

## **THE NATIONAL TREATMENT PRINCIPLE AND REQUIREMENT OF SHOWING COLLATERAL BY FOREIGNERS/CAUTIO JUDICATUM SOLVI ON INTELLECTUAL PROPERTY LAW – 2007**

The foreign real and legal persons file or intervene a lawsuit or initiate an execution proceeding are required to show collateral to be determined by courts. The collateral to be shown must cover the damage and loss of defendant and the jurisdiction and proceeding costs. The exception of this rule is the bilateral and multilateral agreements and the reciprocity principle.

The *national treatment principle* is accepted in the intellectual property law by force of the international agreements such as Paris and TRIPS. Pursuant to this principle, the same rights granted to Turkish citizens must be granted to foreigners as well. On the other hand, the national treatment principle is acceptable for the substantive law and is not applied to the procedural law. However, the thought which applies the national treatment law to the procedural law matters such as collateral is adopted in the Turkish case law by disregarding this distinction. In this study, the requirement of showing collateral for foreigner before the national treatment principle is examined.