

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

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

TURKEY

The present document reproduces the text¹ of the following laws and regulations, as notified by Turkey under Article 63.2 of the Agreement (see document IP/N/1/TUR/2):

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**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

TURQUIE

Le présent document contient le texte¹ des lois et réglementations ci-après, notifiées par la Turquie au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/TUR/2):

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**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELLECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

TURQUÍA

En el presente documento se reproduce el texto¹ de las siguientes leyes y reglamentos, que Turquía notificó de conformidad con lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/TUR/2):

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¹ In English only. The texts in the original language are available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter les textes dans leur langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC los textos en su idioma original.

REGULATIONS ON THE MARKING OF INTELLECTUAL AND ARTISTIC WORKS

PART ONE

Purpose, Scope and Legal Justification

Article 1 – Purpose

The purpose of the present regulations is to define the principles and rules for determining the special signs, marks, indications, stickers, bar-codes and serial numbers to be placed on the copies of the intellectual and artistic works, places where they will be applied thereon, authorities where they will be obtained and the action to be taken for those not bearing them.

Article 2 – Scope

These regulations cover the principles and rules governing the marking of intellectual and artistic works and the use of stickers on the non-periodical publications.

Article 3 – Legal justification

The present regulations have been prepared pursuant to the provisions of the Law #3257 on the Movie, Video and Music Works, the article 44(4) of the Law #5846 on the Intellectual and Artistic Works as amended by the Law #4110 and the article 81(2) thereof.

PART TWO

Miscellaneous Provisions

Article 4 – Works to be marked

Following are the works on which marks, stickers, bar-codes and serial numbers are to be placed:

- a) Non-periodical publications
- b) All kinds of sound and/image carrying media and all new disk and diskette and similar environment that may be developed by the technology
- c) Computer software

- d) Reproductions made by any means and with any materials and techniques of the fine arts works, oil and water colour pictures of all descriptions, embellishments, engravings, fine scriptures, works attached, embossed or engraved with stones, wood and other materials, and serigraphic products, statues, reliefs, handwork and small fine arts products, miniatures, products of embellishment arts, textile and fashion designs, photographic works, slides, graphical productions, cartoons and reproductions of all kinds of models.

Article 5 - Signs, marks, stickers, labels, bar-codes and serial numbers

Following are the signs, acronyms, stickers, bar-codes and numbers that may be placed on the copies of intellectual and artistic products:

- a) *Name, title and logo*

Names, titles and eventual logos of the physical and legal persons that will reproduce and market the intellectual and artistic works to the public.

- b) *Ministry's logo*

The letters "KB" which will not be smaller than 8 points.

- c) *Year code*

The last two digits of the year in which the intellectual or artistic work will be published.

- d) *Province code*

Code number of the province where the head office or business centre of the physical or legal person publishing the intellectual or artistic work is located (Exhibit 1: Sample B)

e) *Publisher and reproducer code*

The publisher is the person publishing the reproductions of artistic or intellectual works and the manufacturer is the physical or legal person producing or importing the sound and/or image carriers, disks, diskettes and similar media. The publisher and manufacturer code is the number granted by the Ministry of Culture upon request on a one-time basis.

Publishers and manufacturers that produce or import disks, diskettes and other similar media will enclose with their applications a copy of the statement that they will receive from the Ministry of Culture to show their names, titles, residence and business addresses plus the addresses of their business centres with their trade registry matriculations if they operate from a given business centre, and those importing the sound and/or image carriers will submit a similar statement to evidence that they have the qualifications of manufacturer.

f) *Publisher and manufacturer identification*

Those publishing scientific and literary, and reproductions of fine arts works will use the letter “Y” as the abbreviation of the word “Yayýmçý” (Publisher). Those producing sound and/or image carriers, disks and diskettes will use the letter “Ü”, denoting “Üretici” (Manufacturer) and those importing such items will use the letter “Ý”, denoting “Ýthalâtçý” (Importer).

These indicators will be used together with the manufacturer and publisher codes, with the indicator being placed first.

g) *Publication and manufacture serial number*

These are the sequential numbers assigned to each item to be published by the publisher or the owner of the work and to each sound and/or image carrier, disks and diskettes produced or imported by the manufacturer.

If the publisher or manufacturer numbered their previous publications, they will continue the numbering by following this sequence.

h) *Serial number*

These are the sequential numbers placed on each of the series of the published fine arts work items starting from the unit. These numbers are applied by a numbering sticker machine. The serial numbers in the following editions will follow the last of the preceding edition. A serial number will be used only once. The total will also be added on the fine arts work items.

i) *Stickers*

Stickers are tags applied on non-periodical publications and copies of the intellectual and artistic works transferred on sound and/or image carriers. They are made in such a manner that they will become destroyed or cause damage on the materials on which they are applied when removed.

The stickers of which the types and characteristics will be determined by the Ministry of Culture and which will be prepared by the said Ministry will be obtained therefrom for the sound and/or image carriers and from the provincial culture departments for the books and encyclopediæ.

Stickers so obtained will be applied on the non-periodical publications, on each copy of the book published by the publisher, on each volume of the encyclopediæ and where the book is made up of several volumes, on a suitable place on the front cover page of each fascicle and, in sleeve covers, underneath the sleeve.

Article 6 - Marking of non-periodical publications

Publishers or owners of the work will place their names, titles and eventual logos on a suitable place of the four-page cover of each book published and on the four-page covers of each fascicle of encyclopædia published in form of fascicles plus the year, province and publisher codes and publication numbers in fonts not less than six points (Exhibit 1, Sample C).

Article 7 - Markings on sound-carrying compact disks and other similar media

Physical and legal persons producing, importing or reproducing after importation the records, sound cassettes, compact disks and other similar media serving to repeat the performance of intellectual and artistic works will

- (a) print their names, titles and logos on stickers applied on both sides of records, sound cassettes, compact disks and other similar media,
- (b) print the year, province and manufacturer codes and publication serials in fonts not less than six point and by separating the numbers with punctuation signs on stickers applied on both sides of records, sound cassettes, compact disks and other similar media,
- (c) apply the stickers prepared by and available at the Ministry of Culture in a manner and at a place readily visible through the outer packages of records, sound cassettes, compact disks and other similar media.

Article 8 - Markings on movie films, video cassettes and disks and diskettes carrying images

The markings on movie films, video cassettes, disks and diskettes carrying images will be made in the following manner:

- (a) Physical and legal persons producing or importing movie films, video cassettes, disks and diskettes that carry images will indicate on the tags that they prepare their names, titles and logos and, in fonts not less than six points in a single line, the year, province and manufacturer code and acronym plus the publication number. These tags will be applied on the outer cases of movie films. Names, titles and logos of those producing or importing the cinematographic and videographic works plus the aforesaid numbers will appear in the generics of all copies thereof.
- (b) Stickers prepared by the Ministry of Culture will be obtained therefrom in sufficient numbers and applied on the movie film cans, on the places assigned for this purpose on the upper back of video cassettes and on a suitable place on disks and diskettes in a manner readily visible through the outer package.

- (c) The acronyms and codes of producers or importers will appear at the end of the generics and of the films as shown in the Sample C of Exhibit 1. Manufacturers may at their discretion may be indicated at the lower right hand corners of the films in a continuous manner or for three seconds at each eleventh minute.

Article 9 - Use at public places

Standard sticks prepared to show the letters "UMK" indicating usability at public places will be obtained from the concerned professional associations and applied on the outer cases of sound and/or image carriers, disks and diskettes to be played at public places. The stickers, purchased by the holders of operation license from the professional associations at prices indicated by the Ministry, will show the logos of such associations, serial numbers, manufacturer codes and the UMK letters.

Article 10 - Fine arts works

Markings on the reproductions made by any means and with any materials and techniques of the fine arts works, oil and water colour pictures of all descriptions, embellishments, engravings, fine scriptures, works attached, embossed or engraved with stones, wood and other materials, calligraphic and serigraphic products, statues, reliefs, handwork and small fine arts products, miniatures, products of embellishment arts, textile and fashion designs, photographic works, slides, graphical productions, cartoons and reproductions of all kinds of models will bear the indications and serial numbers indicated in the article 6 of the present regulations by the physical and legal persons, public bodies and agencies reproducing the above

- (a) on postcards in a single line on lower left reverse sides of reproductions of 20 x 30 cm, and
- (b) in a single line on the lower right side of reproductions larger than 20 x 30 cm.

Article 11 - Markings on computer software

Information indicated within the scope of markings will, depending on the manner in which the subject computer software are distributed, will be shown within the assembled code of the software similar to the practice observed for disks, diskettes and compact disks of read-only

memory and visible on the monitor when the computer is operated under this software. If, on the other hand, the computer software is distributed pursuant to the distribution rights in an environment other than a physical carrier outside of the traditional methods, the marking will be inserted only within the assembled code of such software and visible during the initial loading of the software.

Markings, for which there is no standard form, will include for the computer software produced and reproduced in Turkey the names, titles and logos of physical and legal persons that will offer them to the end-users pursuant to licenses granted by the producers and reproducers, the last two digits of the year in which the computer software or version is marketed and the version and release numbers thereof.

Where the producer grants license rights or *ad hoc* contracts together with the product, the information given on the markings will be included in the said license agreements or *ad hoc* contracts.

Article 12 - Sticker use on non-periodical publications

The manner in which the stickers will be used on non-periodical publications is indicated below:

- a) The publisher will prove by material evidence in form of a contract or letter of authorisation pursuant to the provision requiring that "The notarised agreements and actions regarding the financial rights will be in writing to enumerate the rights constituting the subject thereof" as required by the article 52 of the Law #5846.
- b) Stickers to be used on non-periodical publications will be given only to the owners of the concerned rights or to the publishers that prove by notarised contracts of letters of authorisation that they hold the said rights.
- c) Stickers in the required quantities for the work stated in the contract or letter of authorisation will be purchased from the provincial culture departments.
- d) Stickers issued to the holders of rights may not be used on items other than the publication to be reproduced. Holders of rights or publishers that have the reproduction rights are under the obligation to remit to the Ministry of Culture copies of the order letters given to and the invoices received from the printing house.

e) Following documents are required to issue stickers:

1. Notarised contract or letter of authorisation evidencing the ownership of the right.
2. Order letter certified by Ministry of Finance showing the number of copies to be printed.
3. Shipping voucher and invoice by the printing house indicating the number of copies printed.
4. Declaration prepared by the holder of the right to furnish information on the non-periodical information to be reproduced.

Article 13 - Action to be taken on non-marked works

Action will be taken pursuant to the provisions of the Law 5846 on Intellectual and Artistic Works and the Law #3257 on the Cinematographic, Videographic and Musical Works against those that reproduce, distribute, sell and otherwise offer them to the benefit of others.

Article 14 - Remedies available for the unmarked works

Owners of rights or the professional associations authorised by the owners under the provisions of the Law #5846 on Intellectual and Artistic Works may claim material and moral losses and damages for unmarked works, those without stickers or serial numbers.

PART THREE Final Provisions

Article 15 - Rescinded provisions

The Regulations on the Marking of Intellectual and Artistic Works published in the Official Gazette #19211 dated 4 September 1986 and its subsequent amendments will be rescinded upon entry into force of the present Regulations.

Article 16 - Entry into force

The present Regulations will enter into force upon its publication.

Article 17 - Enforcement

The present Regulations will be enforced by the Minister of Culture.

EXHIBIT I

Example A: 95 for the fiscal year 1995

Example B: 06 if the head office is located in Ankara

Example C: The publisher A and the right e or organisation X that published 5000 copies of the book titled B in Ankara in 1997. Name, title and logo (if any) of the publisher will appear in a suitable place on the four-page cover of the book. In this case, the year code 97, the provincial code 06 and the publisher code 0001 (given to the publisher by the Ministry for use in all of its publications), the publisher acronym Y and the publication number 1 (if it is the first publication of the said publisher) will be printed as stated above in form of 97.06.Y.0001.1.

Example D: Producer acronym Ü, manufacturer code 004 will be shown as Ü.004.

The importer acronym İ and manufacturer code 004 will be shown as İ.004.

REGULATIONS
ON THE AMENDMENTS TO THE REGULATIONS REGARDING THE
MARKING OF INTELLECTUAL AND ARTISTIC WORKS

Article 1 - The article 5(i)1 of the Regulations on the Marking of Intellectual and Artistic works published in the Official Gazette #23172 dated 16 November 1997 is amended to read as follows:

“A sticker is a security tag containing a security strip with holographic properties which is applied for the prevention of the unlicensed reproduction or falsification of the intellectual and/or artistic works, on the non-periodical publications, sound and/or image carrying media, disks and diskettes on which such works are recorded, which is destroyed and/or destroy the materials on which it is applied when removed.”

Article 2- The article 12 of the same Regulations is amended as follows together with its heading:

“Use of Security tags with holographic properties

Article 12 - The manner in which the security holograms may be obtained for the non-periodical publications is shown below:

- a) The publisher will prove by material evidence in form of a contract or letter of authorisation pursuant to the provision requiring that “The notarised agreements and actions regarding the financial rights will be in writing to enumerate the rights constituting the subject thereof” as required by the article 52 of the Law #5846.
- b) Security holograms to be used on non-periodical publications will be given to the owners of the concerned rights or to the publishers that prove by notarised contracts of letters of authorisation that they hold the said rights.
- c) Stickers in the required quantities for the work stated in the contract or letter of authorisation will be purchased from the Department of Intellectual Rights and Movie Films Department in Istanbul and from the culture departments in other provinces..

d) Stickers issued to the holders of rights may not be used on items other than the publication to be reproduced. received from the printing house.

e) Following documents are required to issue security holograms:

1. A legally valid contract or letter of authorisation indicating the ownership of the right.
2. A copy of the letter ordering to the printing house the production of a certain number of the works by the owner or by the publisher holding the reproduction right or a copy of the relevant invoice or a written statement showing the tax registry number where the first two are not available.”

Article 3 - The following provisional article is added to the said Regulations:

“Provisional Article 1 - Security holograms in the non-periodical publications will be used until 31 March 1999 upon request of the owner of the right, the right holder or the publishing house holding the reproduction right.”

Article 4 - These Regulations will enter into force upon their publication.

Article 5 - Provisions of the present Regulations will be enforced by the Minister of Culture.
