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IPR Education in Turkey

- Like many countries around the world, Turkey, in the last 20 years, has recognized the significance of IPR protection and its effects on the economy. Turkey has made a remarkable effort to harmonize its IPR legislation with that of EU legislation and as a result, a number of decree laws regarding patents, trademarks, utility models, industrial design and geographical signs have been entered into force.

- Through extensive amendments in 1995, 2001 and 2004 in the Law on Copyrights of 1950, Turkey has attempted to meet its commitments to international institutions such as World Trade Organization (e.g. TRIPS) and fulfill its obligations to the EU.

- During the 2000s, Turkey fulfilled most of its obligations indicated in the Customs Union Association Council Decision nr. 1/95 by way of signing the Customs Union Agreement 10 years ago. Furthermore, Turkey fulfilled its IPR related obligations in the annual progress report drafted by the Commission through enacting codes, regulations and by-laws, as required by the 1999 EU summit candidacy status report.

- Turkey has harmonized most of its legislation according to the *acquis communitaire.* However, there are some precautions needed for this matter. Harmonization with the *acquis* should not necessarily have to be signed for the establishment of a solid Intellectual Property Law as there are still serious difficulties for the implementation of the regulations enacted by legislative and administrative authorities. Although the recently enacted regulations to overcome piracy appear to have efficient precautions, efforts for the forceful implementation of these precautions are not adequate.

- The fact that professional unions do not have status of effective intellectual management institutions constitutes to be one of the deficiencies in this matter. Another deficiency would be the need to bring in the regulations of the IPR Implementation Directive nr. 2004/48 (dated 29 April 2004) to Turkish law. Ministries of Justice, Culture and Tourism, together with the courts, police and customs authorities should take the initiative on this matter.

- Legal complaints to the civil and criminal IPR courts, which are established to hear cases related to IPR violations, increase each day. The deficiency of courts results in the delay of justice. These courts, which should actually be considered as specialized courts, are so far established only in three cities: Istanbul, Ankara and Izmir. In other cities, commercial courts of first instance and criminal courts hear IPR disputes. As judges of these courts are not experts in the field, cases they hear are delayed as well. Therefore, increase in the widespread number of specialized courts and expertising their judges through in-service training is needed.

- As of the other rights, Intellectual Property Rights should be respected and not violated. Public awareness should be constituted for Intellectual Property Rights, which are included in the Universal Declaration of Human Rights and referred as one of the fundamental human rights.

- Although, performers have a certain level of awareness, we should admit that users and consumers of intellectual products have not yet reached the level of awareness that is comparable to certain societies. That is why it is an essential need for the state, concerning people and institutions to promote public awareness in order to prevent piracy. Hence, students from primary schools to universities should be educated about IPR and IPR law ought to be listed as one of the compulsory courses in curriculums of law faculties.

- As Turkey's socio-economic position stimulates intellectual products to be high priced, consumers tend to buy imitated or pirated products. In the ordinary circumstances, people wouldn't steal a laptop, DVD player or a product of a well-known brand. However, they don't hesitate to buy pirated software, pirated DVDs and imitation products of well-known brands. Even this simple fact states the importance of public awareness.

- Turkey's legal education system faces major obstacles. First of all, in the curriculums of highly increasing law faculties, copyright law is taught as a compulsory course, while industrial rights is not taught at all. IPR law should be taught as a compulsory course in all law faculties and taught as an elective in the faculties of medicine, engineering, pharmacy, veterinary and agriculture. In engineering faculties of some universities in Turkey, such as METU, Bilkent and Boğaziçi, courses regarding patents, copyrights, industrial designs are being taught. However, together with the enrichment of the course coverage, these types of courses should be spread to all faculties of science.

- In this context, another issue should be highlighted is the deficiency in the number of educators of IPR law. While the absence of an organized academic department of IPR law together with the absence of LL.M or Ph.D educations in the related area hinder the opportunities to provide a career option in IPR, the absence of career opportunities in the related area results in the deficiencies of IPR education.

- As there are no academic departments dedicated to the area, there are a small number of expert academics working on the subject. IPR related lectures are given by the academics in various other departments such as civil law and commercial law. Absence of a separate law department hinders potential academics who have concentrated their studies on IPR or wishes to apply for associate professorship or full professorship posts in this area. Since these academics have to join different departments such as civil law or commercial law, to get a permanent academic chair, they face the obligation to further their studies in such fields of law which distracts them from focusing on IPR related studies. As a consequence of not having a separate departmental organization and accordingly lack of LL.M or PhD programs in this field, there are not many trained academics that are specialized in this field of law. To sum up, the situation constitutes a vicious circle as the fact that the absence of particular LL.M and PhD programs results in the absence of trained academics on the field, and having no trained academics, on the other hand, results in the absence of such programs.

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- The Ankara University, with a view to considering the great importance of the intellectual and the industrial property rights in Turkey and elsewhere, has founded the Research Centre on Intellectual and Industrial Property[1] on the 25th of June 1997 pursuant to FSEK Art. 7(d) (2). It is established through the aim of the development plan of the day and through the project of the State Planning Organization. Hence it should be mentioned that the foundation of the Ankara University FİSAUM is a product of the State policies. Nevertheless, the Ankara University FİSAUM activates under the high authority of the Vice-Chancellor of the Ankara University and is located in the premises of the Faculty of Law.

- The Ankara University FISAUM is established to realize several aims within the said field of law. These are, expanding and promoting the use of the intellectual and industrial property rights; with the aim of creating a public conscious, directing the public attention to the importance, types and the protection of the said rights; and contributing in the preparation of the legal infrastructure for the commercial and industrial usages. To realize its aims the Ankara University FISAUM carries on activities of promoting and applying research projects; contributing to projects and supporting researchers in its fields of interest; arranging national and international conferences, congresses and symposiums; arranging short term and long term expertise training programs; providing supervision services for public and private sectors; publishing academic reports, bulletins, books, periodicals as such, and cooperating with the national and the international organizations.

[1] For more information please refer to www.fisaum.org.tr.

- Since the establishment of FİSAUM, many speeches were delivered by respectable academics. Some of them are: "Recent Amendments Made in FSEK and Its Critics", "Intellectual Rights - Neighbouring Rights" and "The Protection of Computer Programs and Data Systems in Europe" in 1999.

- On the 30th of November 1999 the panel on "The Infringement of Reproduction and Publication Rights in Scientific and Literary Works" was held in Ankara.

- On the 10th of October 2003 the international conference on “Recent Developments on Industrial Property Rights in the European Union and Turkey” was held by FİSAUM.

- On the 24th of May 2004 the conference *on “Since Hirsch to Today: Intellectual Property Rights”* was held by FİSAUM.

- On the 4th of April 2001 “*The Symposium on the Latest Developments in Industrial Rights*" was held in Ankara in co-operation with *the International Protection Union of the Intellectual and Industrial Property (the FISMUKOB).* Patents, trademarks, biotechnological inventions, integrated circuits, new plant types and domain names were the topics that are discussed in the symposium.

- On the 17th and 18th of November 2005 "*The International Symposium on the Intellectual Property Practices in Turkey and the Surrounding Countries" was organized in Ankara by the Ankara University FİSAUM under the sponsorship of the United Nations Development Program (UNDP) through the related project of the State Planning Organization with the contributions of the TPE and the TOBB.*

- On the 31st of January and 1st of February 2008 a symposium on the subject of "*European Patent Law and Patent Jurisdiction compared with Turkish Patent System"* was organized in Ankara. The symposium was sponsored by *Ankara Bar Association*, *Notaries Union of Turkey* and *Destek Patent Intellectual Property and Law Group*. Distinguished speakers from Max Planck Institute in Munich, Turkish Industrialists' and Businessmen Association (TUSİAD), Queen Mary, University of London, Destek Patent Agency, Turkish Patent Institute, European Commission, Sonn & Partner Patentanwälte
  European and Austrian Patent & Trademark Attorneys, Judge from Special IPR Courts of Turkey participated in the symposium.

- From 11th of November to 22nd of December 2005, with a view to informing the representatives of the small or medium sized industry about the basic industrial property issues, a series of private sector seminars were arranged, initially in nine big cities of Turkey, by the Ankara University FISAUM, namely *"the TOBB Seminars".* The seminars were particular for and open to the members of the Turkish local trade chambers and held under the authority and with the valuable contribution of *the TOBB.*

- On the 11th and the 12th of May 2006 the *TAIEX Seminar on Intellectual Property Rights- a Comparison between the European Union Legislation and Turkish Law* was held in Ankara in co-operation with the *Ankara University FİSAUM* and the *Konrad -Adenauer-Stiftung* of Germany. In this seminar, the representatives from various EC member states –in particular those who have recently joined the Community- and their Turkish colleagues (academics and patent-trademark attorneys) have mutually shared and discussed their experiences in the way to EC in relation to the intellectual property issues. Within this sphere, Turkey, Germany, Italy, Finland, Poland, Hungary and Slovenia were represented in the seminar.

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- Since 2005 the Ankara University FİSAUM has commenced the *IPR Talks* to supplement its activities on intellectual and industrial property rights. All IPR experts of the national and the international community are welcomed to deliver speeches and to discuss the theoretical and practical aspects of the intellectual property and the industrial property in Turkey and elsewhere.

- The Ankara University FISAUM has been carrying out its annual courses since 1997. The theme of the annual course is *"The Intellectual and the Industrial Ownership Rights – The National and the International Practice".* The course intends to cover all basic issues of intellectual property law.

- The Ankara University FISAUM also arranges specific courses upon the request of the public and private bodies. Recently the Ankara University FİSAUM has arranged a particular IPR course for the members of the Ankara Bar on *"The Legal Aspects of the Intellectual Property Rights".* The course was held in Ankara Bar between the dates of 15th of May to 9th of June 2006.

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- The Ankara University FISAUM has the strong intention to publish the texts of most of its activities. Many of them are currently on sale at the Documentation Unit of the Ankara University FİSAUM.

- It is apparent that in Turkey, the most contributive institution for the improvement of awareness in IPR is FISAUM. However, only volunteer participants have benefited from courses and workshops. It is essential to educate all students and academics studying on the fields of medicine, pharmacy, engineering and law. While basic IPR is taught in some schools, there is not an efficient IPR education in mentioned faculties.

- Moreover, the scope of the activities organized by FISAUM is extremely limited. There is a need for the renovation of the curriculum, lecturers, course tools and teaching methods. In addition, special package programs for certain institutions and occupation groups should be organized as well.

- FISAUM's educational activities should become widespread throughout the country. For this reason, special education programs including distance-learning activities should be organized.

- FISAUM's up to date international and national activities such as seminars, conferences, and symposiums should be expanded in a way to cover specific topics and more opportunities should be provided not only for the contribution to national activities, but international ones as well.

- Promotional activities of FISAUM are qualified as "public education" or "common education". These activities should be constantly organized out of Ankara and widespread in various regions and cities.

- Furthermore, it is nearly impossible to achieve to industry-university collaboration together with an efficient operation of technology centers without providing consultancy services on IPR.

- However, FISAUM is not capable enough to provide such improvement with its current structure. FISAUM is not an independent institution with an individual budget of its own; in fact, it is a University dependent center. Although FISAUM occasionally earns some income out of its organized courses and other activities, it is legally difficult for the institute to spend these earnings, as the permission of the University is required. This fact results in the problems with bureaucracy for the preparation process of activities. Despite its own earnings, FISAUM needs to be sponsored for each activity in order to carry on.

- Moreover, some problematic issues exist with other public institutions when it is necessary to cooperate with them in order to achieve certain goals. Ministries, Commercial and Industrial Chambers, State Planning Agency and Turkish Patent Institute are not able to cooperate properly either with FISAUM or with each other. It is apparent that these institutions sometimes compete with one another for the delegation of authority and duty yet their duties and authorities are constant and definite by law. Especially Turkish Patent Institute should have a complementary role instead of bearing FISAUM's role on education.