

Intellectual Property 2020

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1. How are trademarks registered in your country?

The Turkish Law on Industrial Property, Turkey Law No. 6769/2017, (“IP Code”) covers the procedures and principles for trademark registration in Turkey. According to the IP Code, as with most trademark systems, trademark registration can be filed either by direct application to the Turkish Patent and Trademark Office (“TPO”) or via international trademark registration, which is done by designating Turkey within the scope of the Madrid Agreement on the International Registration of Marks and relating Protocol (entered into force on 1 January 1999). While both direct and international trademark applications have the same legal impact, the application procedures differ.

For those making a direct trademark application, the TPO examines the trademark application on absolute grounds for refusal ex-officio. Under the IP Code, certain marks cannot be registered as trademarks:

- (a) Marks that cannot be trademarks defined by Article 4 of Turkey Law No. 6769/2017;
- (b) marks with no distinctive qualifications;
- (c) marks that contain marks and names exclusively or as main element, that indicate type, kind, property, quality, amount, purpose, value, geographical source in commercial field, or specify the time that the goods were produced, services rendered, or indicate other properties of the goods or services;
- (d) marks that are the same or indistinguishably similar to trademarks that have applied for registration on a previous date or are registered related to the goods or services that are the same or the same type;
- (e) marks that contain, exclusively or as main element, marks or names used by everyone in the commercial field or are used to distinguish members of a professional, art, or trade group;
- (f) marks that are mandatory for acquiring the shape arising due to the nature of the goods or another property or technical result, or that contain exclusively a shape or another property that gives the good its real value;
- (g) marks that will mislead the public on issues like quality, property, or the geographical source of the good or service;
- (h) marks that will be rejected in accordance with Article 6 of the Paris Convention;
- (i) marks that are beyond the scope of Article 6 of the Paris Convention, but contain marks that are a concern to the public, other public marks regarding historical and cultural value, and badges, blazons, or names that have not been permitted for registration by the authorities;
- (j) marks that contain religious values or symbols;
- (k) marks that are contradictory to public order and general ethics, or;
- (l) marks that are formed of, or contain registered geographical marks.

If the application terms are fulfilled and the TPO does not reject the application within the scope of absolute grounds for refusal, the application will be published in the monthly Official Trademark Bulletin (“Bulletin”). Within two months of the publication date, relevant parties can file an opposition to the trademark application before the TPO. If no opposition is filed within this time, or the opposition is rejected by the TPO, the trademark will be registered on payment of the registry fee and published in the Bulletin. A refusal decision from the TPO on opposition to the trademark application can be appealed before the TPO’s Re-examination and Evaluation Board (“Board”) within two months. If opposition is filed against the trademark application and the TPO partially or completely accepts it, the applicant can appeal this decision before the Board within two months of notification. The relevant parties can file a lawsuit against the Board’s decision before the Ankara Civil Courts for Intellectual and Industrial Property Rights within two months.

For those making an international trademark application, the World Intellectual Property Organisation (“WIPO”) and the TPO govern applications designating Turkey within the scope of the Madrid Protocol. Following an international trademark application filed before the WIPO, the TPO will be subsequently notified of the application. The TPO will make a decision in accordance with the provisions under the IP Code on trademark applications and will notify the WIPO within 18 months. Relevant parties can object to this decision. An objection decision is sent to the WIPO upon request, recorded in the international registry, and published by the WIPO.

On 28 October 2018, the Director General of the WIPO received a communication from the Government of Turkey withdrawing the declaration made by Turkey under Article 14(5) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (“**Madrid Protocol**”). As a result of the withdrawal, as from 18 October 2019, Turkey can be the subject of a subsequent designation in respect of any international registration, including international registrations effected before 1 January 1999, the date on which the Madrid Protocol entered into force with respect to Turkey.

2. How does competition law impact trademark enforcement?

The Turkish Law on the Protection of Competition, Turkey Law No. 4054/1994, does not have a direct provision for trademark enforcement in Turkey. However, trademark-related contracts that could have an effect on competition, may be subject to this law.

3. What level of copyright protection is given to authors in this country and what do they need to do to qualify for it?

The Turkish Law on Intellectual and Artistic Works, Turkey Law No. 5846/1951, (as amended) (“Copyright Law”) covers copyright protection in Turkey. The Copyright Law grants protection to an author that has created a piece of work.

The economic and moral interests of an author's intellectual and artistic works are protected under the Copyright Law. The author enjoys moral rights (the ability to disclose the work to the public, designate the name, prohibit modification, and has rights against persons who own or possess the work) and economic rights (the right of adaptation, reproduction, distribution, performance, and the right to communicate a piece of work to the public via devices enabling the transmission of signs, sounds, and/or images) over the piece of work.

The author of the work is not obliged to register it and enjoys copyright protection regardless of whether the work is registered in Turkey. On the other hand, an author can register his work before the General Directorate of Copyrights in the Ministry of Culture and Tourism by filling out a form and paying a registration fee, or by notarising the work to facilitate ownership. However, the effect of registering the work will only be declaratory.

4. Are there any copyright exemptions?

Copyright exemptions are permitted for reasons of public order, public interest (legislation and court decisions, speeches, freedom to perform, selected and collected works for educational and instructional purposes, freedom of quotation, newspaper and news content), and the interest of individuals (personal use, right of composers, reproduction and exhibition).

5. How do performers' rights work in this jurisdiction?

In Turkey, the Copyright Law, Turkey Law No. 5846/1951, states that performers have the following neighbouring rights (without prejudice to the moral and economics rights of the author and with the permission of the author):

For fixed performances, a performer has the right to be identified as the performer of his performances apart from his economic rights, even after transfer of those rights (except where omission is dictated by the manner of use of the performance and claims the prevention of any distortion and mutilation of his performance that would be prejudicial to his reputation).

A performer who interprets a work in an original form with the permission of its author has the exclusive right of authorising or prohibiting the fixation of the performance, reproduction, sale, distribution, rental and lending of the fixation, communication of the fixation to the public via devices permitting the transmission of signs, sounds and/or images, as well as its re-transmission and performance.

A performer has the right to authorise or prohibit the distribution, sale, or any other method, of the original or copies of his fixed performances which have not yet been put up for sale or distributed in any other way in the domestic market.

A performer has the right to authorise or prohibit the sale of the original or reproduced copies of his fixed performance by wire or wireless means, or the distribution or supply and communication of the performance, or reproduced copies, to the public by providing access to them at a time and place chosen by natural persons. Distribution and supply of performances by means of communication to the public will not prejudice the performer's right of distribution.

Finally, a performer may transfer his rights to a producer in return for equitable remuneration via contract.

In Turkey, the Copyright Law states that the right of a performer lasts for 70 years from the date of the first fixation of the performance. If the performance has not yet been fixed, the term begins from the date the performance was first made public.

6. What is the main difference between copyright law in this country and other major jurisdictions?

In Turkey, the registration of copyright is not mandatory for the establishment of rights. However, there is a registration obligation for music and film producers, which only has a declaratory effect to facilitate ownership and exercise relevant rights. In the US, registering a piece of work is not mandatory; however, registration is necessary to enforce the exclusive rights of copyright through litigation for works of US origin. In the EU, copyright registration is not mandatory and is granted automatically.

7. What is the term for copyright protection in this country?

The term for copyright protection in Turkish is "Telif Hakkı(nın) Koruması". The Copyright Law states that the right of a performer lasts for 70 years from the date of the first fixation of the performance. If the performance has not yet been fixed, the term begins from the date the performance was first made public.

8. Can copyright be transferred to another owner - if so how?

The owner of a piece of work or his/her heirs can transfer their economic rights to others with or without consideration, and these rights can be restricted or unrestricted in duration, place, or scope. The authority to only exercise economic rights can also be granted to another person via a license contract. Contracts for the transfer of economic rights must be in writing and the rights constituting their subject matter must be individually specified to be valid. Moral rights stemming from copyright cannot be transferred.

9. What international IP treaties has this country signed up to and how do they impact protection of Intellectual Property rights here?

Turkey is a party to several international IP treaties through its WIPO membership. According to the WIPO database, Turkey has signed the following IP treaties:

- WIPO Copyright Treaty

- WIPO Performances and Phonograms Treaty
- Hague Agreement Concerning the International Deposit of Industrial Designs
- Trademark Law Treaty
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks
- Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure
- Locarno Agreement Establishing an International Classification for Industrial Designs
- Strasbourg Agreement Concerning International Patent Classification
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks
- Patent Cooperation Treaty
- Vienna Agreement Establishing International Classification of the Figurative Elements of Marks
- Convention Establishing the World Intellectual Property Organisation
- Berne Convention for the Protection of Literary and Artistic Works
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods
- Paris Convention for the Protection of Industrial Property

As well as the IP treaties above, there are several multilateral and bilateral IP-related treaties signed between Turkey and other countries (e.g. the Free Trade Agreement between the EFTA States and Turkey 1992 and the Treaty between the United States of America and the Republic of Turkey concerning the Reciprocal Encouragement and Protection of Investment) which provide uniformity and minimise the transaction costs of IP enforcement.

10. Is there any specific protection if IP rights have been registered in another GCC state?

Turkey is the strategic Dialogue Partner with the Gulf Cooperation Council ("GCC"). Turkey's institutional dialogue with the GCC began with the Framework Agreement for Economic Cooperation signed on 30 May 2005 in Manama, Bahrain. Nevertheless, there is no specific protection if IP rights have been registered in another GCC state.

11. Is there any specific protection for local violations if IP rights have been registered internally?

A registered trademark owner can file an opposition against the publication of an identical or similar trademark application for the same or similar goods and services. A well-known trademark owner can also file for opposition against the trademark application filed for different goods and services and prevent the applicant of the later trademark from gaining unfair benefit from the reputation of the trademark, or to harm its reputation or its distinctive character due to its recognition level in Turkey.

In Turkey, there are specialised IP Courts in Istanbul, Ankara, and İzmir. In other cities, basic courts of first instance handle issues regarding IP rights. A registered trademark owner can take legal and criminal action against infringing acts and request the following:

- A preliminary injunction decision,
- The determination, prevention and termination of infringing acts,
- Invalidation of the mark,
- Removal of the infringement and compensation for material and nonmaterial damages,
- Seizure of the products causing the infringement, and devices and machines such as tools used only for production, without preventing the production of products other than the products subject to infringement,
- Assign the property rights to him/herself on the seized products, devices and machinery,
- Take precautions to prevent the continuation of the infringement, especially at the infringer's expense, modification of the shapes of the tools, such as devices and machines, and the products seized, deletion of the trademarks on them, or if it is impossible to prevent the industrial property right infringement, destruction of the goods subject to the infringement,
- Payment for non-pecuniary and material damages,
- Publication of the finalised decision in the daily gazette or similar media fully or in summary, or notification of it to the related authorities at the other party's expense.

Additionally, an unregistered trademark owner can also apply for unfair competition provisions under the Turkish Commercial Code, Turkey Law No. 6102/2011, and prevent third-party trademark applications based on real right ownership and the applicant's bad faith.

12. Are there any local schemes that can be used to help those creating products locally to protect their IP rights internationally?

Turkey is a member of the Geneva Act of the Hague Agreement, which provides a centralised registration system (the Hague system) for design rights and grants protection to the design right holder with a single application targeting all contracting parties. Turkish individuals and entities can file an application under the Hague System and protect their design rights internationally.

13. What is the main difference between trademark law in this country and other major jurisdictions?

The Turkish IPR system is mainly in line with international agreements and practices. According to the European Commission's Report dated 17 April 2018, the new IP Code ensures greater legal alignment with the IPR acquis concerning trademarks and updates the Turkish IPR system in accordance with international agreements and practices. The European Commission's Report dated 29 May 2019 adds that while Turkey has a good level of preparation with respect to IPRs in general, there has been limited progress during the reporting period (2018-2019).

14. How does the law around transfer of patent rights work?

According to the IP Code, patent rights belonging to an inventor and his/her successors can be transferred to others.

To transfer patent rights, a written agreement should be concluded and notarised before the notary public. Transfer agreements must include royalties. The transfer of patent applications or patents, and voluntary or mandatory actions affecting patent applications or patents are effective against good-willed third parties on the date they are recorded with the registry.

15. Are there any unusual features which would commonly be included in licensing contracts in this country?

In Turkey, license contracts include provisions on the type and term of the license, royalties, obligations of the parties, quality control, infringement, warranties, indemnity, and the governing law. Additionally, license contracts must be written and notarised to be valid. On payment and fulfilment of other terms in applicable regulations, legal transactions are recorded with the registry and published in the Bulletin. As a rule, if the rights deriving from the legal transaction are not recorded in the registry, they cannot be claimed against good-willed third parties.

16. How does the law around software licensing work in this country?

The Copyright Law, Turkey Law No. 5846/1951, covers software licensing work in Turkey. Under the Copyright Law, parties must conclude licence agreements in written form and explicitly state the scope of the licence and rights related to the software subject to the licence agreement. A licensee can grant a sub-license to another person only with the written consent of the author or his/her heirs.

17. What is the main local agency/agencies tasked with intellectual property enforcement and what powers does it have?

The TPO is the main local agency that carries out administrative operations for intellectual property rights.

The TPO registers patents, utility models, trademarks, geographical marks, traditional product names, designs, and integrated circuit topographies in accordance with the legislative provisions and transactions for the protection of these rights. It also converses with the EU, international institutes, and foreign countries on industrial property. The TPO also produces publications on industrial property rights, undertakes studies aimed at educating persons and institutes in and out of the country in the field of industrial property, and supports educational activities and academic studies on subjects within its field of expertise.

18. How does IP differ if there are sanctions against the country where the product is registered?

In Turkey, IP legislation does not automatically change if there are sanctions against the state where the product is registered. However, any person who has a legal interest in the enforcement of a foreign judgment can demand enforcement in Turkey. To enforce a foreign judgment in the local courts, there must be a contractual or de facto reciprocity with the foreign state, and the decision must be final, binding, and enforceable under the laws of the foreign state. The decision must also not concern a matter subject to the exclusive jurisdiction of the Turkish courts and must not breach Turkish public order.

19. What sanctions and remedies can local agencies apply on those who breach trademark or licensing legislation?

A registered trademark owner can file opposition against the publication of an identical or similar trademark application for the same or similar goods and services. Likewise, an unregistered trademark owner can file an opposition based on real rights ownership and the bad faith of the applicant. In this case, the TPO examines the application and decides whether or not to register the trademark application. A well-known trademark owner can also file opposition against a trademark application filed for different goods and services and prevent the applicant of the later trademark from gaining unfair benefit from the trademark's reputation, or harm its reputation or distinctive character due to its recognition level in Turkey.

The TPO can take the following actions: (i) for trademark applications, the TPO accepts trademark applications and evaluates any opposition and appeals made against the trademark application. It will then give its final decision on the acceptance or refusal of the application and related opposition/appeal; (ii) for trademark registrations, if renewal fees are not paid to the TPO, the relevant trademark will no longer be valid, and if the rights deriving from the license agreement of a registered trademark are not recorded in the registry, they cannot be claimed against good-willed third parties; and (iii) for unregistered trademarks, the TPO accepts and examines the applications of third parties based on well-known trademarks, bad faith, and/or real right ownership.

20. What sanctions and remedies can local agencies apply on those who breach copyright legislation?

The TPO has no legal authority to apply sanctions and remedies on those who breach copyright legislation.

21. With regards to IP licensing, what is the position of the law in the event of insolvency of the licensor? What is the common contractual position taken?

The Law that governs insolvency proceedings in our country does not specifically address IP rights. In most license contracts, insolvency of the licensor is stipulated as a reasonable ground for the termination of the contract. In case that there is no provision in the agreement regarding this issue, the applicable regulations should be determined in accordance with the licence category.

According to the Turkish Copyright Law, provisions on usufructuary leases apply to non-exclusive licenses whereas those on usufruct apply to exclusive licenses. Therefore, the position of the law in case of insolvency of the licensor depends on the type of the license granted to the licensee. As usufructuary leases apply to non-exclusive licenses, licensee can only claim his rights against the licensor. On the other hand, the licensee can claim his rights also against third parties as provisions on usufruct apply to exclusive licenses.

With regards to patent and trademark licenses, there are no provisions specifically regulating the fate of the license agreement in case of insolvency. According to the scholarly opinion, in the event of insolvency of the licensor, the other party may terminate the Agreement. Otherwise, the license agreement will continue with the bankruptcy administrator as all rights and assets of the licensor will be transferred to the bankrupt's estate. However, in the case where the right of exploitation has not yet been granted to the licensee, the license will be converted into a pecuniary claim, which may be requested from the bankrupt's estate as a compensation for non-performance of the contract. Also, if the relationship between the licensor and the licensee is considered as an ordinary partnership, the insolvency of one of the parties will terminate the agreement.

22. With regards to IP licensing, what is the position of the law in the event of insolvency of the licensee? What is the common contractual position taken?

The Law that governs insolvency proceedings in our country does not specifically address IP rights. In most license contracts, insolvency of the licensee is stipulated as a reasonable ground for termination of the contract. In case that there is no provision in the agreement regarding this issue, the applicable regulations should be determined in accordance with the licence category.

There are no provisions specifically regulating the fate of the license agreement in case of insolvency. According to the scholarly opinion, in the event of insolvency of the licensee, the other party may terminate the Agreement. It is also accepted by the scholarly opinion that provisions for similar agreements shall be applied by way of analogy. Accordingly, it has been stated that in the event of insolvency of the licensee, the provisions on usufructuary lease should apply to the license concerned. Pursuant to these provisions, the agreement will be automatically terminated at the time of the commencement of insolvency proceedings, unless the licensee provides a sufficient security interest.

Concerning license agreements falling under the scope of Copyright Law, in case of the bankruptcy of the licensee of any financial right, the license agreement will be automatically terminated in the case where the exercising of the license right is dependent on the personality of the licensee.

23. Is it mandatory to register copyright ownership? What is the benefit of registering on the copyright register if this is not mandatory under law?

In Turkey, it is not mandatory to register copyright ownership. However, under Turkish Law, even though copyright protection begins with the creation of the work, the first fixation of sound and cinematographic works and their products must be registered. Although it is not mandatory to register copyright ownership as a rule, it would be beneficial to register copyrights to prevent a violation of their rights, facilitate proof of right ownership, and track the authority to exercise economic rights.

24. What is the legal position with regards to assignments of future copyright works? What practical and effective steps can be used by parties to overcome this (contractual and non-contractual)?

Any transfer or assignment of works not yet created or completed will be deemed null and void. Nevertheless, undertakings /commitments for the assignment of future copyright works to a third party before the creation of the work are valid as long as they are in writing and the subject matter of the rights is individually specified.

25. In your experience, is it likely that a party developing copyright works for another for an agreed consideration may challenge a purported contractual transfer of future copyright works (without the practical and effective steps referred to below being in place)?

Turkish Law states that written undertakings/commitments for the assignment of future copyright works to a third party before the creation of the work are valid. Therefore, a party developing copyright works for another, for an agreed consideration, cannot challenge a contractual transfer of future copyright works as this would be a violation of the written undertaking/commitment under Turkish Law.

26. Are there dedicated data protection laws? If not, what laws should be considered in the context of processing of personal data? What are the consequences of a breach of these laws?

In Turkey, data protection is regulated under the Personal Data Protection Law, Turkey Law No. 6698/2016 ("Data Protection Law"). Personal data can only be processed in accordance with the procedures and principles under the Data Protection Law, or other laws. The below principles must be complied with when processing personal data:

- That it is in conformity with the law and good faith,
- That it is accurate, and if necessary, up to date,
- That it is processed for specified, explicit, and legitimate purposes,
- That it is relevant, limited, and proportionate to the purposes for which the data is being processed,
- That it is stored only for the time designated by relevant legislation or necessitated by the purpose for which the data is collected.

Several administrative fines and penalties can be issued under the Data Protection Law. For crimes relating to personal data, Articles 135 to 140 of the Turkish Criminal Code, Turkey Law No. 5237/2004, will apply. Those who do not delete or anonymise personal data contrary to Article 7 of the Data Protection Law will be punished in accordance with Article 138 of the Turkish Criminal Code. Administrative fines will also be applied to those who do not fulfil:

- The obligation to inform stipulated in Article 10 of the Turkish Criminal Code, in the amount of 5.000 Turkish liras to 100.000 Turkish liras,
- Obligations regarding data security stipulated in Article 12 of the Turkish Criminal Code, in the amount of 15.000 Turkish liras to 1.000.000 Turkish liras,
- The Decisions of the Board under Article 15 of the Turkish Criminal Code, in the amount of 25.000 Turkish liras to 1.000.000 Turkish liras,
- The obligation to register with the Data Controllers Registry, and notify in accordance with Article 16 of the Turkish Criminal Code, in the amount of 20.000 Turkish liras to 1.000.000 Turkish liras.

27. Are there any laws relating to the protection of confidential information? What are the penalties for breach?

Yes. There are various rules under several laws relating to the protection of confidential information in Turkey:

Article 135 of the Turkish Criminal Code, Turkey Law No. 5237/2004, titled "Recording of Personal Data" states: "Any person who illegally records personal data shall be sentenced to a penalty of imprisonment for a term of one to three years. Any person who illegally records personal data on another person's political, philosophical or religious opinions, their racial origins; their illegal moral tendencies, sex lives, health or relations to trade unions shall be sentenced to a penalty of imprisonment in accordance with the above paragraph."

Article 136 of the Turkish Criminal Code, Turkey Law No. 5237/2004, titled "illegally obtaining or giving data" states: "Any person who illegally obtains, disseminates or gives to another person someone's personal data shall be sentenced to a penalty of imprisonment for a term of two to four years."

Article 137 of the Turkish Criminal Code, Turkey Law No. 5237/2004, regulates the qualified versions of offences when the above-mentioned offences are committed by a public official misusing his power derived from his public post, or by benefiting from the privileges derived from a profession or trade. In such cases, the penalty will be increased by one half.

Article 138 of the Turkish Criminal Code, Turkey Law No. 5237/2004, states: "Any person who fails to destroy data in accordance with the prescribed procedures, before the expiry of the legally prescribed period for destruction, shall be sentenced to a penalty of imprisonment for a term of one to two years. If the subject of the offence remains within the scope of the information to be removed or eliminated under the provisions of the Code of Criminal Procedure, Turkey Law No. 5271 /2004, the penalty imposed will be increased by one fold."

Article 139 of the Turkish Criminal Code, Turkey Law No. 5237/2004, implements the commencement of an investigation and prosecution for the above-mentioned offences subject to complaint, unless they are offences relating to the Recording of Personal Data, Illegally Obtaining or Giving Data, and Destruction of Data.

Article 140 of the Turkish Criminal Code, Turkey Law No. 5237/2004, states that in case the above-mentioned offences are committed by legal entities, security measures specific to legal entities will be imposed.

Article 239 of the Turkish Criminal Code, Turkey Law No. 5237/2004, titled “Disclosure of Confidential Documents or Information Relating to Commerce, Banking or Private Customers” states: “Any person who discloses confidential information, or documents, relating to commerce, banking or private customers, which he holds by virtue of his title, duty, profession or trade, to an unauthorised person shall be subject to a penalty of imprisonment for a term of one to three years and a judicial fine of up to five thousand days, upon complaint. Where such information or documents are disclosed to an unauthorised individual by a person who unlawfully acquired such information or documents, such person shall be subject to a penalty in accordance with this paragraph.” This will “apply to information relating to scientific invention and discovery, and the industrial implementation of such.” In case the “confidential information is disclosed to a non-citizen (who is not resident in Turkey) or his staff, the penalty shall be increased by one third” and no complaint will be required. In addition, “any person who, by using force or threats, compels another to disclose information or documents within the scope of this article shall be subject to a penalty of imprisonment for a term of three to seven years.”

Article 327 of the Turkish Criminal Code, Turkey Law No. 5237/2004, regulating Securing Information relating to State Security states “Any person who secures information that, due to its nature, is to be kept confidential for reasons relating to the security, or domestic or foreign political interests of the State shall be sentenced to a penalty of imprisonment for a term of three to eight years. If the act has been committed in wartime or has jeopardised the State’s preparations for war or effectiveness in war or military movements, a penalty of life imprisonment shall be imposed.”

Article 86 of the Banking Law, Turkey Law No. 5411/2005, regulating prohibitions, states that even if they have left office, chairmen of an agency’s board of directors, members of the board, and other personnel must not disclose confidential information and commercial secrets regarding the agency to any person other than legally authorised persons and shall not use such information for their or other persons’ interests. The outsourcing institutions from which the agency receives support services and employees of such institutions are also subject to the provisions of this article. Such obligation will continue after leaving office.

In addition to these provisions, Article 9/A of the Law Regarding the Regulation of Publications on the Internet and Combatting Crimes Committed Through such Publications, Turkey Law No. 26530/2007, states that access to content can be blocked by appealing directly to the court or the content/hosting provider with a notice if there has been a violation of the right to privacy.

Firm



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Description

Since 1989, we have strived to reshape the Turkish law firm model in harmony with modern standards of professional practice while still preserving the personal attention that our clients have come to expect. Our pioneering efforts have allowed our firm to be rightfully recognized as the first “Full Service Law Firm” in Turkey.

Full service independent law firm

Throughout our history, we have chosen to remain independent of global coalitions. This has given us the flexibility to adopt the best global practices and apply them to the necessities arising in local practice. We independently built the foundation for the modern Turkish legal practice models and are proud of where our determination has taken us. Nonetheless, we recognize that client’s needs evolve and our innovation continues to improve the services that can be offered. We have never rested on our laurels, and we will continue to work just as hard to remain ahead of the curve.

Our size and expertise make us one of the few truly full-service independent Turkish law firms with a global reach, either at home in the role of primary counsel or as local counsel for our foreign and domestic clients. Our firm’s expertise and institutional knowledge enables us to go beyond simple lawyering and develop creative business-oriented solutions according to client needs. We accomplish this by putting clients first and becoming intimately acquainted with all aspects of their business and legal needs.

A large team with unprecedented experience

We take full advantage of our size: every project is handled by a unique project team composed of attorneys with the precise area of expertise and level of experience that the task requires. Our project teams are led by an exceptional corps of partners, each with decades of experience managing landmark projects in every practice area. Each new project calls for a different team composition which allows our attorneys to absorb more institutional knowledge and create ever-increasing synergies throughout project lifecycles and across practice areas. Our experience in international transactions allows us to assist clients expanding into other markets by collaborating closely with local counsel in developing economies throughout the MENA region.

Known for innovation

The firm’s reputation for innovation goes back almost three decades, having drafted many first-of-its-kind agreements in cross-border transactions that continue to be used as model agreements in the market today. Our output continues to set industry standards, as our attorneys combine their experience in global transactions and international education with their strong base in Turkish law to generate unique client solutions.

Understanding your business

In today's rapidly changing business environment, decision makers need two things to be successful: trust in relationships and insightful advice at work. Understanding and meeting the expectations of business leaders requires rethinking how legal advice should be provided. We believe our expertise is meaningful to the extent that it helps you achieve your business objectives. This is why our ambition is to go beyond delivering technical answers to legal inquiries. We strive to understand your business in its entirety and provide solutions for your success.

Authors



Ms. Bige Yücel

Partner, Hergüner Bilgen Özeke Attorney Partnership

Education

Bige received her LLB from Istanbul University School of Law in 2002 and an LL.M. from Istanbul Bilgi University in 2008. She is a member of the Ethical Values Center Association and has co-authored a number of articles on intellectual property.

Biography

Bige Yücel is a Partner in Hergüner Bilgen Özeke's dispute resolution practice where she advises on all aspects of Intellectual Property and Employment & Labor. She has considerable experience in Commercial Litigation, Data Protection, Cyber Security, and International Arbitration, with a particular focus in the Commercial, Retail, and Healthcare & Pharmaceuticals sectors. Bige also has experience in patent litigation, trademark litigation, patent and trademark registration, and licensing agreements.



Duygu Akşit Karacam

Associate, Herguner Bilgen Ozeke

Biography

Ms. Duygu Akşit Karacam is an associate in our firm's Commercial and Dispute Resolution practice where her primary industrial focus includes Intellectual Property and Contract Law. She specializes in IP rights clearance matters, with a specific focus on IPR license and transfer agreements. She also represents clients in both civil and criminal litigation for matters concerning Intellectual property, including patents, trademarks, copyright, design, and unfair competition. Ms. Akşit Karaçam is both a licensed Patent and licensed Trademark attorney, and she also provides assistance with arbitration and mediation matters in both an international and domestic context.