

Such an application is not valid unless backed by customs house documents showing that the goods have been cleared. In these circumstances, any payment the customer may make, either for the goods or as a result of a settlement with the exporter, will be blocked at the Central Bank and can be released only for use within Turkey for certain specified purposes. Such blocked funds can occasionally be sold to persons outside Turkey, but only at a heavy discount.

It is very difficult to arrange for the re-exportation of c.a.d. or c.a.g. consignments without the co-operation of the consignee, who is required to sign the relevant documents.

Patents and Trademarks

Manufacturers and traders are strongly advised to patent their inventions and to register their trademarks in Turkey. Applications should be made through a patent or trademark agent in Canada or Turkey. Turkey subscribes to the International Convention for the Protection of Industrial Property and to the European Convention relating to the formalities required for patent applications.

Patents. Application for a patent may be made by the inventor or by the inventor's assignee, whether an individual, firm or corporation. Before the filing (or convention) date, an invention must not have received sufficient publicity in Turkey or elsewhere to enable it to be put into practice. Patents of invention are granted for terms of 5, 10 or 15 years at the option of the applicant, and are subject to annual renewal fees. Inventions publicized by foreign patent offices, but not yet put into practice in Turkey, may be protected by a patent of importation, provided application is made to the Turkish authorities within one year of the registration of the foreign patent.

Trademarks. The first applicant is entitled to registration and exclusive use of a trademark. However, a prior user of a mark for the same goods may prove, in a lawsuit or counterclaim, his or her prior right within six months following the registration or use of the mark by the registrant or within three years of publication of the registration.

Registration lasts for 10 years and may be renewed for a similar period. Such renewal may be made within three years from the expiry date of the registration to become effective as of that expiry date.