

THE INTELLECTUAL PROPERTY RIGHTS: THE PROBLEMS FACED IN PRACTICE AND THE SOLUTION SUGGESTIONS – 2005

The importance of the intellectual property (IP) rights is widely raised depending on the concepts of information society and global business. One of the main elements for a country economy to compete in international markets is a well-working IP system undoubtedly. The well-working of the IP system could not be enabled by having no problem in the legal regulations only. Besides, it needs healthy-working justice, administrative unit, patent and trademarks representatives and the acceptance of the matter by the vast majority of the society has a great importance. In this context, educating the related persons as well as constituting an IP culture by enlightening society-wide about the matter may play key roles in solving problems faced in practice.

In Turkey IPRs gain a legal protection in a modern sense in 1995. The related regulations are parallel to the international conventions. However, the problems faced in practice due to the mistakes made during the preparation of the legislation is at the level may shadow the modern character of the legislation. Therefore, Turkish IP legislation should be discussed and reviewed in the commissions to be constituted by the experts in the related areas.

The reason of the most of the problems faced in practice is inexperience. The solution of the inexperience is enlightenment and the will to solve problem. Being a new concept in Turkey may constitute a ground to tolerantly approach some faults in practice. However, it is unacceptable for the system to convert into a mechanism generating damage and sufferer instead of benefit. Therefore, it is unavoidable to take measures in judicial and administrative units to amend the legal regulations in particular.