**CIVIL AND CRIMINAL SUITS IN COPYRIGHT INFRINGEMENT**

Rights on the intellectual and artistic works exclusively belong to the author. Authority to use the right and power of disposal on the rights is entirely at the peril of the holder. The intellectual and artistic works are protected under the law numbered 5846. The aim of this law is to determine and protect the moral and the financial rights of the originator on the intellectual and artistic works, to arrange the terms to benefit from these products and ascertain the sanctions in case of illegal exploitation to the prescribed principle causes and procedure. These mentioned rights of the owner are protected under the Copyright Law with the civil and criminal suits headed from the requests described below:

Requests:

1-Either destruction or hand over the copies and devices used to make copies.

2-Declaration of the judgement: Author has the right to request for the declaration of the judgement when the decision is given by the court.

Civil Suits:

1-Action in order to determine the author: It is aimed to ascertain the author with this suit.  Court’s decision not only determine a legal fact but also grant the proprietorship of the intellectual and artistic works to the prevailing party.

2-Action of trespass: With this action it is provided opportunity either to destroy the unpermitted reproduced copies of the work and the devices used to make copies or handing over these to the author for a fair value in case of breach of financial rights. If there is a current value or an agreement, three times of the callable amount can be demanded.

3-Action of non-violance: Without becoming inevitable of the existence of the fault, if there is a danger of an infringement against an intellectual property and work right, this suit is brought before the court in order to resolve or prevent this danger of infringement. Action of trespass and non-violance can be sued together.

4-Declaratory action of infringement:This suit in brought in order to determine whether that action causes an infringement within the scope of Commercial Law article 57/1 ve Civil Law article 25.

5-Actions for compensation:

a-Actions for pecuniary damages: This suit is brought in case the financial rights are infringed.

b-Actions for non-pecuniary damages: This suit is brought in case the moral rights are infringed.

6-Actio arising from acting without authority: With this suit, owner of the work can demand for the handing over of the consequential benefits to himself.

Ciminal  Sanctions:

1-Penalty of imprisonment

2-Heavy fine

3-Seizure and destruction: The punitive announcement and publication of the copies and devices used to make these copies  are seizured and destructed.