

** This English translation is for informative purposes only and not an authentic translation of the original Turkish texts.*

REGULATION ON THE RE-EXAMINATION AND EVALUATION DEPARTMENT BOARDS OF THE TURKISH PATENT AND TRADEMARK OFFICE

Purpose and scope

ARTICLE 1 – (1) The purpose of this Regulation is to determine the working procedures and principles of the Re-examination and Evaluation Boards structured under the Re-examination and Evaluation Department who is responsible for examining and finalizing appeals to the decisions made by the Turkish Patent and Trademark Office regarding the registration procedures of industrial property rights and traditional product names.

Grounds

ARTICLE 2 – (1) This Regulation has been prepared on the basis of Article 15/C of the Law on the Establishment and Duties of the Turkish Patent and Trademark Office dated 6/11/2003 and numbered 5000.

Definitions

ARTICLE 3 – (1) In this Regulation;

- a) President: President of the Turkish Patent and Trademark Office,
- b) Department: Re-examination and Evaluation Department,
- c) Institution: Turkish Patent and Trademark Office,
- ç) Board: Re-examination and Evaluation Board,
- d) President of the Board: refers to the head of the Review and Evaluation Board

Appellants

ARTICLE 4 – (1) Persons who are parties to the transactions and whose interests are affected due to the decision may appeal against the final decisions taken by the relevant department of the Institution regarding transactions related to industrial property rights and traditional product names, within two months from the notification date of the decision.

Composition and working procedure of the board

ARTICLE 5 – (1) The Board consists of the Head of the Re-examination and Evaluation Department and at least two expert members who are not involved in the decision subject to the appeal. The head of the department is also the President of the Board. One or more boards may be formed within the department, depending on the need. The head of the department may number these boards if he deems it necessary.

(2) The boards are formed by the head of the department from among the experts working in the department. In case of need, experts working in other departments and units of the Institution may also be appointed as members of the boards by the President of the Institution.

(3) The distribution of appeals to the members is carried out within the framework of the method determined by the head of the department, taking into account the department where the decision subject to the appeal was taken, the area it belongs to and the area of expertise of the members.

Board decisions

ARTICLE 6 – (1) The Board examines and decides on the appeals made by the persons specified in Article 4 against the decisions taken by the relevant department of the Institution regarding transactions related to industrial property rights and traditional product names.

(2) The Board is bound by the request and the justification while examining the appeals. However, it may ex officio consider important and serious procedural errors and the matters that need to be examined ex officio by the chamber that made the decision that is the subject of the appeal, regardless of the request or justification.

(3) The Board may make an interim decision about making a pending issue that will affect the decision.

(4) The Board may make a final decision regarding an appeal that does not contain any formal deficiencies, in a way that will end the dispute itself, or in case of a procedural error or deficiency that prevents a sound and complete examination and evaluation on the merits or seriously affects the final decision and resolution of the dispute. may also decide to send the file to the unit that made the first decision by stating the reasons.

Decision quorum

ARTICLE 7 – (1) Decisions are taken by the absolute majority of the attendees. In case the votes are equal, the decision is made in the direction that the Chairman of the Board votes.

Correction of error in fact and litigation against decisions

ARTICLE 8 – (1) Board decisions are the final decision of the Institution and no appeal can be made to the Institution against these decisions. However, persons who are parties to the Board's decision may request the correction of error in fact in the decision by stating their reasons in writing. If the Board detects errors in fact without any request, it corrects errors in fact ex officio.

(2) The Board decides on the requests for correction of errors in fact within one month from the date on which the request is referred to the relevant board and the result is notified to the person concerned.

(3) Against the final decisions of the Board, a lawsuit can be filed at the Ankara Civil Court of Intellectual and Industrial Rights within two months following the notification of the decision and the decision to correct errors in fact, if any.

Board secretariat

ARTICLE 9 – (1) A secretariat is established within the Board under the supervision and authority of the Chairman of the Board. A sufficient number of civil servants from within the Agency are assigned to the secretariat. The Secretariat performs other duties assigned by the Chairman of the Board, as well as receiving all documents submitted in the physical environment regarding the transactions carried out before the Board, transferring them to the relevant Board, keeping them until the completion of the proceedings before the Board.

(2) The Secretariat carries out a formal examination, especially as to whether the appeal to the decision was made within the time limit and whether the appeal fee was paid in full and on time. In case a defect is detected in terms of form and it is not possible to correct this defect, the secretariat shall indicate this determination and forward the appeal to the relevant board without wasting time. The final decision regarding the rejection of the appeal in terms of form or procedure is made by the Board.

Storage of decisions

ARTICLE 10 – (1) Board decisions are stored in the electronic database of the Institution.

Repealed regulation

ARTICLE 11 – (1) The Turkish Patent Institute Re-examination and Evaluation Board Regulation published in the Official Gazette dated 16/10/2015 and numbered 29504 has been repealed.

Force

ARTICLE 12 – (1) This Regulation enters into force on the date of its publication. **Executive**

ARTICLE 13 – (1) The provisions of this Regulation are executed by the President of the Turkish Patent and Trademark Office.