

THE ANKARA UNIVERSITY RESEARCH CENTER
ON INTELLECTUAL PROPERTY RIGHTS:
FISAUM

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I. REASONS OF FOUNDATION

The Turkish legislation in the field of intellectual and industrial property rights before 1995 were old fashioned and insufficient. The protection of inventions through patent rights and the protection of trade-marks for instance, were respectively subject to the Statute numbered 1879 on Patents and the Statute numbered 551 which came into force in 1965, however with the exclusion of the service marks. Furthermore no legislation was in force on protection of the industrial drawings, models, merchandise and country of origin marks. This legal gap was producing negative effects on the Turkish commercial and the industrial life which have been planned to perform efficient activities at the international arena.

The activities on the preparation of a contemporary legislation on industrial ownership rights were commenced in 1980's. The legislative activities speeded up upon the entry into force of the World Trade Organization Agreement and in particular following the decision of EC/Turkey Association Council (6.3.1995, 1/95) determining the obligations of the parties in relation to the formation of the customs union. Following the 1/95 decision of EC/Turkey Association Council, and besides the amendments made in several statutes, the Statute numbered 4113 (8.6.1995) has empowered the Council of Ministers to make amendments in various statutes through decrees having force of law with a view to enabling protection of patents, useful models, industrial designs, trade-marks and geographical marks. Upon the power given by the Statute numbered 4113 eventually the decrees numbered 551 for patents, 554 for industrial designs, 555 for geographical marks and 556 for trade-marks having force of law were put into force. Also, various amendments were made in the Turkish IPR Statute numbered 5846 (the FSEK) in 1983, 1995, 2001 and in 2004.

The Ankara University, with a view to considering the great importance of the intellectual and the industrial property rights in Turkey and elsewhere, has foun-



ded the Research Centre on Intellectual and Industrial Property¹ on the 25th of June 1997 pursuant to FSEK Art 7(d)(2). It is established through the aim of the development plan of the day and through the project of the State Planning Organization. Hence it should be mentioned that the foundation of the Ankara University FISAUM is a product of the State policies. Nevertheless, the Ankara University FISAUM activates under the high authority of the Vice-Chancellor of the Ankara University and is located in the premises of the Faculty of Law.

II. AIM

The Ankara University FISAUM is established to realize several aims within the said field of law. These are, expanding and promoting the use of the intellectual and industrial property rights; with the aim of creating a public conscious, directing the public attention to the importance, types and the protection of the said rights; and contributing in the preparation of the legal infrastructure for the commercial and industrial usages. To realize its aims the Ankara University FISAUM carries on activities of promoting and applying research projects; contributing to projects and supporting researchers in its fields of interest; arranging national and international conferences, congresses and symposiums; arranging short term and long term expertise training programs; providing supervision services for public and private sectors; publishing academic reports, bulletins, books, periodicals as such, and cooperating with the national and the international organizations.

III. ACTIVITIES

Since its foundation the Ankara University FISAUM has realized many national and international conferences, symposiums, seminars, discussions, talks and courses. These activities are summarized below to give an insight to the readers who may be interested in the future activities of the Ankara University FISAUM

1. Conferences

Since the establishment of FISAUM, many speeches were delivered by respectable academics. Some of them are: "Recent Amendments Made in FSEK and Its Critics" by Professor Dr. Mr. Ahmet KILICOGLU; "Intellectual Rights – Neighbouring Rights" by Professor Dr. Mr. Safak EREL and "The Protection of Computer Programs and Data Systems in Europe" by Mr. Terence PRIME.

On the 10th of October 2003 the conference on "Recent Developments on Industrial Property Rights in the European Union and Turkey" was held by FISAUM.

¹ Ankara Üniversitesi Fikri ve Sınai Haklar Araştırma ve Uygulama Merkezi For more information please refer to www.fisaum.org.tr.



Following the opening speeches the first session was honored by Dr. Peter DOSTERSCHILL on "Community Trademark and Design and the Future- Intellectual Property Rights in the European Union"; by Mr. Reinoud HESPER on "Latest Developments in Industrial Property Protection in the European Union and Turkey" and by Ms. Selda ARKAN "European Patent System and the Status of Turkey". The Second Session was honored by Mr. Harrie TEMMINK on "Combating Counterfeiting and Piracy in the EU: The EC Directive for the Enforcement of Intellectual Property Rights", by Hülya ÇETİN on "The Uniformity of Sanctions in IPR", by Mr Ugur G. YALCINER and Ms Nesen SURMELI on "Computer Supported Inventions and the Protection of the Methods of Business - Current Status and Near Future" and by Ms Banu AVCIOGLU on "Biotechnological Inventions and Genetic Sources".

On the 24th of May 2004 the conference on "*Since Hirsch to Today: Intellectual Property Rights*" was held by FISAUM. Prof. Dr. Mr. Günter PÜTTNER has participated the conference by "Ernst Eduard Hirsch Als Lehrer Und Wissenschaftler (Kurzfassung)", Prof. Dr. Mr. Yaşar KARAYALÇIN by "My Professor and Leader Prof. Hirsch", Dr. Mr. Christophe GEIGER by "Hindert Das Urheberrecht Den Freien Zugang Zu Wissen? Für Einen Angemessenen Interessensausgleich Im Urheberrecht and Prof. Dr. Mr. Ahmet KILICOGLU by "The Lawsuits that Might Be Brought Upon the Infringement of Intellectual Property Rights".

2. National & International Symposiums

On the 17th and 18th of November 2005 "*The International Symposium on the Intellectual Property Practises in Turkey and the Surrounding Countries*" was organized in Ankara by the Ankara University FISAUM under the sponsorship of the United Nations Development Program (UNDP) through the related project of the State Planning Organization with the contributions of the TPE and the TOBB. The national and international organizations, namely the UNDP, the World Intellectual Property Organization (the WIPO), the European Patent Office (the EPO), the Eurasian Patent Office (the EAPO), the Organization of the Islamic Conference (the OIC), the Turkish Patent Institute (the TPE), the Union of Chambers and Commodity Exchanges of Turkey (the TOBB), the Republic of Turkey Ministry of Industry and Trade - Small and Medium Industry Development Organization (the KOSGEB) and the Association of Trademark and Patent Attorneys (the PEM) were represented in the symposium together with the surrounding countries, namely Egypt, Morocco, Russia, Kazakhstan, Azerbaijan and Georgia.

On the 4th of April 2001 "*The Symposium on the Latest Developments in Industrial Rights*" was held in Ankara in co-operation with the International Protection Union of the Intellectual and Industrial Property (the FISMUKOB). Patents, trademarks, biotechnological inventions, integrated circuits, new plant types and domain names were the topics that are discussed in the symposium.



3. Seminars

On the 11th and the 12th of May 2006 the *TAIEX Seminar on Intellectual Property Rights- a Comparison between the European Union Legislation and Turkish Law* was held in Ankara in co-operation with the *Ankara University FISAUM* and the *Konrad-Adenauer-Stiftung of Germany*. In this seminar, the representatives from various EC member states – in particular those who have recently joined the Community- and their Turkish colleagues (academics and patent-trademark attorneys) have mutually shared and discussed their experiences in the way to EC in relation to the intellectual property issues. Within this sphere, Turkey, Germany, Italy, Finland, Poland, Hungary and Slovenia were represented in the seminar.

From 11th of November to 22nd of December 2005, with a view to informing the representatives of the small or medium sized industry about the basic industrial property issues, a series of private sector seminars were arranged, initially in nine big cities of Turkey, by the *Ankara University FISAUM*, namely "*the TOBB Seminars*". The seminars were particular for and open to the members of the Turkish local trade chambers and held under the authority and with the valuable contribution of *the TOBB*.

On the 10th of January 1999 the seminar on "The 21st Century and the Industrial Ownerships Rights" was held by the *Ankara University FISAUM* in Denizli with the contribution of *the TOBB* and *the TPE*. Mr. Kaan DERICIOGLU, Mr. Erdal SANLI and Mr. Ugur YALÇINER were the speakers under the directorship of Professor Dr. Mr. Tugrul ARAT.

4. Discussions

On the 30th of November 1999 the panel on "The Infringement of Reproduction and Publication Rights in Scientific and Literary Works" was held in Ankara. Mr. Ozcan CETIN, Professor Dr. Mr. Safak EREL, Professor Dr. Mr. Naci KINACIOGLU and IPRC judge Mr. Levent YAVUZ have participated as speakers under the directorship of Professor Dr. Mr. Turgut KALPSUZ. Text of the discussions is published with the valuable contribution of the "*All-Turkey Writers Association*" (*the ILESAM*).

5. IPR Talks

In 2005 the *Ankara University FISAUM* has commenced the *IPR Talks* to supplement its activities on intellectual and industrial property rights. All IPR experts of the national and the international community are welcomed to deliver speeches and to discuss the theoretical and practical aspects of the intellectual property and the industrial property in Turkey and elsewhere. The initial speeches were delivered on trademark by the judges of the *Ankara IPR courts*, Mr. Levent Ya-



vuz, Mr. Serdar Arıkan and Mr. Turkey Alica, who were trained in the European Community within the sphere of *the MEDA Project*

In 2006/I session of the *IPR Talks*, which was held in April, three speeches were delivered, which were on patents, on designs and on music presentations made through the Internet. Mr. Ugur G YALCINER, Asistant Professor Dr. Mrs Feyzan Sehirali CELİK and Associate Professor Dr. Mr. Tekin MEMIS have participated in the talks as speakers.

In 2006/II session of the *IPR Talks*, which is going to be held on 6th to 10th of November 2006, the Ankara University FISAUM is hosting Mr. Eric Weissmann from the United States of America. Mr. Eric Weissmann is going to deliver three speeches in the form of a six hours mini seminar on "*U.S. Entertainment Law*".

6. Annual Courses

The Ankara University FISAUM has been carrying out its annual courses since 1997. The theme of the annual course is "*The Intellectual and the Industrial Ownership Rights – The National and the International Practice*". The course intends to cover all basic issues of intellectual property law.

7. Specific Courses

The Ankara University FISAUM also arranges specific courses upon the request of the public and private bodies

Recently the Ankara University FISAUM has arranged a particular IPR course for the members of the Ankara Bar on "*The Legal Aspects of the Intellectual Property Rights*". The course was held in Ankara Bar between the dates of 15th of May to 9th of June 2006.

IV. PUBLICATIONS

The Ankara University FISAUM intends to publish the texts of most of its activities. These are currently on sale at the Documentation Unit of the Ankara University FISAUM.

V. THE IPR ON-LINE INFORMATION SYSTEM AND THE DOCUMENTATION UNIT

The Ankara University FISAUM's IPR information system and the documentation unit have been figured out as one of the outcomes of the agreement signed between the European Commission and the Ministry of Justice within the context



of the European Community's MEDA Project on the Effective Enforcement of Intellectual Property The Ankara University FISAUM has received its initial literary and technical equipment and documentation within this sphere.

The main aim of constituting the IPR Information System is pooling the relevant IPR information (judgments, laws, statistics, reports, scientific publications, trademark and design registries, custom decisions, legal forms etc) obtained from the related public bodies including the IPR courts, Ministry of Justice, Turkish Patent Institute, Customs Administration etc into a unique on-line system that the access is going to be limited to certain groups such as the judges, lawyers, patent-trademark attorneys, academics as such.

However, owing to some deficiencies at the level of preparation of the specific software, and to the incomplete online infrastructure of the related public bodies the IPR on-line information system is not yet in operation. Nevertheless, the documentation unit is effective within the terms of off-line - open access since the 24th of May 2004

VI. THE IPR - EXPERT DATABASE

The Ankara University FISAUM has been maintaining an expert database with a view to enforcing its aims effectively The expert data base has been referred basically to keep in touch with the IPR experts who may wish to participate in the official supervision activities of the Ankara University FISAUM.

VIII. LAST WORD

Since its foundation, with a view to creating the public conscious and keeping the professional interest in the IPR issues, the Ankara University FISAUM has been carrying on many individual and joint activities in Turkey. The Ankara University FISAUM, with the aim of promoting its goals, has a strong intention to realize joint activities with the foreign universities, international organizations, national and international bodies; and with those which aim to promote the similar goals in their home country and abroad.