



28 September 2023

(23-6490)

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: LAW NO. 5846 ON INTELLECTUAL AND ARTISTIC WORKS (COPYRIGHT ACT)

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| Notifying Member | TÜRKIYE |
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Details of the notified legal text

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| Title | LAW No. 5846 ON INTELLECTUAL AND ARTISTIC WORKS (Copyright Act) |
| Subject matter | Copyright and related rights |
| Nature of notification | <input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation |
| Link to legal text* | https://ip-documents.info/2023/IP/TUR/23_11756_00_e.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/C/1/Add.1 ; IP/N/1/TUR/C/1 |

Brief description of the notified legal text

The Law No. 5846 on Intellectual and Artistic Works (Turkish Copyright Act) is the main instrument covering legal arrangements regarding copyrights. The Turkish Copyright Act with its secondary legislation concerning copyright and enforcement issues has been amended several times in order to align with the international conventions, EU acquis, technological developments and enforcement requirements.

The Turkish Copyright Act is already harmonized with the EU acquis to a large extent. With the last amendment published in the Official Gazette dated 25 December 2021, Article 72 of the Turkish Copyright Act was revised. With this amendment, Article 72, which was provided only for computer programs and sanctioned "Preparation Actions Which Aim at Circumventing Protective Programs", was revised in accordance with the EU Information Society Directive numbered 2001/29/EC to cover all works, performances, phonograms, productions and broadcasts.

In addition to this, in 2020 and 2021 studies were finalized to amend some secondary legislation in order to resolve the priority problems in practice.

- In order to strengthen the representation capabilities of Collecting Societies in licensing activities two new Regulations are adopted in accordance with Directive 2014/26/EU on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market.

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| <ul style="list-style-type: none"> - "By-Law on the Authorization Certificate to be given to the Collecting Societies", entered into force as of 1 January 2021 - "By-Law on Collecting Societies and Federations of Owners of Intellectual and Artistic Works and Related Right Holders" entered into force as of 07 April 2022 • An amendment was made on 14 February 2021 in the "By-Law on the Procedures and Principles Regarding the Banderole (Holographic Sticker) Application", which is of great importance in the fight against piracy, and the activities of the provincial inspection commissions. • Some amendments were made to the "By-Law on the Procedures and Principles Regarding the Certification of Enterprises that Fill, Reproduce, Sell or Distribute the Materials in which Intellectual and Artistic Works are Fixed", which was put into effect in order to protect and effectively monitor intellectual property rights. Within the scope of this amendment made on 06 July 2021, the places/enterprises that are subject to the certificate obligation have been rearranged. • Some changes have been made in the "By-Law on Recording and Registration of Intellectual and Artistic Works" on 06 July 2021. | |
| Language(s) of notified legal text | English |
| Entry into force | 13 December 1951; The date of the latest amendment and entry into force is 25 December 2021. |
| Other date | Adoption: 5 December 1951 |

Notification details

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| Submission date of notification | 28 March 2023 |
| Other information | LAW No. 5846 ON INTELLECTUAL AND ARTISTIC WORKS https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5846&MevzuatTur=1&MevzuatTertip=3 (Turkish) |
| Agency or authority responsible | The Ministry of Culture and Tourism of Republic of Türkiye The Directorate General for Copyright Atatürk Bulvarı, Derman Cad. No: 29, 06050 Ulus, ANKARA – TÜRKİYE E-mail: copyrightturkey@ktb.gov.tr |

* 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.