



INTERNATIONAL ASSOCIATION OF SCIENTIFIC, TECHNICAL & MEDICAL PUBLISHERS

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European Commission
DG Trade

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**STM submission
EU IPR survey 2010 on IPR protection and
enforcement in third countries**

TURKEY

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How do you globally assess the IPR situation in this country?

**Effectiveness of current IPR (protection and enforcement)
situation in this country (from 0 = very poor to 10 = excellent)**

3

**Extent to which IPR protection and enforcement has improved in
this country in the last two years (5 = no change; less than 5 =
worsening; more than 5 = improving)**

5

**In a few words, what do you consider as the main WEAKNESSES of the
country concerned regarding IPR PROTECTION? (legislation and
procedures for the registration of IP rights, including oppositions, etc.)**

- Not yet fully implemented obligations of WCT and WPPT into domestic law.
- With the growing broad band availability in Turkey, Internet piracy is increasing as well; in 2009 it was estimated that 85% of the Internet traffic stemmed from peer-to-peer activities
- Severe book piracy problems persist: Illegal photocopying continues to take place in and around universities, affecting all sectors of the book and journal publishing industry (academic textbooks, academic journals, college textbooks, school books, trade books etc.)

In a few words, what do you consider as the main WEAKNESSES of the country concerned regarding IPR ENFORCEMENT? (legislation, deterrence of the sanctions, customs measures, speed, lack of trained officials, fear of retaliation, corruption, lack of awareness or of political will, etc.)

- Courts are the weak link in Turkey: Frequent appeals lead to long delays and may become subject to amnesties; suspended sentences are not the exception but the norm
- No clear authority to run raids on an ex officio basis
- Lack of co-operation between rights holders, law enforcement and ISPs
- Since law enforcement authorities have no access to the premises of the universities, fighting illegal copying is left to university administrators, who rarely, if at all, address the problem.
- Difficulties for rights holders in court cases: Difficulties while trying to obtain criminal search warrants, failing of – especially – local courts to presume ownership
- No response of the Ministry of Culture and the Turkish Police Force after an intervention by the Turkish Publisher's Association raising book piracy issues

In a few words, what do you consider as the main STRENGTHS (and/or recent positive improvements) of the country concerned regarding IPR PROTECTION?

- None

In a few words, what do you consider as the main STRENGTHS (and/or recent positive improvements) of the country concerned regarding IPR ENFORCEMENT?

- None

Which degree of PRIORITY do you think should be given by the EU to the country concerned? (0 = lowest priority; 3 = highest priority)

3