

INVISIBLE DESIGNS UNDER EU AND TURKISH LAW – 2002

The design legislation protects the appearance of the goods. By the protection of the design, the right holder is awarded since he adds value (*design premium*) to the value of the goods by contributing the appearance of the goods. Therefore, the designs of the parts belong to the compound goods and which have no effect on the decision of the customer on sale, in other words which are not seen during usual usage of the goods, are not protected in EU law. In other words, in EU law the designs of the parts in which the end customer is not interested are not protected.

In Turkish law, there is no provision relating to the invisible designs. In other words, in Turkish law, there exist no provision regarding both the design of the parts of the compound goods and the design of the invisible part of the simple goods. According to my opinion, the invisible design could benefit from the protection under our law since there is no provision which may restrict this protection. This thought is acceptable for the designs of the invisible parts and/or pieces of both compound and simple goods.

The design of goods could be seen by the end customer during the usual consumption/usage. Otherwise, a thermostat of a washing machine might be registered and this solution conflicts with the aim of the protection of design. In principle, *the designs of the parts in which the customer is not interested should not be protected*. Therefore, a regulation relating to the matter in parallel to the provisions in the EU law at least should be brought under Turkish law.