

# Geographical Indications

## Prior Rights Grounds for Refusal

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## PROTECTION OF GIs IN TÜRKİYE

❑ Sui generis system for GIs since 1995.

❑ Competent Authority:

Turkish Patent and Trademark Office (TÜRKPATENT)

❑ Industrial Property Law No. 6769 (2017)

Second Book: Geographical Indications and  
Traditional Specialities Guaranteed

❑ Agricultural products, foodstuffs, mining, handicraft  
and industrial products resulting from unification of  
natural and human factors

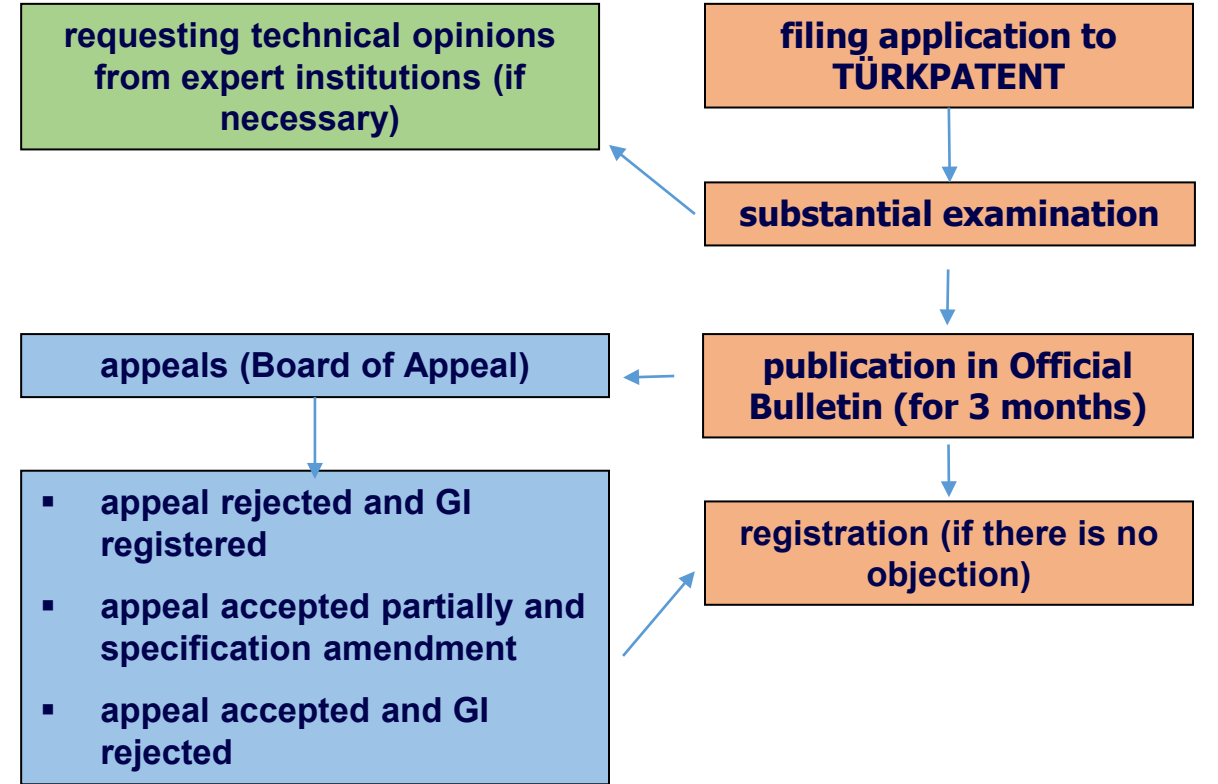
❑ Statistics:

GI: 1530

TSG: 6

EU registration: 20

EU application: 46



## ARTICLE 48- RELATION WITH TRADEMARKS

**48/1 - After the registration of the geographical indication, a trademark application filed in order to be used in the forms stated in Article 44 or to be used for the goods or services related to the geographical indication shall be refused, in case it has been registered, it may be invalidated through legal proceeding.**

- If a trademark application consists of or contains a registered geographical indication, trademark application will be rejected.
- If a trademark application contains words that evoke a registered geographical indication, class of the goods and services will be limited.

**48/2 - If a trademark identical with or similar to the geographical indication was registered in good faith or the rights to use that trademark were acquired through use in good faith before the protection of the geographical indication, rights arising from geographical indication shall not prejudice the registration of the trademark application or the right to use the trademark in good faith.**

- Registered in good faith
- Acquired distinctiveness through use
- Co-existence

## ARTICLE 48- RELATION WITH TRADEMARKS

**48/3 - Taking into account the reputation, prestige and duration of use of a registered trademark, names that may harm that trademark's existence or be misleading about its true origin due to being identical with or similar to that trademark, shall not be allowed to be registered as geographical indication or traditional specialty guaranteed upon objection by the earlier right holder.**

- No ex-officio examination**
- By objection after the publication**
- Due to being identical or similar to trademark, if a geographical indication registration may harm trademark rights or be misleading about true origin**
- Duration of use and reputation of trademark are taken into account in the objection procedure**

## CASES FROM TÜRKİYE

Registered trademark (1999)  
(for classes 29,30,31)



**ZARA**

Registered geographical indication  
(2003) (for honey)



**ZARA BALI**

## CASES FROM TÜRKİYE

Registered trademark (1985)  
(for class 30)



**RİZE ÇAYI**

Registered geographical indication  
(2017) (for tea)



**RİZE ÇAYI**

**Many thanks for your attention!**

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