



**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 REGULATION

Notifying Member	TÜRKIYE
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Details of the notified legal text

Title	Customs Regulation
Subject matter	Enforcement
Nature of notification	<input type="checkbox"/> Main dedicated intellectual property law or regulation <input checked="" type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2023/IP/TUR/23_11352_00_x.pdf
Notification status	<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)
Previous notification(s) referred to	IP/N/1/TUR/2

Brief description of the notified legal text

Articles 105-111 of the Turkish Customs Regulation are replaced by Articles 100-111 of the Customs Regulation dated 07 October 2009. These articles are amended according to article 57 of the Customs Law 4458 regarding to protection of IPR at customs.

The right holder of a good who alleges that the goods infringe an IPR may lodge an electronic application to the competent customs authorities. The customs authorities shall process the application and notify the applicant of its decision within 30 working days of the receipt of the application. The right holder shall not be charged a fee to cover the administrative costs resulting from the processing of the application.

Applications for action must include the information needed to enable the goods in question to be readily recognized by customs authorities and, in particular, an accurate and detailed technical description of goods, any information the right holder may have regarding the type or pattern of fraud, name and address of the contact person determined by the right holder.

The applicants should provide the documents proving that the applicant holds the right for the goods in question and the right in question is registered in Türkiye.

Once the customs suspend or detain the IPR infringing goods, the right holder and the holder of the goods are informed within a working day following the detention date. Excluding the confidential data, upon request of the right holder, customs authorities shall inform the right holder of the names and addresses of the consignee, the consignor, the declarant or the holder of the goods and the

origin or the provenance of goods suspected of infringing an IPR in order to apply to the competent court.

Customs authorities shall give the right holder the opportunity to inspect the goods that have been detained or release of which has been suspended. Upon the request of the right holder, the customs office may take samples in order to send them to the right holder, strictly for the purposes of analysis and to facilitate the subsequent procedure. The samples must be returned to the customs office on completion of the technical analysis and before the goods' customs formalities are completed. Any analysis of these samples shall be carried out under the sole responsibility of the right holder.

Customs Authorities also may act on its own and detain/suspend the goods in order to enable the right holder to lodge an e-application in 3 working days when there is apparent evidence that the goods in question infringe IPR. Once the detention is made by the customs authority, the right holder is informed about the detention within the working day following the detention/suspension date.

During the 3 working days, the right holder must lodge an appropriate application at the General Directorate for Customs of Ministry of Trade of Türkiye. Once the competent customs department approves the application made by the right holder, the right holder must submit a preliminary injunction from a duly empowered legal authority in 10 working days (which, in appropriate cases, may be extended by a further 10 working days upon a justified reason) after the application date at the competent customs department.

Within 10 working days (which, in appropriate cases, may be extended by a further 10 working days upon a justified reason) after the right holder has been served notice of the detention, the right holder must inform customs that a duly empowered legal authority has taken provisional measures extending the detention/suspension. The goods must otherwise be released by customs. For perishable goods, the period for supplying the customs authority with interim injunction is 3 working days without any extension.

Simplified destruction may take place without any court decision.

Language(s) of notified legal text	Turkish
Entry into force	7 October 2009
Other date	Publication: 7 October 2009

Notification details

Submission date of notification	28 March 2023
Other information	<p>Customs Regulation https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=13472&MevzuatTur=7&MevzuatTertip=5 (Turkish)</p> <p>The law shows the changed articles of the Turkish Customs Regulation in comparison with the old one https://www.resmigazete.gov.tr/eskiler/2009/07/20090707-1.htm</p> <p>See also IP/N/1/TUR/5 (Customs Law)</p>

Agency or authority responsible	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
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* 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.