



Rules concerning the Working Requirements for Patents

IN TURKEY

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PROVISION

An invention which is granted as a patent must be used/worked within 3 (three) years as of the publication of the grant of the patent in Turkey.

DECLARATION OF USE: Normally, a patentee must declare the 'effective use' of the Turkish patent within three (3) years from the publication of the granted patent in the official Patent Bulletin (cf. article 130 of the Turkish Intellectual Property Law no. 6769 and Article 117, paragraph 8 of the Implementing Regulations). For European Patent Validations in Turkey, three (3) years of time period starts from the mention of grant of the European Patent.

Filing a declaration that the patented invention is in use in Turkey is sufficient where no other additional document needed.

Fulfilling the formalities is not required annually; it is a one-off action.

DECLARATION OF NON-USE: If the patent is **not** used due to 'valid reasons', a patent holder can file a Declaration of Legal Excuse explaining the reasons of objective nature for the non-use of the patent. According to article 130 of the Turkish Intellectual Property Law no 6769 "technical or economic or legal reasons of an objective nature shall be deemed to constitute legitimate excuses for the inability to put the patent to use" provided that they are "beyond the control and will of the patentee".

Filing a declaration that the patented invention is not in-use in Turkey is sufficient where no other additional document needed.

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DECLARATION OF USE OR NON-USE



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Non-use (non-working) of the patent may lead to the grant of compulsory license to any party who wishes to use the invention granted by patent and who could not get the permission or contractual license from the patent owner before.

PROVISIONS FOR NON-USE

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OFFER FOR LICENSING

Where a patent holder has neither filed a declaration of use or non-use of a patent under the terms described above, it may request the publication of an 'offer for licensing'.

If the patent which is not used (worked) in three (3) years of non-use period, then any third party may approach to the owner of the patent to use the granted patent, then the patent owner may prove that he is using or used the patent in that non-use period. If the patent owner cannot prove that he used or is using/working the patent, then the third party can claim contractual license or compulsory license to use the patent. The third party pays royalty according to contractual license or court decision for compulsory license.

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PROCEDURE FOR COMPULSORY LICENSE

The procedures in Turkey implemented by the patent owners are below;

- Most of the patent owners do not file any use/non-use declarations,
- some of the patent owners file license offer before Turkish Patent and Trademark Office (TURKPATENT),
- Official statistics provided by TURKPATENT.

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COMMON PROCEDURES IMPLEMENTED BY THE PATENT OWNERS