

## **Turkish Industrial Property Code (Law No: 6769)**

### **Continuation of the processes and re-recognition of rights**

#### **ARTICLE 107**

(1) The applicant, in case he does not comply with the time period regarding the processes of patent application, can request, with a paid fee, the processes to be continuing within two months as of the date of the notification of outcome of noncompliance with time period. Failing that shall lead to denial of the request. In case the request is approved, the legal consequences of noncompliance with time period shall be considered as not occurred.

(2) Even though, due diligence required by conditions is exercised by a patent applicant or the patentee during the processes of the patent application or the patent; in case noncompliance with a time period to which it is required, causes the patent application a denial, consideration as withdrawn; nullification according to Article 99; or loss of any other rights, re-recognition of rights can be requested. This request shall be made with a paid fee within two months as of time of elimination of the conditions causing noncompliance with the time period, on condition that the time period with which it was failed to comply is not exceeded more than one year. Failing that will lead to denial of the request. In case the request is approved, the legal consequences of noncompliance with time period will be considered as not occurred.

(3) In case of re-recognition of the rights, the situation shall be published on the Bulletin. During the time period starting from loss of rights until publication of the decision on re-recognition of rights; the parties who use the invention subject of the patent well meaningly in Turkey or who take firm actions in using, can continue using the invention free of charge. 51

(4) In terms of the time period given for restoration fee specified in paragraph 4 of Article 101 to be paid and the time period specified in paragraph 1 of Article 93; and the time periods regarding processes determined by a regulation; continuation of the processes cannot be requested according to subsection 1.

(5) The provisions of this article shall not be applied to in terms of the time periods regarding continuation of the processes or re-recognition of rights. (6) The procedure and rules regarding continuation of processes and re-recognition of rights shall be determined by a regulation.

The application of the Article 107 in conjunction with the below provisions of Article 101 also paves the way for re-establishment of the rights for the applications in regards to the late payment of annual fees of patents.

### **Protection Period and Annual Fees**

#### **ARTICLE 101**

(2) Annual fees required for the patent application or protection of the patent are paid during the protection period of the patent, on the date of the end of the second year from the date of application and on the maturity date of each subsequent year. The maturity date is the month and day corresponding to the application date.

(3) If annual fees are not paid within the due date specified in the second paragraph, they may be paid within six months following the maturity date, together with an additional fee.

(4) If the annual fees are not paid within the period specified in the third paragraph, the patent right expires as of the maturity date of this fee, a notification regarding the expiration of the patent right is made and this situation is published in the Bulletin. If the compensation fee is paid within two months from the date of notification regarding the expiration of the patent right, the patent right becomes valid again as of the date of payment of the fee and is published in the Bulletin. Notification regarding the expiration of the patent right is made at the latest until the end of the one-year period starting from the maturity date on which the patent right expires.

The Article 23 is also relevant regarding the fee related to the trademarks' renewal fees which could also be relevant for the reestablishment of the rights.

### **Protection Period and Renewal**

#### **ARTICLE 23**

(2) The renewal request must be made by the trademark owner within six months before the date of expiration of the protection period, and information regarding the payment of the renewal fee must be submitted to the Institute within the same period. If the request is not made within this period or the information regarding the payment of the renewal fee is not submitted to the Institution, the renewal request may be made on the condition that the additional fee is paid within six months from the date of expiry of the protection period.