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# Trademark Registration in Turkey: A Comprehensive Guide



## Introduction

Turkey is a vibrant economy with a population of over 85 million, offering a wide range of opportunities across diverse industries. Within this dynamic landscape of Turkey's modern business ecosystem, establishing and safeguarding a strong brand identity is of utmost importance for success.

This comprehensive guide strives to equip businesses intending to enter the Turkish market with a thorough grasp of the country's **trademark protection framework** and **registration procedure**.



## Why Trademark Registration in Turkey Matters

### ■ It Provides Legal Security

Trademark registration in Turkey holds substantial significance for companies that are seeking to operate securely within the country. Under Turkish law, registering a trademark grants the owner **exclusive rights** over the mark, empowering them to prevent infringements and safeguard their brand identity. Trademark registration serves as a crucial tool for protecting market position and reputation in Turkey.

### ■ It Enables the Owners to Seek Legal Remedies

In cases of infringement, registered trademark owners possess the legal authority to enforce their rights by preventing or ceasing unauthorized usage and pursuing criminal charges against infringers. They can also seek preliminary injunctions and pursue damages resulting from the infringement.



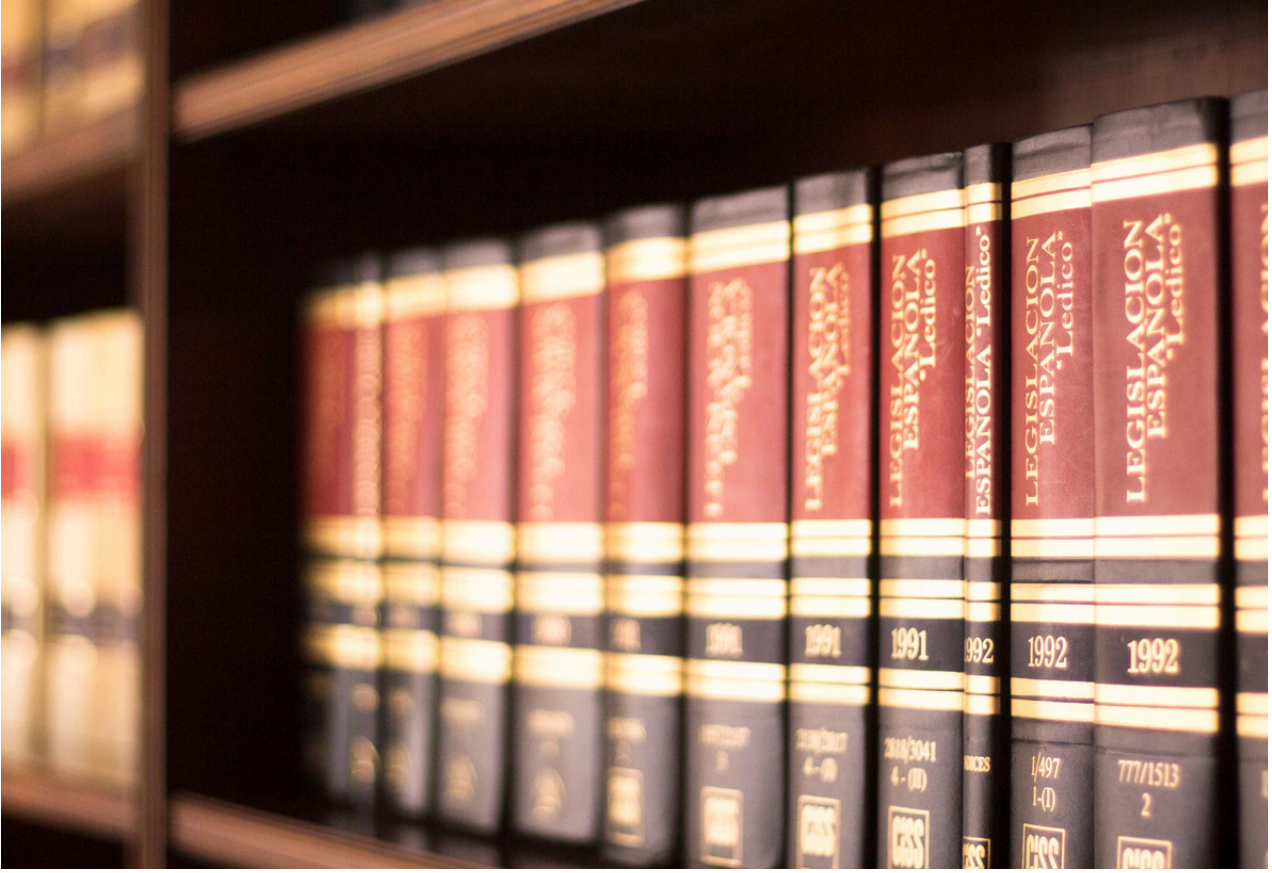


## ■ Using an Unregistered Trademark in Turkey Carries Significant Legal Risks

It's important to note that Turkish law reserves the rights on trademarks exclusively for registered trademark owners. Companies using unregistered trademarks lack the legal standing to file lawsuits or press criminal charges based on ownership alone. Instead, they may only rely on softer and more challenging-to-prove unfair competition laws.

Consequently, operating with an unregistered trademark in Turkey entails significant legal risks. This approach not only exposes the trademark to exploitation by competitors or infringers but also renders the owner incapable of pursuing legal recourse. Conversely, trademark registration offers a swift and cost-effective means of mitigating these legal risks associated with brand protection.





## The Legal Framework of Trademark Protection in Turkey

The Turkish Industrial Property Law no. 6769 (IPL) serves as the cornerstone of trademark regulation in Turkey. This comprehensive legislation governs various aspects of industrial property rights, encompassing trademarks, designs, patents, utility models, and geographical indications.

Complementing the IPL is The Regulation on the Application of the IPL, which serves as secondary legislation offering detailed guidance on the implementation of the IPL and the organizational structure of the Turkish Patent and Trademark Office.

## Madrid International Trademark System

Turkey is a member of the Madrid System, an international trademark registration system that offers a convenient and economical approach to registering and managing trademarks globally.

With a single international trademark application, we are able to seek protection in as many as 130 countries for our clients. Therefore the Madrid System simplifies the management of our clients' global trademark portfolios by letting us utilize a centralized system to modify, renew, or expand their coverage effortlessly.

## Other International Treaties

Turkey is party to a number of international treaties regarding trademarks listed below:

- 1) Paris Convention for the Protection of Intellectual Property**
- 2) TRIPS Agreement**
- 3) Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks**
- 4) Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks**
- 5) Trademark Law Treaty**



## ■ The Role of Turkish Patent and Trademark Office

The Turkish Patent and Trademark Office (referred to as 'The Office') serves as the principal administrative body responsible for overseeing all industrial property registration procedures and related matters within Turkey. Operating under the Turkish Ministry of Industry and Technology, The Office plays a pivotal role in managing the country's intellectual property landscape.

Applicants seeking trademark registration are represented by Trademark and Patent Attorneys who have undergone a professional competency examination administered by The Office.



## Marks That Can Be Registered as Trademarks in Turkey

According to Article no. 4 of the IPL, for a mark to be registered as a trademark in Turkey, it must **possess a distinctive character** and **be capable of representation in the Trademark Registry**. The following elements, among others, can be registered as trademarks in Turkey:

### ■ Names of Persons

Names of both real and legal persons are eligible for trademark registration in Turkey.

### ■ Words

Words or combinations thereof with a distinctive character can be registered as trademarks.

### ■ Shapes

Shapes including logos, 3D images, photographs, graphics, product or packaging images, and color combinations, either individually or in combination with other elements can be registered as trademarks in Turkey.

### ■ Colors

Trademarks can consist of distinctive colors or color combinations. The Office requires the applicants to demonstrate continuous use of the color on relevant goods or services to prove distinctiveness acquired through use in order to register color marks.



## ■ Letters and Numbers

Individual letters, numbers, or their combinations are eligible for trademark registration if they possess a distinctive character for the relevant goods and services.

## ■ Sounds

Various sounds, tunes, or animal sounds can be registered trademarks if they possess a distinctive character. Applicants must submit a digital copy, along with its representation as a musical score if possible, to the Office.

## ■ Videos and Moving Images

Videos or sequences of images can be registered as trademarks, given that they possess a distinctive character. Applicants must submit a digital copy along with the application.

## ■ Slogans

Advertising catchphrases and other slogans can be registered as trademarks if they are distinctive.





## The Role of Trademark Attorneys

In Turkish law, trademark attorneys certified by the Office hold exclusive rights to represent applicants, trademark owners, and third parties before the Office. Unlike some other jurisdictions, lawyers or consultants without certification are not authorized to represent companies or individuals before the Office as trademark attorneys in Turkey.

Article no. 160/3 of the IPL provides that the persons whose domiciles are situated abroad **must be represented by trademark and patent attorneys**. This includes trademark applications, oppositions, and renewals. Any operations conducted by such legal entities without being represented by an attorney shall be deemed void.



## ■ Key Functions of Trademark Attorneys

The role of trademark attorneys in trademark applications in Turkey is essential for ensuring compliance with relevant regulations. Trademark attorneys guide applicants on required documentation, identify the relevant Nice Classes, pay the government fees and file applications through the official online system, and maintain communication with examining experts from the Office to facilitate and expedite the registration procedure.

Additionally, trademark attorneys are tasked with monitoring applications for oppositions from third parties and responding to such oppositions when necessary.

Trademark attorneys also possess expertise in statutory periods relevant to trademark applications, which are critical for avoiding decisions of rejection or other adverse legal outcomes.





## Steps of Trademark Registration in Turkey

Trademark registration is a straightforward process in Turkey that adheres to accepted international principles. Key steps of registering a trademark in Turkey are as follows:

- 1) Trademark Availability Search (1-7 days)
- 2) Filing the Application (1-2 days)
- 3) Examination and Publication (1-4 months)
- 4) Publication Period and Oppositions (2 months *or* until all oppositions are resolved)
- 5) Registration Decision (1-2 weeks)
- 6) Payment of the Registration Fee (within 2 months)
- 7) Registration (1-2 weeks)



## ■ Trademark Availability Search

While the trademark search phase is optional, we strongly advise our clients to conduct a comprehensive trademark search before initiating the trademark application process in Turkey. Although not legally mandated, this proactive step helps minimize the risk of encountering partial or complete refusals and potential oppositions from other trademark owners during the publication phase, thus minimizing the legal and financial risks associated with trademark applications.

Our professionals meticulously conduct trademark searches by thoroughly examining the Turkish Trademark Registry to identify trademarks that closely resemble or are identical to the client's proposed trademark. Additionally, we search for similarities in registered company names, social media handles, domain names, and unregistered trademarks used by third parties.

Upon completion of the search, we provide our clients with a detailed trademark search report accompanied by an executive summary. This summary succinctly outlines our findings regarding the availability of the trademark, potential risks of opposition, and anticipated outcomes. Our comprehensive trademark availability search equips our clients with a clear understanding of the legal landscape surrounding their trademarks before proceeding with the application process.

## ■ Filing the Application

Trademark applications are submitted to the Office using the EPATS Digital Application System. The representing trademark attorney is responsible for submitting essential documents and information, including:

- a) Identification and contact details of the applicant
- b) Digital copy of the trademark
- c) List of goods and services along with class numbers based on the Nice Classification
- d) Proof of payment for applicable government fees
- e) The original copy of the priority document and its translation in Turkish. (if applicable)

Additionally, the applicant must provide a digital copy of the written Power of Attorney to the representing trademark attorneys in Turkey. Notarization, legalization from the Consulate, or other formalities are *not* required.

**epATS**  TÜRK PATENT VE MARKA KURUMU  
Elektronik Başvuru Sistemi

[Vazgeç ve Ana Ekrana Dön](#)  
  
Marka Başvurusu  
Bu işlem için yaklaşık 10 dakikanızı ayırmalısınız.  
Bu işlem toplam 9 aşamalıdır. Şu anda 1. aşamadasınız.  

1. Başvuru Tipi

2. Kurum/Şirket Bilgileri

3. Marka Bilgileri

**Marka Başvurusu**  
Bu hizmeti kullanarak, kurumsal veya bireysel olarak **Marka Başvurusu**nda bulunabilirsiniz.  
[Kurumsal / Bireysel Başvuru](#)  
☐ Kurum/Şirket için başvuruyorum. ☐ Kendim için başvuruyorum.  
**\*E-Posta**  
  
E-posta adresinizi giriniz.  
**\*Cep Telefonu Numarası**  
  
Başvuru bilgilerinin cep telefonunuza gelmesi için bu alanı doldurunuz. Cep telefonu numaranızı 10 haneli olarak giriniz.

## ■ Examination and Publication

After being filed, the applications are subjected to a preliminary examination that determines if the application meets the procedural requirements. After the preliminary examination, a trademark expert from the Office evaluates the application in terms of the absolute grounds of rejection provided by the Article no. 5 of the IPL. The absolute grounds of rejection are as follows:

**Lack of Distinctiveness:** Marks that are devoid of any distinctive character or lack the ability to be represented in the Trademark Registry.

**Descriptive Signs:** Signs that consist exclusively of indications that may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, or the time of production of goods or of rendering of services, or other characteristics of goods or services.

**Identical or Indistinguishable Trademarks:** Signs that are identical or indistinguishable with a mark that has already been registered or is the subject of an ongoing trademark application for the same or similar goods or services.

**Commonly Used Signs:** Signs that include shapes or names commonly used within a specific trade or to distinguish members of a particular profession, art, or trade.



**Shapes Resulting from the Nature of the Goods:** Signs that consist exclusively of shapes that result from the nature of the goods themselves, or of shapes of goods that are necessary to obtain a technical result, or of shapes that give substantial value to the goods.

**Deceptive Signs:** Signs that would deceive the public, particularly as to the nature, quality, or geographical origin of the goods or services.

**State and Sovereignty Emblems:** Signs that must be rejected in accordance with Art. 6ter of the Paris Convention (State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations)

**Public Figures, Cultural and Historical Signs:** Signs that do not fall into the scope of Art. 6ter of the Paris Convention but are of public interest, historical and cultural significance, including public figures and signs such as Coats of Arms, badges and names that have not been authorized for use by the relevant authorities.

**Religious Symbols:** Signs that include religious values or symbols.

**Public Order and Morality:** Signs that are contrary to public order or to generally accepted principles of morality.

**Geographical Indications:** Signs that include a registered geographical indication.



## ■ Distinctiveness Acquired Through Use

Article no. 5/2 of the IPL provides that if a mark had been used by the applicant prior to the application, and thereby acquired distinctiveness for the goods and services covered by the application, the application cannot be rejected based on lack of distinctiveness, descriptiveness, or being a commonly used sign.

If the application has acquired distinctiveness through prior use, the applicant must provide extensive evidence to support this claim when filing the application or when appealing a rejection decision if the application is rejected.

The Office requires comprehensive evidence, including marketing and advertising expenses, sales figures, and survey results.

Leveraging acquired distinctiveness during the application process should be noted as a powerful strategy that requires careful guidance, especially regarding the evidence to be submitted.

## ■ Letter of Consent

Article no. 5/3 of the IPL states that a trademark application cannot be rejected on the grounds of being identical or indistinguishable with a registered trademark or a mark subject to an ongoing application if the applicant submits a letter of consent from the owner of the said trademark or application, clearly indicating consent for registration.

The conditions for submitting letters of consent are governed by the Regulation on the Application of the IPL. According to Article no. 10/1 of the Regulation, a letter of consent must be signed and notarized, including the following information:

- a) Identifying information of the applicant receiving the consent.
- b) Image of the mark or the application number (if submitted during appeal).
- c) Goods or services covered by the consent.
- d) Power of Attorney (PoA) of the representing trademark attorney, granting special authority to issue letters of consent.

If the letter of consent lacks any of these elements, the Office notifies the applicant and requests correction **within two months**. Separate letters are required for multiple applications. The letter of consent must be unconditional and it cannot be revoked once submitted to the Office.







## ■ Publication and Oppositions

If any of the absolute grounds of rejection are deemed to be present, the expert rejects the application and notifies the applicant. The applicant has the right to appeal the decision of rejection to the Department of Re-Examination and Revaluation **within two months** of being notified of the decision.

If the application meets the requirements and is not rejectable based on the absolute grounds of rejection, the application gets published in the Official Trademark Journal.

Third parties are entitled to file oppositions based on the grounds provided by the Article 5 and 6 of the IPL **within two months following the publication**. Some of the important relative grounds of rejection upon opposition provided by the Article no. 6 of the IPL are as follows:

**1) Likelihood of Confusion with a Similar Trademark:** If the mark that is subject to the application is similar to a registered trademark or a trademark under an ongoing application for the same or similar goods or services, the application shall be rejected upon opposition if this similarity is likely to cause confusion or association between trademarks among the general public.

**2) Unjustified Application by a Commercial Representative:** If a commercial agent or representative of a trademark owner applies for trademark registration in Turkey for the same trademark without the written consent of the real owner or any other justification, the application shall be rejected upon opposition by the rightful owner.

**3) Ownership Through Prior Use:** If another person has obtained prior rights to the mark through use as an unregistered trademark or other types of signs or names used in trade, the application shall be rejected upon the opposition by the rightful owner.

**4) Well-Known Trademarks in Accordance with the Paris Convention:** Trademark applications for marks that are identical or similar to a well-known trademark protected under Article 6bis of the Paris Convention for the same or similar goods or services shall be rejected upon opposition.

**5) Well-Known Trademarks in Turkey:** If the trademark subject to the application is identical or similar to a trademark that is well-known in Turkey, and the use of this trademark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trademark, the trademark application shall be rejected upon opposition regardless of whether the application covers the same or similar goods or services.

**6) Intellectual Property Infringement:** If the trademark subject to the application includes the name, trade name, photograph, copyright, or any other intellectual property of another person, the application shall be rejected upon opposition by the owner.

**7) Applications Filed in Bad Faith:** Trademark applications filed in bad faith or with malicious intent shall be rejected upon opposition.

If third parties file oppositions against the application, the Office notifies the applicant. The applicant has the right to submit responses to the opposition **within one month** after receiving the notification.

If the examining expert concludes that the oppositions are justified and that the application meets one or multiple grounds of rejection, the application may be completely or partially rejected. Applicants have the right to **appeal** the rejection decision to the Department of Re-Examination and Revaluation **within two months** of being notified of the decision.





## ■ Registration and Protection

If no oppositions are filed against the application within the two-month period, or if all oppositions are resolved in favor of the applicant, the Office accepts the application and issues a registration decision.

The Office requires the applicants to pay the registration fee **within two months** after being notified of the registration decision. The application gets rejected if the applicant fails to pay the registration fee within the legal period.

The Office registers the trademark in the Official Trademark Registry after the applicant pays the registration fee.

A registered trademark provides protection for a **ten-year period** in Turkey from the date of the trademark application. Trademark owners have the right to renew their registrations for ten-year periods following the end of the previous period. There are no limitations on the number of renewals, meaning that the owners can keep their trademarks for an unlimited period of time, given that they duly renew their trademarks.

## ■ Renewal Periods

Monitoring the legal renewal periods is crucial for maintaining ownership of trademarks.

There are two types of renewal periods provided by the IPL: Regular renewal and renewal with penalty.

Trademark owners have the right to renew their trademark **within 6 months before the end of the ten-year protection period**. If the owner fails to renew their trademark during this period, the IPL allows them to renew their trademark **by paying the penalty fee within six months following the end of the protection period**.

The owner loses the trademark protection if they do not duly renew their registration within these periods.

It should be noted that Article 6/8 allows registrants who had lost their trademarks due to non-renewal to file oppositions against applications for the same mark for the similar goods and services **within two years following the end of the protection period**, given that they are still actively using the trademark. This gives trademark owners a second chance to re-consider and re-apply for their trademark before it can be claimed by third parties.

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