaries and works of art users to create awareness for the legal scope of the record registration certificates issued under the scope of the Law numbered 5846.
- ***To increase the level of professional expertise;*** number of training programs and consultation meeting for professional groups employed in intellectual rights sector will be increased. An Intellectual Rights Academy shall be founded to execute training activities to cover nearly all branches of intellectual rights and open for all levels of society.
- ***In order to popularize intellectual rights subject in training system;*** respect to intellectual efforts and concepts of intellectual rights will be thought in primary and secondary training. It shall be encourage bringing in selective or compulsory courses in the relevant departments of universities. Opening post graduate programs for intellectual rights in universities will be encouraged. Foreign model for intellectual rights training shall be investigated and their results shall be used for the studies. Invention contests, short movie contests with the theme of fighting against piracy and counterfeit act will be organized in all training levels. Inclusion of copyrights for the activity fields of clubs continuing their activities in all levels of formal training shall be provided. (For instance; Culture and Literature Club).

D.2. PERFORMANCE INDICATORS

- Social perception level for intellectual rights

Modifications in perception level for intellectual rights shall be observed by the regular surveys to be performed among the consumer and student groups. Annual surveys of Ministry of Education, THGM, TPE and TOBB shall be taken as data sources.

- Number of post graduate programs for intellectual rights

Number of post graduate programs opened and sustained in the field of intellectual rights area shall be monitored. YÖK reports shall be taken as basis as data source.

V. STRATEGY IMPLEMENTATION

Strategy has been prepared for four years period covering years 2015-2018. Subsequent strategy study, shall be realized in 2018 in line with the realization rates of the current indicators and recommendations of shareholders.

Years corresponding to short, mid and long terms specified in this study for the objectives shall be interpreted as follows:

- *Short term activities: Until the end of 2015,*
- *Midterm Activities: By the beginning of 2016 to the end of 2017,*
- *Long Term Activities: 2018 year and subsequent strategy period,*

It is basis for the short and midterm Activities to the completed during the current strategy period.

Monitoring and reporting for the strategy shall be provided by a Monitoring Commission to be established amongst the agencies.

Four years action plan was prepared to reach overall objectives and targets covering the period 2015-2018 (ANNEX-1). Action Plan shall be annually revised in the implementation period.

Realization status of the action and performance indicators set out in the scope of the targets shall be reviewed by the Monitoring Commission in six months periods.

The current data status for the performance indicators fixed in the scope of targets will be determined; Numeral targets will be fixed as including 2015.

Monitoring Commission shall prepare two separate reports with the theme of Action Plan Realization Status and Performance Indicators Realization Rate. There will be action suggestions considered to be used for the effective execution of actions and to be included to the action plan to be revised in the following year.

Reports of Monitoring Commission shall be submitted as information to Council members in meetings of Intellectual and Industrial Property Rights Coordination Council. Required revisions shall be made in action plans in line with the council suggestions.

It is basis to act in co-operation with NGOs for the implementation of the strategy. Suggestions transmitted to agencies for the actions realized in the strategy period, missing notification and suggestions shall be considered in the maximum possible content.

International shareholders as primarily European Union and World Bank and joint projects shall be taken advantage for the implementation of actions. Furthermore, close cooperation programs shall be executed with WIPO, World Youth Organization and Academy, World Trade Organization, European Domestic Market Harmony Office, EPO and EPO Academy and similar international or regional shareholders.

APPENDICES

ANNEX 1. ACTION PLAN

Target 1 Efficient implementation of intellectual property rights by optimizing legislation and implementation in line with the country's needs.						
Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
1.	Harmony of Industry Property Legislation with European Union and draft law will be provided to become law to develop TPE's administrative capacity.	TPE	Ministry of Justice Ministry of Science, Industry and Technology Relevant Ministries Relevant NGOs	2014-2015	Legalization of the Draft Law being in the agenda of TBMM shall be provided for the purpose of removing legal gaps for crimes and punishment, empowering PTE administrative capacity and development of representativeness system, solution of problems faced in implementation and especially for advancing to a qualified industrial property system by organizing invention property between academicians and universities.	Putting into force of the Law
2.	Legalization process of the DRAFT Law anticipating modification in Code of Intellectual and Artistic Works numbered 5846.	Ministry of Culture and Tourism /THGM		2015-2018	In the framework of law modification following shall be provided: 1- Giving place to detailed provisions in the legislation for the content and scope of the authorization certificates given by the members of professional organizations to professional organizations. 2-Rearrangement of penal indemnification provision given in Law numbered 5846 in line with the needs arising from the implementation. 3- Making arrangements for more transparent and efficient operation of the Collective Rights Management 4- Making suitable draft regulation in conformity with our country by assessing the EU Directives for orphan works. 5- Making arrangement enabling the termination of pirated materials without waiting the end of jurisdiction. 6- Structure developing to create a fair tariff system.	Putting into force of the Law

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
3.	Judicial decisions in TPE shall be classified in electronic environment and shared with the experts.	TPE		2015-2016	Classification group will be established, decisions shall be loaded to database, required infrastructure for updating shall be established.	Making database ready to be use for the experts
4.	Collection of decisions of Supreme Court and authorized court for intellectual rights in the joint database shall be provided.	Ministry of Culture and Tourism /THGM	Presidency of Supreme Court Ministry of Justice HSYK	2016-2018	Database will be established.	Establishing the database.
5.	Guides will be prepared for the areas having no guide for investigation and current investigation guides shall be updated.	TPE	GTHB TOBB	2015-2016	Geographical indication guide shall be prepared, guide updating groups will be organized and guide revision will be made.	Preparing guides, and their updating
6.	Training, seminars and workshops shall be organized with the attendance for implementers assigned in the field of intellectual rights.	TPE Ministry of Culture and Tourism /THGM	Presidency of Supreme Court Ministry of Justice Ministry of Customs and Trade Ministry of Interior /EGM HSYK Turkey Justice Academy Universities and Ministry of Science, Industry and Technology	Continuou s	Different types of activities shall be organized for implementers.	Number of annual activities: Minimum 2

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
7.	Scope and diversity of on-line services rendered by Turkish Patent Institute shall be increased in line with the priorities and needs of system users.	TPE		2015-2016	Studies for electronic application and monitoring systems shall continue and services having no opportunity to make on-line transactions shall be provided to be taken in this scope.	Increasing the rate of applications by electronic means to 95%
8.	Turkish Patent Institute transaction processes shall be optimized for the purpose of shortening service periods.	TPE		2015-2016	Process analysis will be made, analysis reports where optimization areas fixed shall be prepared.	Analysis Report
9.	Turkish Patent Institute shall be provided to advance to electronic archive system.	TPE		2015-2016	Current physical archives will be scanned and electronically stored and execution of procedures over electronic archive data shall be provided for the purpose of advancing from paper archive system to electronic archive system. By this way it would be possible to increase information and access speeds by third persons.	Full conversion of the physical archive to electronic archive.

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
10.	Required infrastructure, expert recruitment and training shall be provided for the competence of International Research and Investigation Authority under Patent Cooperation Agreement.	TPE		2015-2018	Sufficient number of expert employment shall be realized for providing criteria for being International Research and Investigation Authority.	Meeting criteria for being International Research and Investigation Authority
11.	Access by the Courts to Turkish Patent Institute and General Directorate of Copyrights databases will be provided and on-line data interrogation facility will be provided.	TPE Ministry of Culture and Tourism /THGM	Ministry of Justice	2015-2016	Required infrastructure for integrating TPE and THGM databases to UYAP will be installed.	Integration of TPE and THGM databases with UYAP
12.	Patent and brand representativeness exam system shall be rearranged intended for implementation.	TPE		2015-2016	Analysis for representativeness exam system will be made, questions will be prepared to cover implementation processes.	Preparing minimum 50% of exam question intended for implementation
13.	Training sessions shall be organized intended for candidate patent and mark representatives.	TPE		Sürekli	Annual training curriculum shall be organized, it will be updated every year and curriculum will subsequently be transferred to Academy.	Number of annual training: Minimum 1

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
14.	Optimization areas for expertise system for intellectual rights will be fixed.	Ministry of Justice TPE Ministry of Culture and Tourism /THGM	HSYK Justice Academy	2015-2016	Analysis report will be prepared.	Analysis Report
15.	Creation of legal and structural infrastructure shall be provided to enable professional organizations to gather under single roof.	Ministry of Culture and Tourism /THGM	Professional Associations	2016-2018	It shall be provided to implement single roof system subsequent to the modification in the relevant legislation in reference to the establishment of legal infrastructure.	Number of professional associations continuing their activities under a single roof.

Target 2	Effective supervision and protection of intellectual rights by establishing adequate human and corporate capacity in relevant units primarily the jurisdiction, customs and security services.					
Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
1.	Cooperation protocol between Turkish Patent Institute and Ministry of Food, Agriculture and Stockbreeding shall be developed for the purpose of defining product aspects criteria in a scalable manner.	GTHB TPE	TOBB	2015-2016	Measurability and controllability of criteria shall be provided during product specification assignments before the registration of geographical indications as per the protocol to be signed between two agencies.	Signing protocol
2.	Coordination meetings between agencies will be organized intended for customs implementation in transit passes.	Ministry of Customs and Trade	Ministry of Justice Presidency of Supreme Court HSYK TPE	2016-2017	Determination of a joint policy shall be provided by collectively assessing Customs Law for transit pass, all regulations involving provisions for industrial rights and jurisdiction decisions (ATAD and Supreme Court).	Annually
3.	Alternative solutions and mediation system will be encouraged for disputes those may rise in the field of intellectual rights.	Ministry of Justice Ministry of Culture and Tourism /THGM TPE		Continuous	Training activities intended for wider use of mediation for some disputes in the area of intellectual rights shall be executed.	Annually

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
4.	Attendance of representatives of Ministry of Finance to Provincial Supervisory Commissions and Ministry of Finance to have more effective role in order to increase effectiveness of security units.	Ministry of Culture and Tourism /THGM	Ministry of Finance Ministry of Interior /EGM	2015-2018	Negotiations will be started with Ministry of Finance and co-operation protocol will be signed if approved.	Number of Provincial Supervisory Commission attended by the representatives of Ministry of Finance
5.	Number of specialized courts will be increased.	HSYK	Ministry of Justice	2015-2018	Establishment of specialized courts will be provided in provinces where number of disputes of intellectual rights is limited.	Establishing minimum 1 new court
6.	Theoretical, practical and coordination weighted training shall be delivered in order to increase the efficiency of security forces.	Ministry of Culture and Tourism /THGM TPE	Ministry of Customs and Trade Ministry of Interior, Ministry of Justice	Continuous	Training programs will be prepared for the purpose of increasing coordination and cooperation of the security forces.	Minimum once per year

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
7.	A database involving contact information of beneficiaries and their representatives shall be prepared to allow easy access by beneficiaries for the events responded by security forces for intellectual rights violations.	TOBB	Ministry of Justice Ministry of Customs and Trade Ministry of Interior /EGM Ministry of Culture and Tourism /THGM TPE TÜS AD YASED	2015-2016	Contact information of beneficiaries, representatives and distributors for intellectual rights in Turkey shall be given in database to be prepared by the private sector. This database shall be open for use by all security and jurisdictional organization.	Establishing database
8.	Areas of optimization intended for increasing the efficiency of provincial supervisory commissions with piracy actions shall be fixed.	Ministry of Culture and Tourism /THGM	Ministry of Interior /EGM	2015-2016	Current status report and requirement analysis shall be prepared.	Analysis report
9.	Required technical devices and tools shall be supplied in order to enable provincial supervisory commissions to make instant supervisions and evidencing the criminals for fighting against piracy activities.	Ministry of Culture and Tourism /THGM	Ministry of Interior /EGM	2015-2016	Requirements analysis shall be performed intended for technical device and tools, devices specified as a result of analysis shall be supplied.	Number of technical devices supplied

Target 3						
Developing market perception and value conversion infrastructure and increasing the efficiency of the mechanisms for commercialization of intellectual rights.						
Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
1.	Current status and effect analysis of the incentive system presented by state in the field of intellectual rights shall be made and incentive guide will be prepared.	Ministry of Science, Industry and Technology, Ministry of Culture and Tourism	Ministry of Economy Ministry of Finance Undersecretariat of Treasury TPE TÜB TAK KOSGEB TOBB T SK	2015-2016	Inventory will be extracted for the current incentive implementations and incentive guide shall be prepared for users.	Incentive guide
2.	Recognition of TÜB TAK 1602 Patent Support Program will be increased.	TÜB TAK	TPE Universities Relevant agencies and institutes	2015-2018	Promotional documents will be prepared for 1602 Program and informative activities will be organized.	Minimum 10% annual increase for 1602 Program applications
3.	Supports intended for intellectual rights shall be restructures as based on commercialization.	Ministry of Science, Industry and Technology	Ministry of Economy Ministry of Finance Undersecretariat of Treasury TPE TÜB TAK KOSGEB TOBB T SK	2015-2016	Activation of incentive mechanisms as to be user friendly shall be provided from the creation of industrial rights and from registration and commercialization processes.	Updated incentive mechanisms

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
4.	Studies shall be carried out for incentive application for intellectual products (inventions, design, new plant species) developed in universities and for the supply of the required financial fund for the sustainability of the acquired sources.	YÖK	Universities TPE TÜB TAK	2015-2016	Studies intended to enable universities to place their expenses for rights application and protection as expenditure items in their budgets for creating intellectual property portfolio and to enable them to establish mechanisms for the fixing of intellectual assets shall be made.	Çal, ma Raporu
5.	Study for the decreasing of deductions made from commercialization of intellectual property rights in universities.	Ministry of Finance YÖK	Universities TPE	2015-2016	It shall be considered whether to make decreases for deductions made from the income acquired by the commercialization of the intellectual rights in the scope of Circulating Capital legislation and tax legislation in order to encourage R&D and other creative activities in Universities. Required legislative study shall be carried out for a specific amount of decrease if approved so.	Working Report

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
6.	Recognition of Design and Industrial Property Rights Supports shall be increased with KOSGEB R&D, innovation and Industrial Implementation Support Program.	KOSGEB	Undersecretariat of Treasury TPE TOBB TESK T SK	2015-2018	More enterprises will be provided to take advantage of these supports.	Minimum annual 10% increase for the number of enterprises taking advantage of the supports
7.	Country samples will be investigated in order to enable foundation of market system where industrial rights are assessed and purchased and sold. And legal infrastructure studies shall be carried out.	TPE Undersecretariat of Treasury	Ministry of Science, Industry and Technology Ministry of Economy Ministry of Development SPK Borsa stanbul Universities Techno-Parks	2015-2016	It is aimed to accelerate commercialization process of patent, contribute for selling products of intellectual property as a result of R&D Process, to increase contribution of patents to technologic development.	Analysis report for the legal legislation
8.	Technology Transfer Platform will be installed.	TPE	Ministry of Science, Industry and Technology Universities TTOs	2015-2016	Technology Transfer Platform web page will be prepared in the scope of BTYK decision numbered 2011/108.	Establishing a Technology Transfer Platform

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
9.	Effects of industries where intellectual rights are intense to economic performance and development shall be investigated.	TPE Ministry of Culture and Tourism	Ministry of Development Ministry of Finance Ministry of Economy TOBB TÜS AD YASED T SK Professional Associations TÜ K	2015-2016	Studies intended for fixing contributions of patent, brand, design, geographical indication and copyrights and sectors with excessive copyrights in Turkey to employment and gross national product, effects of counterfeit and piracy industry to employment and gross national product and fixing the tax losses shall be carried out.	Preparing analysis report
10.	Reports investigating country's socio-economic structure to copyrights shall be prepared.	Ministry of Culture and Tourism /THGM	TÜ K Universities Professional Associations Relevant NGOs	2017-2018	Reports will be prepared by utilizing various research (survey, etc) methods.	Investigation reports
11.	Fixing the economic indicators to constitute sources to statistical data for the production of literary and artistic works production reporting of statistical data shall be provided.	Ministry of Culture and Tourism /THGM	Ministry of Development Ministry of Economy TÜ K Universities NGOs	2016-2017	A report shall be prepared over the data obtained from relevant agencies and non-governmental organizations.	Final report

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
12.	Records of professional associations in reference to the administrative records of General Directorate of Copyrights shall be redesigned to create statistics and development studies shall be made in records.	Ministry of Culture and Tourism /THGM TÜ K	Ministry of Finance TOBB TESK Professional Associations	2016-2018	Various meetings and training shall be organized in the scope of optimization of the THGM records for the purpose of generating statistical reports.	Minimum 1 meeting per year.
13.	Literary and Artistic Works Database shall be created.	Ministry of Culture and Tourism /THGM	TÜ K Professional Associations	2017-2018	Information aimed database will be designed where information such as work of art owner for literary and artistic works, printing year and copyright page information shall be available.	Establishing a database

Target 4	Providing contribution for being an information society respectful to opinions and information by increasing the social awareness for the issue of intellectual rights.					
Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
1.	Increasing visual and audio materials for intellectual rights and presentation of these materials to public shall be provided.	Ministry of Culture and Tourism /THGM TPE	RTÜK TRT TOBB Professional Associations	Continuous	Spot films, posters, brochures, etc will be prepared for intellectual rights and their submission to public shall be provided via tools such as newspapers- magazine announcements, exhibition, web sites and radio- television agencies.	Minimum 2 promotional activity per year
2.	Level of awareness for copyrights in public institutes and agencies will be increased.	Ministry of Culture and Tourism /THGM	Universities and relevant public institutes	2015-2016	Informative activities where issues to be considered for copyrights areas for works and procedures carried out by the public agencies to be discussed and document prepared.	Minimum 1 activity per year
3.	Training shall be delivered to the managers and trainers of informal education for intellectual rights.	MEB	Ministry of Culture and Tourism /THGM TPE	2015-2017	Training organizations.	Minimum 1 activity per year

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
4.	Activities for beneficiaries and works of art users shall be executed to create awareness for the legal scope of the record registration documents issued under the scope of the law numbered 5846.	Ministry of Culture and Tourism /THGM		2015-2016	Booklets and brochures will be prepared for the characteristics of record-registration procedure, rights involved in the record-registration document and their functions.	Booklet and brochure
5.	Description and awareness rising activities shall be executed for collective rights managements.	Ministry of Culture and Tourism /THGM	Governorates Municipalities RTÜK TOBB TESK Professional Associations	Continuous	Preparing and distribution of materials such as posters, brochures and booklets, etc intended to inform works of art users primarily the areas open to public and radio and television agencies in the field of professional associations and licensing activities.	Minimum 1 activity per year
6.	Detailed informative booklets will be prepared for öBanderol Implementationö.	Ministry of Culture and Tourism /THGM	Ministry of Interior Ministry of Justice Professional Associations	2015-2016	Booklets with comprehensive information shall be prepared for legislation and implementation being modified in longer years for öBanderol Applicationsö intended for persons executing investigations and experts.	Booklet

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
7.	Regulations for the wrong usage of intellectual rights concepts in printed and visual media shall be made.	TPE Ministry of Culture and Tourism /THGM	News agencies	Continuous	Attempts will be encouraged for the regular monitoring of publications and for the correction of conceptual faults.	Number of publications corrected.
8.	Popularity and effectiveness of creative activities in pre-schools shall be researched.	MEB	YÖK TTGV Relevant professional associations and NGOs	2015-2016	Method and source requirements for the awareness rising studies shall be fixed.	Research report
9.	Issues about innovation and intellectual rights shall be given place in primary and secondary school curriculum.	MEB YÖK	Ministry of Culture and Tourism /THGM TPE TÜB TAK KOSGEB Relevant professional associations and NGOs	2015-2018	Issues in reference to intellectual rights shall be added to training programs.	Program update
10.	Contests, projects and activities encouraging creativeness, design shall be executed in secondary training.	MEB	TPE Ministry of Culture and Tourism /THGM YÖK TTGV Relevant professional associations and NGOs	2015-2018	Projects and activities in different types shall be executed.	Minimum 5 projects and activities per year

Action No:	Action Name	Authorized Agency	Agencies to be Cooperated	Period	Action and Description	Performance Indicator
11.	526 th April World Intellectual Property Dayö will be added to Specific Days and Weeks Programö.	MEB	Ministry of Culture and Tourism /THGM TPE Relevant Professional Associations and NGOs	2015-2016	526 th April World Intellectual Property Dayö will be added to Specific Days and Weeks Programö.	Inclusion of 5World Intellectual Property Dayö to specific days and weeks program.
12.	Establishment of Intellectual Rights Academy will be provided.	Ministry of Culture and Tourism TPE	Ministry of Science, Industry and Technology Universities	2015-2016	Preparing of legal infrastructure analysis, effects analysis, shareholder analysis and legislation and curriculum creation will be realized.	Activation of Intellectual Rights Academy
13.	Training modules intended for different level and disciplines shall be established.	TPE	YÖK Universities	2015-2016	Industrial property training modules shall be prepared for attendants in different levels.	Minimum 2 modules
14.	Awareness for plant breedersöright shall be increased for private sector companies dealing with rehabilitation in universities, agricultural research centers.	GTHB (BÜGEM)	TPE, YÖK, TÜS AD, T M	2015-2016	Creation of perception to apply for plant breedersörights without contenting registration for products developed as a result of rehabilitation activities and informative activities shall be organized for the purpose of announcing advantages of this right in home and in abroad and documents to be prepared.	Minimum 1 activity per year

ANNEX 2. ATTENDANT AGENCIES AND INSTITUTES

National Intellectual Rights Strategy Paper and Action Plan preparatory studies has been coordinated by the **Presidency of Turkish Patent institute**. Main shareholder of the studies is **Ministry of Culture and Tourism General Directorate of Copyrights**. Agencies and institutes providing support to strategy paper preparatory studies:

Public Agencies

Presidency of Supreme Court
Presidency of Council of Higher Education (YÖK)
Ministry of Justice
Ministry of European Union
Ministry of Science, Industry and Technology
Ministry of Labor and Social Security
Ministry of Environment and Urban Planning
Ministry of Economy
Ministry of Food, Agriculture and Stock Breeding
Ministry of Customs and Trade
Ministry of Interior, General Directorate of Security
Ministry of Development
Ministry of Finance
Ministry of Education (MEB)
Ministry of Health
Undersecretariat of Treasury
High Council of Judges and Prosecutors (HSYK)
Financial Crimes Investigation Board (MASAK)
Competition Authority
The Scientific and Technological Research Council of Turkey (TÜB TAK)
Turkish Drug and Medical Device Institution (T TCK)
Revenue Administration
Small and Medium Industry Development Organization (KOSGEB)

Universities, Non-governmental Organizations and Other

Ankara Court of Intellectual and Industrial Rights
Ankara University
Akdeniz University
Ege University (EB LTEM)
Istanbul Bilgi University
Hacettepe University, Bilkent University
Middle East Technical University (METU Teknokent)
Sabanci University
The Anti-Counterfeiting Network (REACT)
Intellectual Property Rights Protection Association of Turkey (AIPPI)
Turkish Union of Chambers and Commodity Exchanges (TOBB)
Turkish Industry and Business Association (TÜSAD)
Technology Development Foundation of Turkey (TTGV)
International Investors Association (YASED)
Technology Development Regions Association

ANNEX 3. NATIONAL LEGISLATION FOR INTELLECTUAL RIGHTS¹⁴

A. Legislation in Force

1. Copyrights¹⁵:

- a. Law No. 5846 of December 5, 1951 on Intellectual and Artistic Works
- b. Decree for Beneficiaries Professional Associations and Federations in Connection with Owners of Intellectual and Artistic works of 10.03.1999
- c. Professional Associations Type Status in Connection with Intellectual and Artistic Works of 30.01.2003
- d. Decision for the Technical Devices Used for the Reproduction of Intellectual and Artistic Works and Fixing the Rate of Deduction to be Made for the Production or Import of the Empty Carrier Materials numbered 2013/5260
- e. Decision for Imparting from the Sales Amounts of the Original Copies of the Fine Arts, Science and Literature Arts and Music Arts by Manuscript numbered 2006/10880
- f. Regulation for the Recording and Registration of the Intellectual and Artistic Works dated 17.05.2006
- g. Regulation for the Procedures and Principles for Banderole Application dated 08.11.2001
- h. Regulation for the Procedures and Principles for the Certification of Enterprises Performing Filling, Reproduction and Sales of the Materials by Which Intellectual and Artistic Works are Fixed dated 18.04.2005
- i. Regulation for the Procedures and Principles for the Use and/ or transmission of Works of Art, Executions and Publications dated 18.06.2004
- j. Regulation for the Authority Certificates to be Delivered by the Owners of Intellectual and Artistic Works dated 04.09.1986
- k. Regulation for Marking of Intellectual and Artistic Works dated 16.11.1997
- l. Regulation for Neighboring Rights to the Rights of the Works Of Art Owners dated 16.12.1997
- m. Regulation for the Procedures and Principles for the Utilization of the Deduction Made from the Amounts of Technical Devices Used for Carrier Materials Involving Intellectual and Artistic Works and Reproduction of these Artistic Works dated 13.04.2006
- n. Regulation for Intellectual Rights Common Database dated 06.11.2010
- o. Regulation for Copyrights and Processing Fees to be Paid by Public Agencies and Institutes dated 23.01.2007
- p. Regulation for Procedures and Principles for the Payment of Premiums to the Chairman and Members of the Supervisory Commission dated 11.08.2009

2. Patent and Utility Model:

- a. Statutory Decree for the Protection of Patent Rights dated 24.06.1995 and numbered 551
- b. Law for Making Modification in Some Laws dated 03.11.1995 and numbered 4128
- c. Law for Making Modification in Some Statutory Decrees dated 22.06.2004 and numbered 5194

¹⁴ Legislation currently in force by the date 01.01.2014 has been taken as basis.

¹⁵ Enactment dates of legislation has been listed and legislations are not additionally specified.

- d. Regulation Indicating the Application Method for the Statutory Decree for the Protection of Patent Rights dated 05.11.1995 and numbered 551
- e. Regulation Indicating the Application Method OF European Patent Agreement in Turkey dated 09.01.2001
- f. Regulation for the Patent Cooperation Treaty dated 01.04.2005
- g. Regulation for Making Modification in the Regulation Indicating the Method of Application of the Statutory Decree for the Protection of Patent Rights dated 21.04.2009

3. Brand:

- a. Statutory Decree for the Protection of Brands dated 24.06.1995 and numbered 556
- b. Law for Making Modification in Some Laws dated 03.11.1995 and numbered 4128
- c. Law for Making Modification in Some Statutory Decrees dated 22.06.2004 and numbered 5194
- d. Regulation for the Implementation of Statutory Decree About the Protection of Brands dated 09.04.2005 and numbered 556
- e. Law for Making Modification in Statutory Decree for the Protection of Brands dated 28.01.2009 and numbered 5833
- f. Madrid Convention for the International Registration of Brands dated 12.03.1999 and Regulation for the Implementation of Protocol for this Treaty
- g. Decree for the Classification of the Goods and Services for the Brand Registration Applications dated 28.01.2012

4. Industrial Design:

- a. Statutory Decree for the Protection of Industrial Designs dated 24.06.1995 and numbered 554
- b. Law for Making Modifications in Some Laws dated 03.11.1995 and numbered 4128
- c. Law for Making Modification in Some Statutory Decrees dated 22.06.2004 and numbered 5194
- d. Regulation for the Implementation of the Statutory Decree for the Protection of Industrial Designs dated 07.02.2006 and numbered 554
- e. Regulation for Making Modification Indicating the Implementation method of the Statutory Decree for the Protection of Industrial Designs Dated 21.04.2009

5. Integrated Circuit Topographies

- a. Law for the Protection of Integrated Circuit Topographies dated 22.04.2004 and numbered 5147
- b. Regulation Indicating the Implementation Method of the Law for the Protection of Integrated Circuits Topographies dated 30.12.2004

6. Geographical Indications:

- a. Statutory Decree for the Protection of Geographical Indications dated 24.06.1995 and numbered 555
- b. Law for Making Modification in Some Laws dated 03.11.1995 and numbered 4128
- c. Law for Making Modification In Some Statutory Decrees dated 22.06.2004 and numbered 5194
- d. Law for Making Modification in Some Statutory Decrees for the Protection of Geographical Indications dated 23.10.2008 and numbered 5805

- e. Implementation Regulation for the Statutory Decree for the Protection of Geographical Indications dated 05.11.1995 and numbered 555
- f. Regulation for Making Modification in Regulation Indicating the Implementation Method of the Statutory Decree for the Protection of Geographical Indications numbered 555 (21.04.2009)

7. Breeders' Rights / Plant Diversity:

- a. Fodders Law dated 31.10.2006 and numbered 5553
- b. Law for the Protection of Breeders' Rights of New plant Species dated 08.01.2004 and numbered 5042
- c. Regulation for the Recording of Plant Species dated 13.01.2008
- d. Regulation for the Officers in Public Agencies and Institutes to Take Advantage of the Breeders' Rights
- e. Regulation for the Protection of Breeders' Rights for New Plant Species dated 12.08.2004
- f. Regulation for Implementation Principles for Farmer Exemption dated 12.08.2004

8. Trade Secret ¹⁶ (Indirect Legislation):

- a. Bank Cards and Credit Cards Law dated 23.2.2006 and numbered 5464
- b. Republic of Turkey Central Bank Law dated 14.1.1970 and numbered 1211
- c. Banking Law dated 19.10.2005 and numbered 5411
- d. Turkish Criminal Code dated 26.9.2004 and numbered 5237
- e. Turkish Commercial Code dated 13.01.2011 and numbered 6102
- f. Right for Information Law dated 09.10.2003 and numbered 4982
- g. Capital Market Law dated 06.12.2012 and numbered 6362
- h. Law for the Protection of Competition dated 07.12.1994 and numbered 4054
- i. Code of Criminal procedure dated 04.12.2004 and numbered 5271

9. Traditional Information and Cultural Expressions/Folklore

There is no individual legal arrangement for traditional information and folklore. It is covered by Brand Legislation, Patent legislation, Copyrights Legislation, Geographical Indication Legislation, Trade Secret Legislation, Utility model and New Plant Species Legislation according to the structure of the traditional information. Traditional Information is subject to protection in the scope of this legislation.

¹⁶WTO-TRIPS text gives this subject under Chapter 7 under the title "protection of the disclosed information". "Protection of Unfair Competition" is shown as resource in Article 10 of Paris Convention.

B. Drafts

Commission discussions about the draft law anticipating modification in patent, brand and design legislation has been finalized, draft is taken to general assembly's agenda. There is a draft law for the modification of criminal provisions laid down under Integrated Topographies Law for the modification in harmony with the European Union Directives and Turkish Criminal Code Draft Law for Trade Secrets, Bank Secrets and Law for Client Secrets is currently being discussed in TBMM Justice Commission.

ANNEX 4. INTERNATIONAL TREATIES TURKEY IS A PARTY TO IN THE AREA OF INTELLECTUAL RIGHTS¹⁷

1. International Organizations:

- a. World Intellectual Property Organization (WIPO) Articles of Association
- b. World Trade Organization (WTO) Articles of Association and Intellectual Property Agreement with Trading Connections given in its appendix
- c. European Patent Agreement (EPC)
- d. International Union for the Protection of the New Plant Species (UPOV)

2. Industrial Property Rights:

- a. Paris Convention for the Protection of the Industrial Property
- b. Patent Cooperation Agreement (PCT)
- c. Patent Law Agreement (PLT) (Currently not in force)
- d. Brand Law Agreement (TLT)
- e. Singapore Convention for Brand Law (Currently not in force)
- f. Budapest Treaty for the International Keeping of Microorganisms
- g. Hague Convention for the International Registration of Designs (Geneva Text)
- h. Protocol for Madrid Treaty
- i. Locarno Treaty for the Classification of Designs
- j. Nice Treaty for the International Classification of Commodities and Services for Brand Registration
- k. Strasbourg Treaty for the International Classification of patents (IPC)
- l. Wien Treaty for the Classification of the Figurative Elements of Brands
- m. Lisbon Treaty for the Protection of Origins and Their International Registration (Currently not in force)

3. Copyrights:

- a. WIPO Executions and Phonograms Agreement
- b. WIPO Copyrights Agreement
- c. Bern Convention for the Protection of Literature and Works of Arts
- d. Rome Convention for the Protection of Executor Artisans, Phonogram Producers and Broadcasting Enterprises
- e. Marrakech Agreement for the Facilitation of Access to Published Arts of Visual and Hearing Impaired Persons (Currently not in force.)

¹⁷ International treaties currently in force by 01.01.2014 are taken as basis.