**COPY TRADEMARK CASES**

Decisions of Turkish Patent Institute can be objected in writing in 2 months of time beginning from the day of service.  If the Institute finds the objection justified, they change their decision. If the Institute rejects the objection, a suit can be brought against the desicions of the Re-Evaluation and Examination Board in 2 months of time beginning from the day of notice in the authorized court . The suit is brought against both Institute and the applicant who applied to register his trademark or the applicant whose application has been registered despite the objection.

LEGAL PROCEDURE AND CLAIMS RISING FROM INFRINGEMENT AGAINST TRADEMARK RIGHTS

In case of an infringement against a registered trademark , the owner of the trademark has rights mentioned below in order to protect the trademark;

1-Demanding from the court in the matter of fact-finding: Under the Trademark Decree Law article 75, “the person who has the authority to bring the infringement against the trademark right forward can demand the fact-finding from the court.

2-Filing a suit in order to prevent and stop the infringement against trademark right: The owner of the Trademark to which the infringement is made can demand from the court to prevent or stop the infringement. Estoppage demand can be made for the continuing infringements, Preventation demand can be made for the risk of infringements.

3-Lawsuit for the establishment of an infringement: This suit is brought when the infringement concludes but the effects of it still exists.

4-Lawsuit for the remedy of the infringement: With this actio, the results of the infringement are tried to be removed.

5-Actions for compensation:

a)Actions for pecuniary damages: This is an actio in order to remove tangible damages and to compensate the lost profit caused by the infringement.

b)Actions for non-pecuniary damages: Owner of the trademark can demand for non-pecuniary damages because of the negative results like harmed corporate image, lost circle of customers and personal sorrow caused by the action of the violator.

c)Compensation regarding to dignity: This can be demanded to restore the dignity of the trademark. First condition to demand for this compensation is the existence of an inringement and the second one is the infringed trademark to be used in an inappropriate way.

6-Demanding from the court to seize the goods that is legally forbidden to be manufactured and used and means of production like instrument, equipment and machines used to manufacture said goods regarding to infringement against trademark right.

7-Grant a right of property over the seized goods and products: In this situation, the value of the products is deducted from the amount of compensation.

8-Put through a measure of legislation in order to prevent the continuation of the infringement of rights, wiping up the trademark on the seized goods and instruments or to exterminate them if it is unavoidable in order to prevent the infringement.

9-Lawsuit for the establishment of a negative fact as there is no infringement of trademark rights: The purpose with this lawsuit is to establish a negative fact that there will be no infringement or illegal situation when the claimant uses the trademark. The person who is going to use the trademark will have a precaution with this lawsuit.

10- Motion for preliminary injunction: As the owner of the trademark can demand for a motion for preliminary injunction, if it is not mentioned in the agreement,  exclusive licesee can demand, too. Motion for preliminary injunction can be demanded before bringing a lawsuit, during the lawsuit or after the lawsuit. Motion for preliminary injunction is inspected apart from the lawsuit.

11- File a complaint in Chief Public Prosecutor's Office: Owner of the trademark has the right to file a complaint against the violators under the regulations of Trademark Decree article 61/A when actions causing infringement are performed.