

CONDITION OF THE PROTECTION OF REGISTERED DESIGNS IN EU AND TURKISH LAW-2001

Turkey, as a condition of the Customs Union Agreement, has been harmonizing its legal system to comply with the EU rules. Harmonization of Turkish Intellectual Property (IP) Laws is one of them. Registered Design Rights is, now, regulated by the Decree Law of Protection of Industrial Design in 1995 (Design Decree Law) no. 554. The Decree Law is almost a mirror copy of the EU's Directive (1998) and Regulation (2001) on this issue.

The designer works hard to produce a product that has a better aesthetic and ergonomic that would increase the product's performance and marketable ability. As a result, while the customers have opportunity to purchase a better product, the country has a more competitive product that would be sold to other countries' customers. Therefore, the countries' economy would be strength.

Legislators have taken into account the importance of designs and considered them as a subject of the IP right that should be protected. By protecting the design rights for a certain period, the designer is able to get benefit of his/her design. In other words, his/her effort expending for producing the design is remunerated. Registered design rights are legally protected for a period of 5 years that is renewable, up to 25 years in both in EU and the Turkish Law.