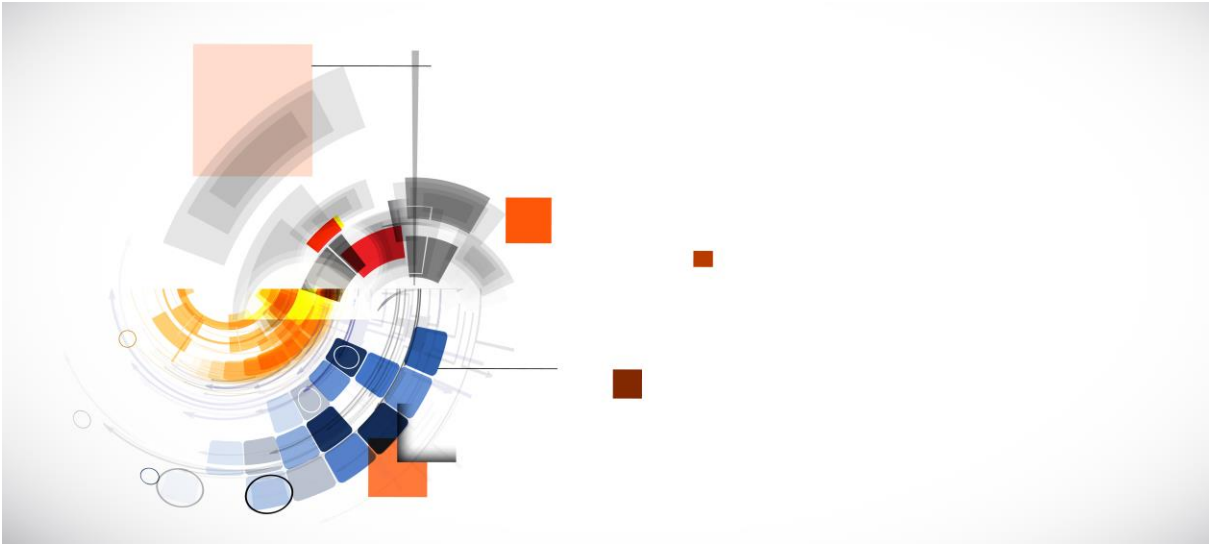


Trademark – News (*)

Administrative Procedure for Cancelling a Trademark Registration

Aslı Bayguz, E. Kerim Yardımcı / 12 July 2016

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(*) Turkey's new Draft IP Law is before the Parliament

Administrative Procedure for Cancelling a Trademark Registration

Current Legislation

The Turkish Patent Institute (T.P.I.) has no authority to cancel a registered trademark according to the current provision.

Proposed Changes by the Draft IP Law

The draft entitles T.P.I. in its article 26 to cancel (to revoke) a trademark registration on the following grounds;

- In case of non-use of a trademark 5 years for uninterrupted and without justifiable reason,
- In case the trademark has become common name for a product/service as a results of acts or inactivity of the proprietor,
- In case its use is misleading the public as the nature, quality or geographical origin of those goods or services as a result of the use made of it by the proprietor,
- In case it does not comply with technical regulations governing the use of the guarantee or collective trademark.

According to the draft, the entry in force of the article 26 will be 7 years following to its publications. The courts would be entitled to cancel the trademark during this 7 years period.

Comment

The period of 7 years for the entry in force of this provision is parallel to EU Directive No. 2015/2436 of 16 December 2015 to approximate the laws of the Member States relating to trade marks whereby the Member States shall provide for an efficient and expeditious administrative procedure before their offices for the revocation or declaration of invalidity of a trade mark until January 14, 2023.