

DISCUSSIONS ON THE CONVENIENCE OF CRIMINAL SANCTIONS FOR PATENT INFRINGEMENT- 2012

Intellectual property rights (IPRs) are becoming the subject of an intense discussion in Turkey as well as throughout the world and an emphasis is placed for the necessity of the protection of such rights. However, while seeking an answer to the question of which right is protected to what extent through which legal instrument, the policy of law steps in. Provided that the international commitments are observed, the countries lay down/should lay down regulations and practices by determining policies of law in parallel with their own needs.

Although concepts such as *one size fits all* or *one right system* are being discussed in the literature, the dominant opinion in this respect is that the IPRs do not have a homogeneous structure in themselves. Thus, it is not always possible to implement the same legal regime for each category of rights. In international conventions, of which our country is also a member, and in the *acquis communautaire* of the EU, the related countries are liable to stipulate criminal enforcement against *trademark piracy* and *copyright counterfeiting*. However, the same liability is not stipulated for *patent infringement*. And indeed, while some countries stipulate criminal enforcement against patent infringement, some have provided regulations to the contrary. This study emphasizes the reasons for such difference and introduces a suggestion for policy of law related to the issue for Turkey in this respect