



27 September 2023

(23-6454)

Page: 1/2

**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLE 63.2 OF THE TRIPS AGREEMENT**

TÜRKIYE: CUSTOMS LAW N° 4458

<b>Notifying Member</b>	TÜRKIYE
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**Details of the notified legal text**

<b>Title</b>	Customs Law N° 4458
<b>Subject matter</b>	Enforcement
<b>Nature of notification</b>	<input type="checkbox"/> Main dedicated intellectual property law or regulation <input checked="" type="checkbox"/> Other law or regulation
<b>Link to legal text*</b>	<a href="https://ip-documents.info/2023/IP/TUR/23_12349_00_x.pdf">https://ip-documents.info/2023/IP/TUR/23_12349_00_x.pdf</a>
<b>Notification status</b>	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
<b>Previous notification(s) referred to</b>	<a href="#">IP/N/1/TUR/2</a>

**Brief description of the notified legal text**

Türkiye has amended Article 57 of Customs Law 4458 regarding the protection of IPR at customs. These amendments are based in particular on the implementation of the European Regulations.

Customs authorities may suspend the release of goods if there are valid grounds for suspecting that these goods, which are subject to customs approved treatment or use, infringe any IPRs. This suspension of release may take place via an application lodged by the right holder or –if there is no valid application of the right holder, *ex-officio* actions for a duration of three business days. Where no interim injunction is submitted by the right holder, within three business days for perishable goods and within ten business days for other goods as from the notification of detention decision of the Customs office, the provisions of the customs procedure under which the declarant lodged his request shall apply. In the case of a justifiable excuse and upon the request of the right holder, the relevant customs office may grant additional time of up to ten business days. Goods whose customs procedures have been detained by the relevant customs office shall be destroyed or disposed of, through the alteration of their essential characters in accordance with the decision of the duly empowered court.

In cases where the goods protected under the rights that are required to be protected in accordance with the legislation on IPR and produced under the authorization of the right holder are subjected to a customs procedure without the consent of the right holder, or where they are produced under conditions other than those approved by the right holder or bear a different brand, these goods shall be excluded from the provisions of this Article.

Without the decision of the court regarding the infringement of IPR, the Customs authorities may permit the destruction of the goods whose customs procedures have been detained by the Customs authorities, under Customs control and within simplified destruction procedures.	
<b>Language(s) of notified legal text</b>	Turkish
<b>Entry into force</b>	7 October 2009
<b>Other date</b>	Adoption: 17 November 1999

**Notification details**

<b>Submission date of notification</b>	28 March 2023
<b>Other information</b>	Article 57 of Customs Law No. 4458 was previously amended in 2009 by Law No. 5911 <a href="https://www.resmigazete.gov.tr/eskiler/2009/07/20090707-1.htm">https://www.resmigazete.gov.tr/eskiler/2009/07/20090707-1.htm</a> (Turkish)
<b>Agency or authority responsible</b>	Ministry of Trade of Türkiye Directorate General of Customs  ESKİŞEHİR YOLU YERLEŞKESİ Dumlupınar Bulvarı No: 151 Eskisehir Yolu 9. Km. 06800 Çankaya / ANKARA  +90 312 204 75 00

\* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.