

## TURKISH PATENT & TRADEMARK ATTORNEYS

**A patent attorney must have the all-essential qualifications necessary for representing clients in obtaining patents and acting in all matters and procedures relating to patent law and practice before the Office.**

In Turkey, only registered patent attorneys are entitled to represent clients from abroad before the Turkish Patent and Trademark Office (TURKPATENT). This representation cannot be extended to the IP Courts where patent attorneys are generally involved at patent infringement and invalidation lawsuits to deliver an expert opinion as being an independent expert in a panel, directly appointed by the Judge. Unlike many countries, Turkish Industrial Property Law does not require patent attorneys to hold a degree in engineering or natural sciences, or to take part in a legal training or a certain period of internship at patent firms but substantially trusts proficiency exams having being held since 1996.

### Main Legislation

The Turkish IP Law defines the title of patent attorney as “a real person who are authorized to provide consultancy on patent, utility model, design and integrated circuit topography matters and to take action on behalf of the applicants in these matters before the TURKPATENT”. Likewise, a trademark attorney is entitled on “trademark, design, geographical indication and traditional product name” matters.

Patent and trademark attorneyship are subject to

- Law No. 5000 of Nov.6, 2003 on the Establishment and Functions of the TURKPATENT (as last amended by the Industrial Property Law 6769 of Jan.10, 2017 (Articles 30 - 30/A)
- Regulation on the Code of Conduct and Discipline of Patent and Trademark Attorneys (May.18 2017)
- Regulation on the Examination and Registration Procedures for TURKPATENT Patent Attorneyship and Trademark Attorneyship.

### Requirements

To become registered as a patent attorney (or a trademark attorney), one must

- hold a bachelor’s degree from a university;
- have passed both written general proficiency and professional competency (qualification) examinations;
- be a Turkish citizen and a resident in Turkey;
- have legal capacity; be of good moral character and have not be convicted of any infamous crime; and
- be enrolled in the Office register and renew it annually by paying a registration fee to the Office and paying for occupational responsibility insurance.

Qualification examinations are conducted every two years and targeted on the national and international legislation and practices related to related industrial property rights as well other related laws such as civil law, law of obligations and commercial code of conducts, separately for patent and trademark attorneyship. Recent exams have been getting

more difficult -especially for the last five years- since just a few candidates managed to pass.

### Trademark Attorneyship

The same requirements are applied to be admitted to the register of trademark attorneys except for the facts that they must pass the trademark exams and be registered separately before the TURKPATENT.

### Registry

The TURKPATENT maintains a register of all patent and trademark attorneys, a list of which is available online at the Office’s website. Accordingly, there are 646 registered patent attorneys and 983 registered trademark attorneys (amounting a total of 1.049 since 580 of whom are both patent and trademark attorneys) as of September 25, 2018.

### Conduct and Ethics Rules

On 18 May 2017, the Regulation on the Code of Conduct and Discipline of Patent and Trademark Attorneys was published in the Official Gazette No. 30070. Heretofore, no specific regulation included for them.

According to the regulation, a patent or trademark attorney failing to follow the Code of Conduct and fulfilling required duties can result in disciplinary sanctions such as warning, condemnation, temporary or permanent dismissal from the attorney work.

#### KORDINAT

The information in this update is intended to be general information about Turkish Patent Practice only and not comprehensive. It is not to be relied on as legal advice nor as an alternative to taking professional advice relating to specific circumstances.

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