Inputs from Member States and Regional Patent Offices to the Thirty-Eighth Session of the Standing Committee on the Law of Patents

Respondent Information

First Name:

[redacted]

Last Name:

[redacted]

Country:

Türkiye

IP Office

Turkish Patent and Trademark Office

Job title

Patent Examiner

Email address:

[redacted]

Email address confirmation:

[redacted]

Disclaimer:

The information provided in response to this questionnaire is understood to be submitted on behalf of the Member State or regional organization concerned, through its competent authority and in accordance with its applicable official internal procedures.
It is assumed that the person completing and submitting the questionnaire is duly authorized to do so and that the information reflects the official position or practice of the Member State or organization, to the extent possible.

I confirm that I have read and understood the statement above and that I agree with its contents.

i) Study on the determination of inventorship and conditions of foreign filing, with a view to identifying potential challenges for innovators in the cross-border collaborative environment

1. Which of the following does the applicable legal framework in your jurisdiction require before a patent application can be filed in another country or at a regional patent organization?

Security clearance
'First filing' or first domestic filing requirement (FDFR)

2. Please list the statutes or guidance documents that patent applicants in your country can consult to inform themselves of the foreign filing requirements and the procedure to follow.

Industrial Property Code which regulates the first domestic filing requirement and imposes secrecy order

4. What specific criteria will trigger the Foreign Filing Conditionality?

Impact on the country's national security or national defense;
Nationality or residency of the inventor;
The technical field or subject matter of the invention (e.g. atomic/nuclear, weaponry, arms, ammunition, blasting, surveillance, cryptology etc.);

Please provide any further details on the scope of the specific criteria applicable in your jurisdiction.

If the invention is related to a technical field which concerns the national security, Turkish Patent and Trademark Office sends the patent/utility model application to National Defence Ministry. National Defence Ministry decides to impose secrecy order (grant secret patent) or not.

5. Does your law allow for a deemed license or automatic approval, if the Office does not act or respond within a specific time period?

No

6. Does your jurisdiction's patent law provide for the imposition of a "Secrecy Order" (or other similar national security restrictions) that prohibits or restricts an applicant from filing for patent protection in other jurisdictions?

Yes

What is the nature/impact of this restriction regarding foreign filing?

If a secrecy order is imposed, filing in another country without the permission of the national defence ministry is prohibited. However, the consequences of breaching the secrecy order is not stated in the industrial property code.

Final review before submission

Confirmation of submission

I am aware that by clicking "Submit" below, my responses will be sent to the SCP Secretariat.