

# Kılınç Law & Consulting

## STEP BY STEP TRADEMARK APPLICATION UNDER TURKISH LAW

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**This presentation has been prepared by Kılınç Law & Consulting in order to explain the step by step trademark application according to the Turkish laws and regulations.**

**The Steps for the registration of a trademark is as follows;**

- 1 Trademark Determination and Preliminary Similarity Survey**
- 2 Determination of NICE Classes and Contents which the Trademark is Registered**
- 3 Application for Trademark**
- 4 Procedural Review Process**
- 5 Expert Similarity Survey Process**
- 6 Broadcast Decision and Objection Process**
- 7 Decision of Trademark Registration**



## STEP 1

### Trademark Determination and Preliminary Similarity Survey

This is the preliminary survey process carried out before the initiation of the trademark application, in order to fasten the process for the trademark registration before the Turkish Patent and Trademark Office (“**TURKISHPATENT**” or “**Trademark Office**”) that compares phrases and the figures that will be trademarked to the already registered trademarks.

The process is not essential but recommended for the pre-determination of similar trademarks.



## STEP 2

# Determination of NICE Classes and Contents which the Trademark is Registered

Based on the content of “International NICE Goods and Services Classification List” \*, the application limit of the trademark within the relevant classes and goods and services are required to be determined within the scope of the trademark registration application according to the sector and the related goods and services in which the trademark shall be used.

The goods or services which is requested to be registered, must be presented as classed and with the respective class numbers. According to the list, the goods are classified in 34 (thirty-four) classes and the services are classified 11 (eleven) classes. Trademark application must be made considering that low-classes related to the sectors to be operated. The Trademark Office is entitled to make necessary corrections on the classes and class numbers of the goods or services in the 5 (five) applications.

*\*“According to the International NICE Goods and Services Classification List, there are a total of 45 (forty-five) trademark classes, some of these classes are related to goods and others are related to service classes.”*



## STEP 3

# Application for Trademark



Pursuant to Turkish Intellectual Property Law an official trademark registration application must be made to TURKISHPATENT within border of Republic of Turkey

Only one trademark registration should be requested with each application made before the Trademark Office. In order to apply for the trademark, information and documents which are listed in the regulations are required to be prepared.

The trademark application shall be submitted by the authorized persons through the official document registration system by filling in the electronic application form accepted by TURKISHPATENT.

The date of application is the date hour and minute of receipt of the application form by the Trademark Office together with the information or documents required for the application. In other words, for online applications, the application date is the date that the application form is duly completed; whereas for applications with reservation, the application date is the date when the application form duly completed is submitted to the Trademark Office.

Once the application process is finalized, the examination of application process is started. The examination is carried out in 2 (two) ways as follows.

## STEP 4

### Procedural Review Process



In order for the trademark application to be duly registered, the application submitted to the Trademark Office must first be examined in terms of procedure in accordance with Articles 3 and 11 of the Intellectual Property Law No 6769.

If any deficiency is detected during the procedural review process, the applicant is given two months to rectify the deficiencies and / or error recovery. Applications which are not completed within this period are discontinued in accordance with the provisions of the legal legislation or the process is continued without taking the demands related to the deficiency into consideration.

If the Trademark Office does not see any deficiencies as a result of the **procedural review** of the form under the articles, the trademark application shall be finalized at the hour and minute of application. At this step, the application tracking page shows the phrase of “**procedural review complete**”.

## STEP 5

### Expert Similarity Survey Process

The application whose procedural review is finalized is subject to an ex officio examination by the experts within absolute grounds for refusal within the scope of Article 5 of the Intellectual Property Law no. 6769, taking the goods and services requested for registration into account.

Within the scope of this research, the application is rejected for all or part of the goods and services requested for registration, especially for **uncharacteristic** trademarks and trademarks that are **same** or **indistinguishably similar** to a trademark that is previously applied for or for absolute grounds of refusal.



## STEP 6

# Broadcast Decision and Objection Process



A trademark application which is made according to the procedure and is not rejected in accordance with Article 5 of the Intellectual Property Law is published in the Official Trademark Bulletin.

The publication decision published in the Official Trademark Bulletin includes the following information:

- Application number and date,
- Nationality, identity and contact information of the applicant,
- Trademark Sample,
- List of goods or services and class numbers to which they belong,
- Refused goods or services if the application is partially rejected,
- If available contact information of the agent,

The Trademark Office may publish the trademark application with the additional Bulletin, disregarding the periodical Official Bulletin.



## STEP 6

### Broadcast Decision and Objection Process

The decision of publication shall also be notified to the concerned person. The trademark application shall be published in the Official Trademark Bulletin specified in the decision for 2 (two) months. This period is also known as the suspension period. In this period, other trademark owners and third parties can present an opinion or objection claiming that the trademark should not be registered based on Articles 5 and 6 of the Law on 6769. **In the event that there is no objection during the publication period of 2 (two) months or if the objection is finally rejected, it is decided to register the trademark.**

In the similarity research, if it is determined that one or more of the products in the classes covered by the applied trademark or one or more of the products in the class contents are similar to another trademark, those classes or commodities are removed from the list and the trademark is published for the rest of the classes. This decision is also known as a partial rejection decision. The partial rejection decision can be subject to **appeals**.

Objections against the decisions of the Trademark Office may be raised in writing with its justifications within 2 (two) months following the notification of the decision by those who have suffered from the said decision.

## STEP 6

### Broadcast Decision and Objection Process

Objections to the decision submitted to the Trademark Office are reviewed by the Revision and Evaluation Department ("**RED**"). Against the finalized decisions of the Trademark Office's final decision-making body RED regarding the objection proceedings; a court claim can be raised in the competent court within 2 (two) months following the notification date of the finalized decision.



## STEP 7

# Decision of Trademark Registration

If the trademark application is not objected within the legal period or the objections are rejected and the required fee is paid, the application shall be registered, recorded to the registry and published in the Bulletin. Trademarks are protected for 10 years from the date of application.



# Get in Touch

Ayazađa Mahallesi,  
Cendere Caddesi, No: 109,  
Vadistanbul Bulvar,  
B1 Blok, Kat:26,  
Bağımsız Bölüm No:58,  
Sarıyer / İstanbul



+90 (212) 217 12 55


+90 (212) 217 12 56



+90 (212) 217 12 54



info@kilinlaw.com.tr

A person in a dark suit and tie is shown from the chest up, holding a glowing, wireframe globe with both hands. The globe is illuminated from within, casting a warm, golden light. Overlaid on the globe and the background is a network of white lines connecting various circular icons, each containing a silhouette of a person in a suit. The background is dark and slightly blurred, focusing attention on the hands and the globe.

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Kılınç Law & Consulting helps its clients to navigate local markets with a unique understanding and awareness of the global context in which they operate.

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