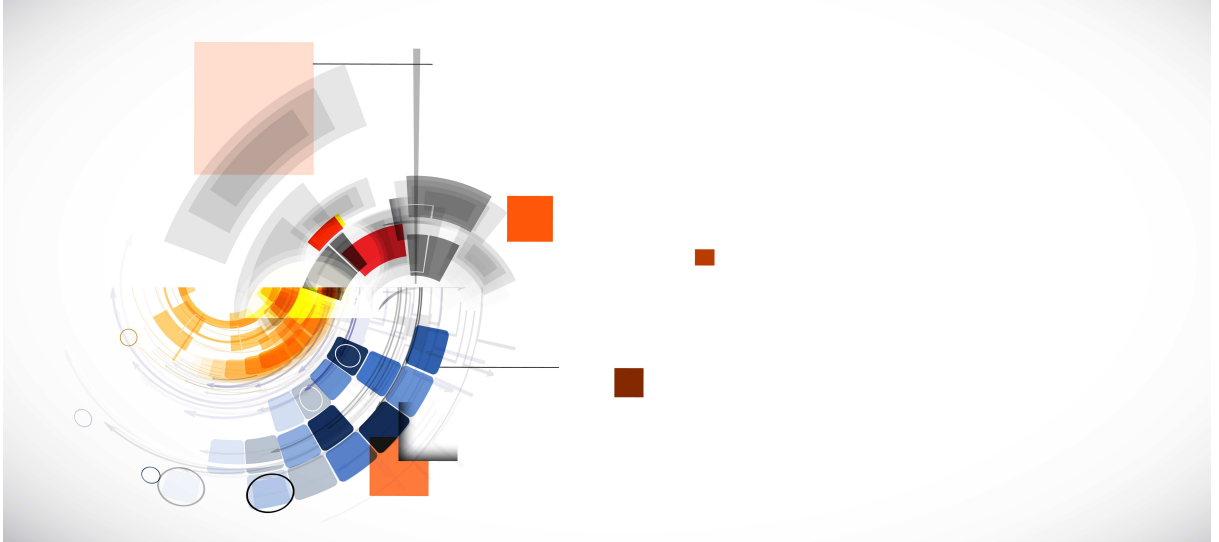


## Update Concerning the Status of the Turkish Patent & Trademark Office and of the Profession of Patent/Trademark Attorneys on the Basis of 3 Recent Text Published in the Official Gazette

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We wish to report on the latest developments regarding the situation of the Turkish Patent & Trademark Office (TürkPatent) and of the profession of Patent and Trademark Attorneys on the basis of 3 texts published in the Official Gazette.

**1 - Decree-Law No. 703 (by decision of the Council of Ministers of 02 July 2018) (Official Gazette No. 30473 3.bis of Monday 09 July 2018):**

- repeals the provisions of Law No. 5000 concerning the Establishment and Organization

of the Office (TürkPatent) by thereby abolishing it as a body. (Art. 86/b)

- amends the name of Law No. 5000 as “Law about certain rules regarding Patent and Trademark Attorneys” by maintaining Articles 30 and 30/A concerning the profession. (Art. 86/a)

- maintains some provisions of Law No. 5000, (namely Article 15/C parag. 3, Article 25 parag. 3 + 5, Article 28 and provisional Article 3) which concern the Office (TürkPatent) as a body and which, for some reason, have not been repealed (Art. 86/b) despite the abolishment of the Office (TürkPatent).

The provisional Article 16 of the Decree-Law No.703 further provides that “all regulations, rules and operations/procedures which have been engaged/brought into force, priorly, according to the Laws and Decree-Laws which are amended with the present Decree-Law shall continue to remain in force/valid to the extent they are not repealed.”

## 2 - Presidential Decree No. 1 (Official Gazette No. 30474 of Tuesday 10 July 2018):

- establishes under section 13 the Ministry of Industry and Technology

- under Provisional Article 1 (1) provides that “the provisions regarding all public bodies and institutions whose laws and decree-laws on their establishment/organization have been repealed by the Decree-Law No. 703, to the exception of those the assignment and transfer of which have been effected, shall continue to be applied until when they will be organised by further presidential decree.”

## 3 - Presidential Decree No. 4 (Official Gazette No. 30479 of Sunday 15 July 2018):

- establishes under section 27 the TürkPatent as a public body under the aegis of the Ministry of Industry and Technology.

According to Art. 358(1) TürkPatent is a legal person subject to private law, unless otherwise provided in the Decree, with its own budget.

It is to be reported that on the basis of the above provisions TürkPatent has continued its day to day operation without interruption and without any negative effect, so far, for the right holders. The situation originating from a change in the Constitution seems to have settled as to the reorganization of the administration regarding the ministries and TürkPatent.