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Priority Rights in Turkish Law

According to the Industrial Property Law, which entered into force on 10 January 2017, an enterprise of goods or services ensure distinguishing from or service goods other undertakings and brand owners to ensure protection of the subject it is turned on and including the names of persons, provided that shown on the register can provide an understanding of the exact words, shapes, colors, letters, numbers, to format the audio and goods or the packaging brand can be any kind of sign. A mark which is open to the public for the use of the mark is left to the person who registers him / her by registering. In this respect, an absolute right that can be put forward against everyone with a trademark right and compulsory by everyone is provided.

The necessity of international legislation has become compulsory because of the insufficiency of the national legislation to protect the trademarks. The first arrangement made in international legislation and on trademarks is the Paris Convention of 20 March 1883. The States which are parties to the Paris Convention have formed the Union for the protection of industrial property. It is stated that the States Parties to the Union will be able to benefit from the rights recognized by the State to its citizens in respect of industrial property, even if the citizens of the Union do not have any establishments or residence in one of the other Parties.

Another important principle of the Convention is the right of priority. Under the agreement, the person applying for registration in any of the States in which the Union is located may benefit from the right to registration in the other States in twelve months for patent and utility model applications and six months for trademark and industrial designs. In the event of the use of the priority right within this period, applications made by third parties between the first application and the second application date to other states shall be deemed null and void.

A person who registers his trademark in one country may have an interest in the registration of the same mark in other countries. However, there is a risk that the mark may be registered or used by other parties during the period between registration in the first country and subsequent registration. The Paris Convention and the 'right of the right' organization have been put in place to ensure that the person who first registered the trademark and who wishes to protect the mark in other countries does not face the risks.

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