

CUMULATIVE PROTECTION OF DESIGNS IN EU AND TURKISH LAW-2002

Currently, differences among practices regarding design protection almost equal the number of legal systems in the world. This holds valid with respect to the laws of EU Member States. This variety of laws exerts a negative impact on commercial relations in the Common Market. The Community Design Legislation will not suffice to liberalise commercial relations in the Common Market at a desired level. This is because of the fact that designs can be protected within the scope of intellectual and artistic works legislation, and legislation on individual character, patent, utility model and unfair competition, together with design legislation. How these various types of legislation protect designs is subject to different regulations in Member State laws. Unless a Community-wide harmonisation is carried out regarding these areas, it is not likely that designs could be sufficiently and effectively protected. And this fact stands as a barrier before commercial relations in the Common Market.

In this paper, the issue is taken up in terms of the laws of EU and Turkey, a country that effected the Customs Union with EU. Various legislation types are taken into consideration, as well, in an attempt to provide a settlement of existing problems.