



# **Geographical Indications and Traditional Specialities Guaranteed Products**



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# I. PROTECTION OF GEOGRAPHICAL INDICATIONS IN TURKEY



## RELATED LAW – COMPETENT AUTHORITY

- Decree-Law No: 555 (DL-555) Pertaining to the Protection of Geographical Signs in Force as from June 27, 1995
- The Implementing Regulations Under the Decree-Law no: 555 (DL-555) Pertaining to the Protection of Geographical Signs

**Article 1** - This Decree-Law aims hereby, to protect the natural, agricultural, mining and industrial products and handicrafts under geographical signs when they are in conformity with the provisions of the Decree-Law.

**Article 6** - The body authorized for the registration of geographical signs is the **Turkish Patent Institute**. All applications are to be filed at the Turkish Patent Institute or at the body it may authorize as such.



## **DEFINITIONS**

### **Designations of Origin :**

- Two criteria shall be satisfied
  - First, the quality or characteristics of the product are essentially or exclusively due to the inherent natural and human factors of that geographical area
  - The production, processing and preparation of the product take place within the geographical area



## DEFINITIONS

### Geographical Indications

- Two criteria shall be satisfied
  - A specific quality, reputation or other characteristics of the product attributable to that geographical area
  - At least one of the activities of the production, processing or preparation of the product take place within the geographical area



## SPECIFIC CASES

Followings cannot be registered:

- Generic names
- Names of plant varieties, animal breeds or similar names, if misleading
- Names contrary to public order and general principles of morality
  
- In cases of conflicts with trademarks, same principles with EC Rules are applied



## RIGHT OF APPLICATION

- Natural or legal persons who are producers of the product
- Consumers associations
- Public institutions related with the product or the geographical region



## SPECIFICATION

- Name
- Information about the applicant
- General information about the product, production method
- Borders of the production area
- The link between the product and the area,
- Reasons to be a DO or GI
- Inspection structure and labelling details



## **PROCEDURE**

- Examination
- Completing the missing formal information and documents
- Checking the application with an expert impartial organization
- Publication in National Official Gazette, 2 highly circulated newspapers, 1 local newspaper
- 6 months duration for the objections
- If no objection, registration
- If objection comes, reports from expert organizations are asked and decided accordingly



## **INSPECTION STRUCTURE**

- Sufficient qualified staff
- Equipment and resources to inspect
  - the production
  - marketing
  - medium of use of registered designation of origin or geographical indication
  - labeling details of the product bearing the protected geographical sign



## **SCOPE OF PROTECTION**

- exploiting the reputation of the registered Name or a use of the name in respect of products similar or comparable to the products registered
- indicating a real geographical place as a word conveying a false impression as to the origin of the product - 'style, method, type, as produced in'
- false or misleading indication as to the origin, nature or essential qualities of the product, on the packaging, on advertising material or on documents relating to the product
- packaging or representation of the product which is liable to convey false impression as to its origin or any other practice liable to mislead the public
- to participate, to assist, to encourage or to facilitate in whatever form the acts referred in above sentences



## SENTENCES

If there is an infringement,

- 2-4 years imprisonment, depending on the act
- 25.000-35.000 Euro fine, depending on the act



## **II. PROTECTION OF TRADITIONAL SPECIALITIES GUARANTEED PRODUCTS IN TURKEY**



## EXISTING LEGAL SITUATION

- At the moment, there is no any related law to protect traditional speciality guaranteed products.
- There exist some products in Turkey which can be protected under such a heading.



**THANK YOU FOR YOUR ATTENTION**