



**YETKIN**  
PATENT & CONSULTANCY

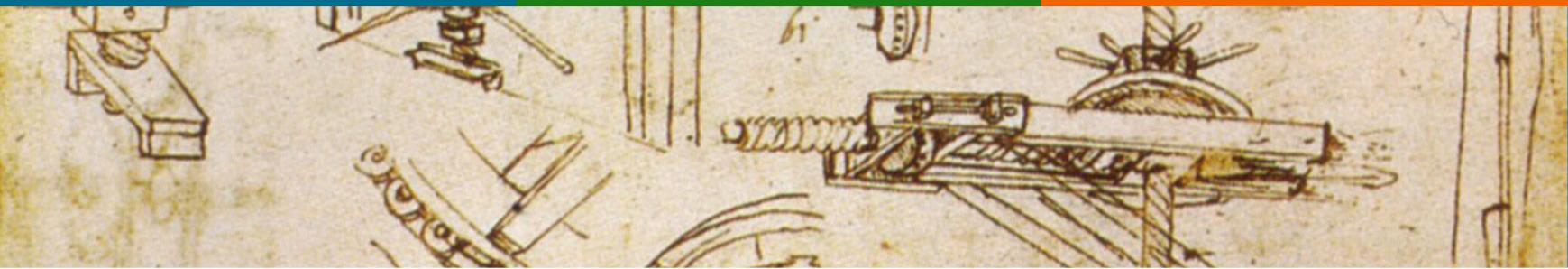
**We protect your ideas with Intellectual Property  
in Turkey and all around the World.**

Since 1996, Yetkin Patent&Consultancy has operated with expertise of Trademarks, Patent and Design globally, sustaining reliable, efficient and fast services concept with principle of long term customer satisfaction and privacy.

TRADEMARK

PATENT

DESIGN



## **YETKIN PATENT & CONSULTANCY**

Headquartered in Ankara, Turkey, Yetkin Patent&Consulting has been dedicated to serve organisations and individuals in all areas of Intellectual Property globally.

Being the first futurist IP firm in Turkey is not an easy task; we serve our clients with team members experienced on their fields with;

- Having the principle of privacy, providing high quality services in fastest way
- Raising IP awareness and culture
- To protect their Intellectual effort, walking side by side with clients anywhere in the world
- Proactively support client against infringement in local and global markets

## **OUR VALUES**

Having accomplished rapidly evolving missions for various industries, Yetkin is an experienced team with a prudence to keep running in a manner of strenghtening the effect of endeavour since Its foundation,

**Flexibility:** Lets be permanent by bringing variety of skills&perpectives together.

**Integrity:** We are always dedicated to add new circles to strenghten our chain of integrated services. Lets ride your integrity journey together by preserving your trademarks, inventions, designs.

**Transparency:** We believe that an Industrial Property process should be designed to be tracable, enabling right owners to manage their products effectively. Serving you the development, lets make walls narrowing down your angle transparent.

# TRADEMARK

Provided that the goods or services of an enterprise are distinguished from those of other enterprises and can be displayed in the registry in such a way as to provide a clear and accurate understanding of the subject of the protection afforded to the trademark owner, the trademark may consist of any sign, including words, shapes, colors, letters, numbers, sounds, and the shape of goods or their packaging including personal names.

As YETKIN PATENT, we conduct the necessary trademark research and provide consulting services for the protection of the trademark right, so that the trademark can be applied in the most suitable classes for the desired and the applicant's field of activity.

## **Trademark Preliminary Research**

To determine whether the expressions determined for the trademark application pose any risk during the application process before TÜRKPATENT and among the registered trademarks, we provide you with a preliminary trademark research service. A preliminary research study is carried out in these classes by determining the class list of goods and services that are suitable for your activities. Furthermore, we analyze whether your trademark conforms with the distinctiveness and registration criteria.

Trademark is the DISTINCTIVE sign that distinguishes the goods or services of a business from those of another business. The trademark also has a warranty function. Source, manufacturer, advertisement functions, and quality of production are understood from the trademark. Words and shapes create the trademark.



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Trademark preliminary research is like a road map that guides the process of overcoming these risks by identifying the trademarks that are at or pose a risk of imitation.

## **Trademark Application**

The first official step of the Trademark Registration Process starts with making a trademark application to TÜRKPATENT and trademark protection begins as of the application date.

Your trademark application is filed within the scope of the goods and service classes that we have previously determined within the frame of our consultancy in accordance with your activities.

Following the filing of your trademark application, this trademark application will now be examined ex officio by the TÜRKPATENT within the frame of absolute grounds for refusal under Intellectual Property Law No. 6769. We provide you consultancy service to minimize the risks both in the review of TÜRKPATENT experts and in the subsequent publication process.

## **Trademark Ex officio Objection to Total Refusal/Partial Refusal Decision**

After the trademark application, TÜRKPATENT evaluates the sign requested to be registered by procedural review in terms of compliance with Article 5 of the Intellectual Property Law. In particular, a review is made upon whether the sign requested to be registered within the scope of this article is similar to the previously registered trademark or the registration process is in progress. Also, it is examined whether the trademark applied for is distinctive and not “descriptive” for the goods/ services whose registration is requested.

If a partial or total refusal of your trademark application is made during this review, you have the right of objection against the decision. If you wish to object to the decision, we provide support for preparing and filing a petition of objection against the decision and then follow-up until the process is complete.

## **Objection / Opposition to Trademark Publication**

If the trademark application undergoes the TÜRKPATENT review, it is decided to announce it in the Official Trademark Bulletin where the applications are published. After the trademark is announced, the previous right holders have the right to object within 2 months.

If the previous right holders object within this period, the objection petitions may be evaluated and accepted by TÜRKPATENT and the trademark application may be refused. Or, the objections may be evaluated negatively and the registration of the trademark application may be decided.

In the process of protecting your trademark, you may find yourself on both sides of the objection to publication. Whether it is to express a dissenting opinion after an objection to your trademark registration application or to object to the publication of another company's trademark application, we assist you at this critical stage in collecting all kinds of evidence, arranging explanations and justifications, and, as a result, either objecting to the publication or presenting a dissenting opinion.

## **Trademark Registration**

The registration of the trademarks that have successfully completed the application process is decided. At this stage, all missing documents must be completed in due time and registration dues must be paid, and these transactions are followed within the frame of official correspondence with TÜRKPATENT.

Whether the trademark is in the registration stage or registered, all your requests for Issuing a Copy of the Trademark Registration Certificate and Issuing a Copy of the Trademark Registry can be submitted to TÜRKPATENT by our attorneyship at this stage.

A close-up photograph of a person's hands. One hand holds a pen over a document on a blue clipboard, while the other hand holds a separate sheet of paper. The background is blurred, showing what appears to be an office setting with a window and a person's arm in a grey sweater.

## **Fight against Imitation**

We provide legal assistance in case your Intellectual Property Rights are imitated in Turkey or abroad. We provide national and international support in both administrative and legal stages, with legal research on legal issues and obtaining evidence regarding concrete cases, including the Turkish Trade Registry.

## **Trademark Training**

We have training programs on Intellectual Property Rights to ensure and make effective the active role of each unit of your company in the protection of your Intellectual Property Rights, cooperation with your Intellectual Property related departments within your company or sectorial training can be carried out with other departments of your company. We provide both preventive and development-directed training and practical information on administrative processes and your legal rights in the field of Intellectual Property.

## **Trademark International Transactions**

As we provide services in trademark applications by WIPO, EUIPO, national trademark applications abroad, foreign trademark objections, and other transactions, we also take an active role

in cooperating with international patent attorneys in WIPO PCT and EOP applications and national phases, receiving proposals and controlling your processes in multiple countries. While we also provide support for WIPO Hague Application and national design applications, we can undertake the management of foreign administrative and judicial processes in all your Intellectual Property disputes.

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### **Trademark Agreement**

We stand by you in the preparation and evaluation of protocols in the field of Intellectual Property Law, providing legal interpretation, Coexistence Agreements, License Agreements, etc., in the drawing up of all agreements that your company may need in the field of Intellectual Property.

### **Competitor Analysis-Monitoring**

We have bulletin monitoring and analysis services so that you do not fall behind in the Intellectual Property management process, which is an indispensable part of trade and reflects the competition. Also, with our trademark monitoring service, trademark bulletins are monitored in the fastest and most effective way, and you can protect your trademark value for years by distinguishing your trademark from similar ones.



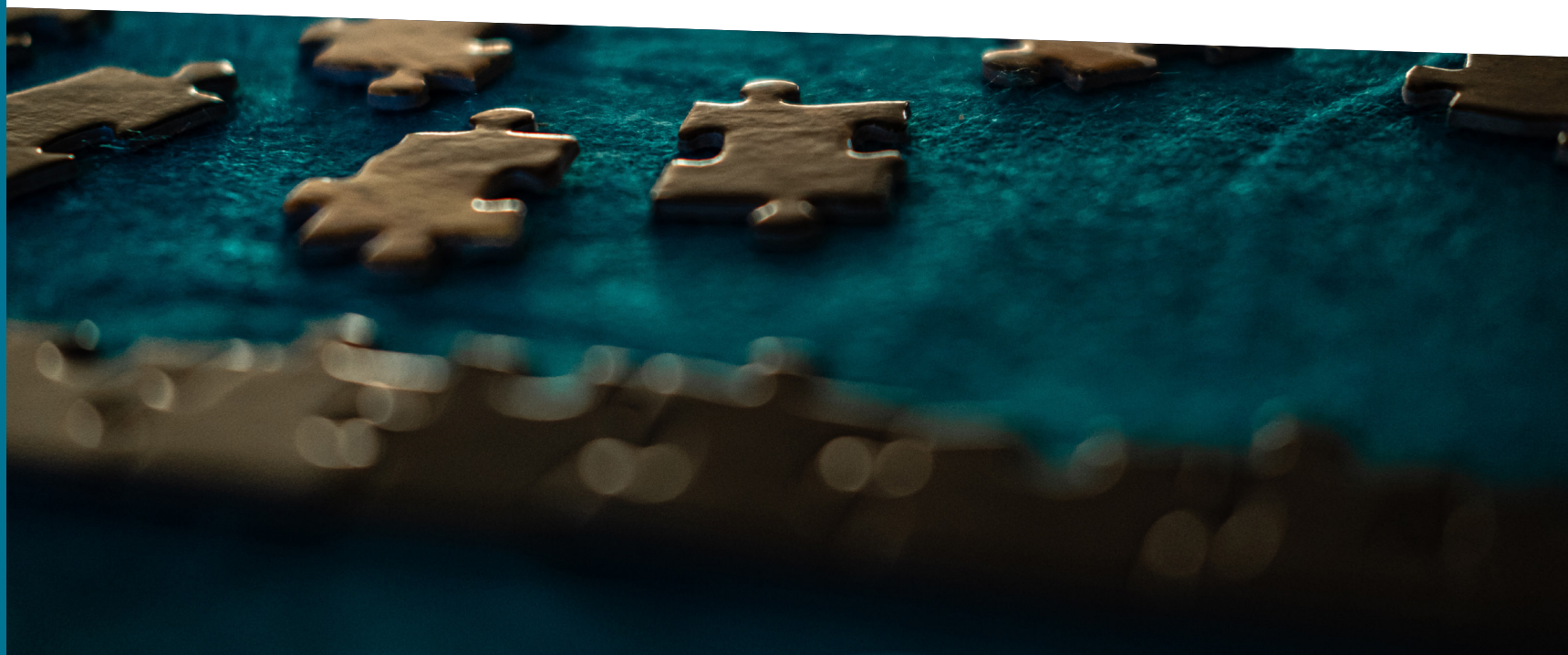
## **Trademark Transfer and License Transactions**

Trademarks, which are intangible fixed assets, can be transferred or licensed exclusively/non-exclusively. In this way, income can be obtained with the trademark application by exclusivity.

## **Trademark Legal Transactions**

Trademark Invalidity / Trademark Infringement Prevention cases in Civil Courts for Intellectual and Intellectual Property Rights, to imitate your trademark that you have not registered yet by third parties, or to legally fight against imitations of a registered trademark in line with your past use; In the Trademark Application or Objection Process, we also provide legal consultancy for the protection of your Trademark Right at the Legal Stage, including Objection to the Decision in the Court, against the decisions that do not satisfy at the administrative stage.

Moreover, we also provide attorneyship at other necessary stages in the protection of your Trademark Right against counterfeit goods, such as the Prosecution complaint stage, the Declaratory Lawsuit in Different Labor Courts, within the scope of fighting counterfeit goods.

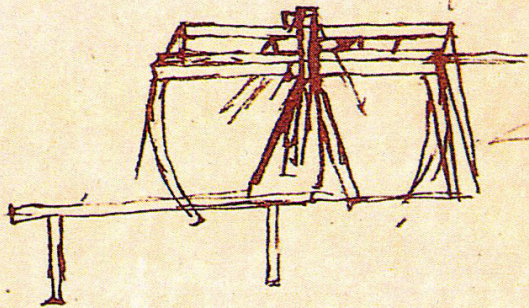
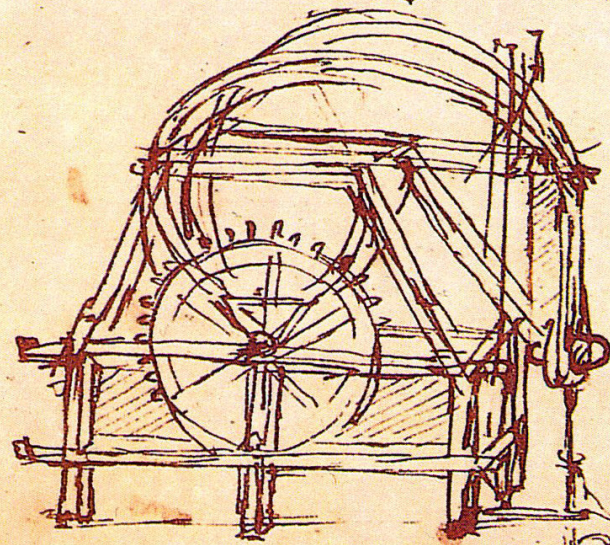


# PATENT

In the free competition market, one of the most important elements for companies running in the same sector to concentrate customer preferences on their products is design. Especially in products that provide the same benefit to customers in terms of quality and technique, design is often the most decisive factor. In particular, small and medium-sized industrialists aim to stand out one step forward by differentiating in their product range by design.

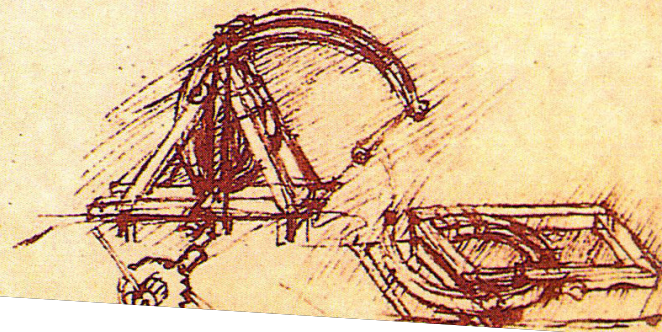
Patent legislation in Turkey, which has become one of the most important production centers in the world due to its geographical location, production, and R&D capacity, has changed to comply with the European legislation on October 10, 2017, and is currently within the frame of the provisions of the SMK numbered 6769. A patent gives you a monopoly for a certain period of time within the borders of the country where it was registered to produce, use or sell your invention. Also, license income can be obtained by granting patent usage rights to other companies under the conditions specified by the patent owner. For an invention to get a patent, it must satisfy certain criteria.

You can also choose to protect your invention by making a Utility Model application. A patent is a more costly and long process, besides requiring additional conditions. If the subject of your invention is suitable, you can choose Utility Model protection by aiming for a shorter protection period or to initiate legal action in a short time. As far as the subject permits, every patent application can turn into a Utility Model application, but the reverse is not always the case.



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## Main Differences between Patent and Utility Model in Turkey

As there are similarities between both protections, there are also points where they differ. The main ones are;

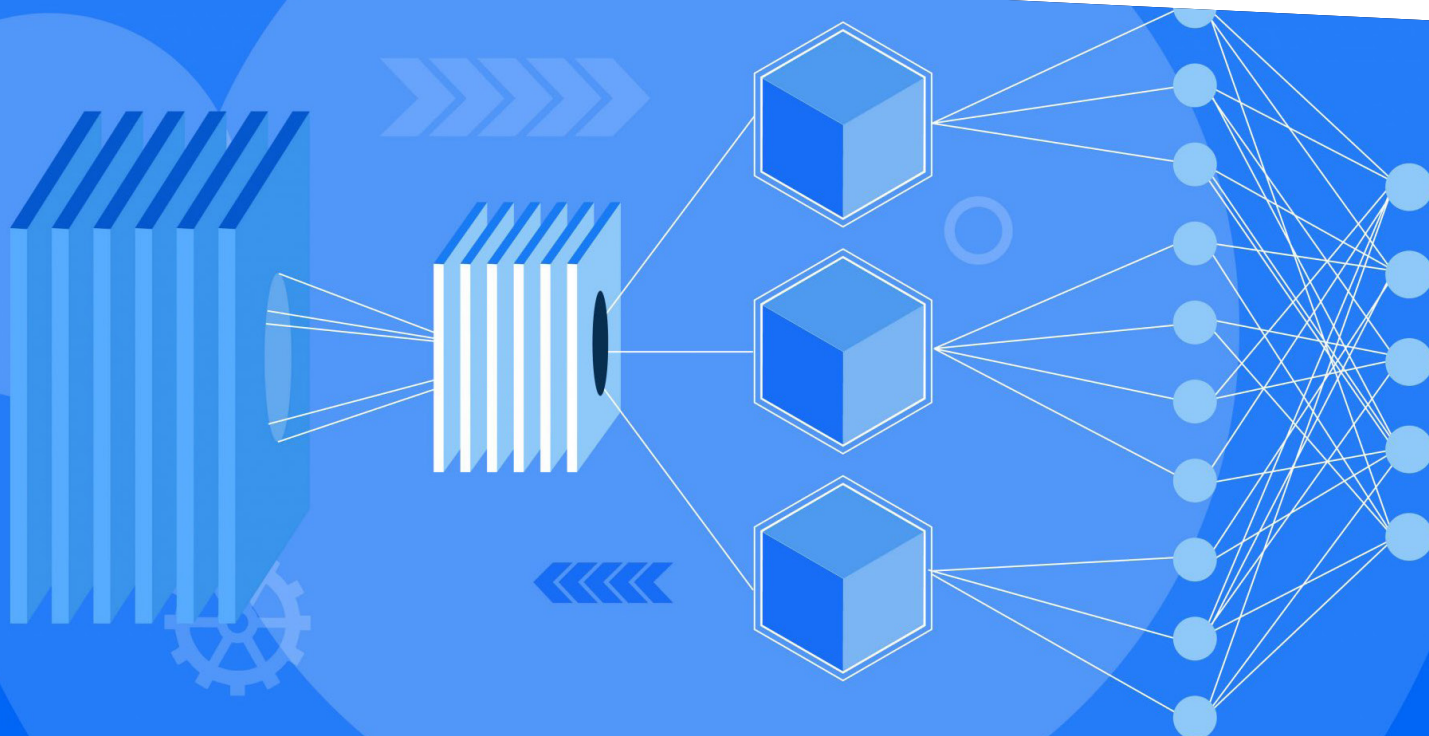
- While novelty and invention step criteria are sought to obtain a patent certificate, only novelty criteria are sought for utility model certificates.
- While methods can be the subject of patents, they cannot be the subject of utility models.
- Methods in the field of patents, chemistry, pharmacy, biotechnology can be the subject of patents, but they cannot be the subject of utility models.
- Unlike the patent, there is no establishment review in the process of obtaining the Utility model certificate. For the utility model, the establishment only conducts novelty research.
- While the patent can be protected for a maximum of 20 years, in the utility model this period is 10 years.

## Patentability Preliminary Research

Before preparing the patent application file, we carry out a worldwide preliminary research study related to the state of the art of your product. As a result of the preliminary research carried out in the light of the information you shared in the Invention Preliminary Preparation Form, it is understood whether your product subject to the invention is within the scope of patent protection, whether it fulfills the novelty and invention step conditions, and at the same time, it is important to see the position of your work among similar applications in the world.

## Patent Application

After correlatively evaluating the results of the preliminary research report, the application file will be written in line with the information you will give us about your invention. Patent processes in Turkey are completed within an average of 2 - 4 years after the application file is submitted to the establishment. Utility Model processes, on the other hand, are concluded in approximately 1,5 years if early publication is requested.



## **International Patent Application**

Within 1 year following the National Patent Application or without making a national application, protection can be requested directly in the countries where the patent will be protected, based on the provisions of the Paris Convention. In addition to this, the Patent Cooperation Treaty (PCT) provides additional time for the selection of the countries to be protected and makes applications in different regions such as Asia, Europe, and America. In another way, the EPC-European Patent Agreement is a collective application method that can be used to obtain a patent in EU member countries. If requested, it is possible to pass to EPC after the PCT application. We manage international patent processes with our European Patent Attorneys and experienced experts, by making use of the required government support.

## **Change of Claim and Opposition Transactions by TPTO (Turkish Patent and Trademark Office) in Patent Application**

It is important to prepare an effective dissenting opinion within 3 months of the notification of the research and reviews made by the establishment for an application whose application procedures are still in progress and to make the required changes in the file, if necessary, to conclude the process with registration. At this stage, the defense should be prepared by using the necessary technical and legal arguments in response to the expert's evaluation, and in line with this, necessary changes should be made in the claims section where the scope of protection of the patent is determined.

## **Patent Monitoring Follow Up**

Your right on the invention is protected without starting a legal action by monitoring the patent so that measures can be taken at the application stage against the patent applications of your competitors who may violate your patent rights. Also, it is necessary to monitor the periodically published official patent bulletins to be aware of the patent processes related to certain competitors and technologies in certain countries.

## **Objection to Publication**

TÜRKPATENT gives the right to object to the registration decisions related to the products and services you offer or the patent applications made in the field related to your patent application within 6 months (Patent) and 3 months (Utility Model) from the publication of the decision in the bulletin. The objection file, which contains the findings and evaluations related to the similar uses of the patent application made at this stage before the application date, should be submitted to the establishment within the specified periods. Similarly, it is important to submit dissenting opinions against the objections made by 3. parties during the publication, in terms of the registration of the application.

## **Objection to the Decision of the Establishment**

After the completion of the objection and dissenting opinion processes during the application, an objection to the decision can be filed against the registration or decisions of refusal of the establishment in due time. At this stage, the technical and legal grounds of the objection to the filed decision are evaluated by the Re-review and Evaluation Board.



## **Patent Annual Fee Monitoring**

For the patent and utility model protection to continue, it is necessary to pay an annual fee at the prices determined by the Turkish Patent and Trademark establishment every year, starting from the 3rd year after the application date.

## **Patent Contracts**

We serve you with our experienced staff of lawyers and engineers to achieve the most efficient result in the long run, in important matters such as inventor contracts for employee or academician inventions, and the distribution of profit from the sale of the patented product.

## **Patent Transfer and License Transactions**

Patents, which are intangible fixed assets, can be transferred or licensed exclusively/non-exclusively. In this way, income can be obtained with a patent application by exclusivity.

## **Patent Legal Transactions**

Cases related to patents are being instant cases in Courts for Intellectual and Intellectual Property Rights, we manage legal processes with our experienced team and provide a technical opinion when necessary.

## **Patent Analysis**

The earlier the Patent Data Analysis can be included in the R&D process, the more positively the commercial and technological value of the product or method that will emerge at the end of the process will be affected. Continuous monitoring of patent documents published in the world requires a process that requires the use of technical and legal expertise, also includes advanced data processing technologies due to the number of documents. Data processing systems can be turned into information that can be used in decision processes with the participation of technical and legal expertise. Regular data analysis studies are commonly used among companies leading innovation

in the world and enable them to do studies with higher commercialization potential.

### **Freedom of Activity Study**

It is the determination of patents that may prevent you in the countries where you want to present your products and services.

### **Patent Validity Analysis**

It is an analysis study on how to overcome the patent obstacles that may prevent you in any country related to the products and services you want to offer.

### **Patent Mapping**

Technological classification, attribution between technologies, license and case data with convergences between neighboring technologies, and which competitors are more effective can be seen from the patent data at the earliest. Patent data can provide important predictions in emerging technologies where sufficient analysis from market data cannot be made.

### **Patent Training**

We combine our experience in the use of patent data in Patent Application processes, Patent Portfolio Management, and R&D processes with the needs of the participants, in particular with the training programs we offer to Inventors, R&D Centers, Universities, and Enterprise Incubation Centers.





# DESIGN

In the free competition market, one of the most important elements for companies running in the same sector to concentrate customer preferences on their products is design. Especially in products that provide the same benefit to customers in terms of quality and technique, design is often the most decisive factor. In particular, small and medium-sized industrialists aim to stand out one step forward by differentiating in their product range by design.

However, these designs, which are the products of ideas, must be protected on a legal basis to achieve this goal and to make the profits sustainable. Since the design right obtained through protection gives the owner the authority to prevent the use for commercial purposes of the design by other people without their permission, it is very important in terms of the return of the investments made, both economically and socially. If not, unique and new designs will face threats such as theft, copying, and imitation, and thus, design owners will incur great commercial losses.

We provide you with Intellectual Property consultancy to protect your rights on the design in the most appropriate way and both during and after the registration process.

## **Design Application:**

Design is the appearance of the whole or a part of the product or the appearance of the ornament on it resulting from its features such as line, shape, form, color, material, or surface texture.

Product refers to an industrially or hand-made object, excluding computer programs, as well as a joint product or its constituent parts, objects such as packaging, combined presentations of multiple objects, graphic symbols, and typographic characters.

A joint product is a product consisting of parts that can be changed or replaced by disassembly. Design is protected as registered design if it is registered under the provisions of Law No. 6769; it is protected as nonregistered design if it is presented to the public for the first time in Turkey.

We can briefly define design as the outer appearance of a product.

Cumulative protection is possible. In other words, a product can be protected both as a patent and as a design. We are able to provide you services in approaching from a multidisciplinary perspective, preparing the application documents required by different systems, and coordinating the processes.

For the design to be protected, it must pass two tests:

- NOVELTY TEST
- DISTINCTIVENESS TEST

**Novelty Test:** As determined in Law No. 6769, for a design to be new, it must not have been presented in the world before. This is called a “worldwide novelty”. This absolute novelty covers all times and geography.

The priority date, on the other hand, is based on the date of the first application of an internationally registered design in the country where it was previously registered.

For nonregistered protection, it is required to present it to the public. Using without registration can also be an advantageous strategy in some sectors. The nonregistered design provides only three years of protection.

Only visible designs are protected by design law.

Distinctiveness Test: It has also been determined in Intellectual Property Law No. 6769. Whether the products are different or not is determined by the evaluation made in terms of the informed user. The four criteria for this evaluation are as follows:

- Benchmarking in terms of the informed user
- Benchmarking in terms of the overall impression
- Benchmarking in terms of objective criteria, which is the degree of freedom of choice
- Benchmarking in terms of freedom of choice, which is essential for the designer

**Design Publication Postponement Request:** Along with the application, the applicant may request a postponement of publication for thirty months, starting from the application or priority date, if any. With this request, the visual representations of the designs are kept closed to public review for thirty months and published in the Bulletin at the end of the said period.

**Design Registration Process Monitoring:** As YETKIN PATENT, we can undertake the monitoring of your design from application to registration. In our country, this process generally consists of five main processes as procedural review, novelty review, publication, objection, and certification.

**Consultancy in the Design Procedural Review Process:** Procedural review is the review of whether the necessary documents are submitted in the application after your application is made, and if they are, whether these documents are clearly stated in the relevant Regulation articles. In case the design registration applications contain formal deficiencies, the Establishment gives time to the applicant or his/her attorney to eliminate these deficiencies. It is vital to monitor your design application, as the design registration application will be deemed not to have been made if the formal defect is not eliminated within the time.



**Content Review and Objection to the Establishment's Decision:** The design registration application is reviewed in terms of content if there is no deficiency in terms of compliance with the formal conditions.

Briefly, the establishment reviews whether it is suitable for the design or product definition, whether there is a violation of public order or public morality, whether it contains the inappropriate use of the signs for which it does not allow registration, whether it is new, and as a result of this review, either the application goes to the next stage or is refused. If it is requested to file an objection against the ex officio refusal decision, we, as YETKİN PATENT, can provide you with support at every stage, from the preparation and filing of the objection to the monitoring of the process and, if necessary, to decide to the judiciary.

**Registration in the Design Registry and Publication:** Design registration applications that do not contain formal deficiency or are completed within the period of formal deficiencies and found appropriate in terms of content are registered in the Design Registry and published in the first relevant Bulletin. If a published design is not new or similar in a way that harms your rights, if you want to object to the publication, we can assist you in the preparation of your petition of objection and the monitoring of the process.

**Design Certification:** If no objection is made to the design registration within the three-month legal objection period, or if the Board decision taken as a result of the objections is “continuation of the registration” or “partial continuation”, the design registration certificate is prepared and sent to the applicant or his attorney. We serve as YETKİN PATENT in the monitoring of the certification stage.

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