

**Standard Summary Project Fiche
IPA Decentralised National Programmes**

Project number: TR 07 02 14

TWINNING NO: TR 07 IB FI 01

1. Basic information

1.1 CRIS Number:

1.2 Title: Supporting Turkey for Enhancing Implementation and Enforcement of Industrial Property Rights

1.3 Sector: Internal Market

1.4 Location: Ankara, Turkey

1.5 Implementing Agency: Central Finance and Contracting Unit

PAO: Mr. Muhsin ALTUN, Head of CFCU

Tel: +90 312 295 4900, **Fax:** +90 312 286 7072

E-mail: muhsin.altun@cfcu.gov.tr

Address: Eskisehir Yolu 4.Km. 2.Sok (Halkbank Kampusu) No :63 C-Blok, Sogutozu, Ankara / TURKEY

1.6 Main Beneficiary: Turkish Patent Institute

Hipodrom Cad. No: 115, Yenimahalle

SPO: Dr. Yusuf BALCI¹, President of TPI

Tel: +90 312 303 1390, **Fax:** +90 312 303 1080

E-mail: ybalci@TPI.gov.tr

Co-Beneficiary: Ministry of Justice (MoJ)
006659, Kizilay, Ankara / Turkey

Contact: **Tel:**

Stakeholders: Ministry of Interior
Undersecretariat of Customs
Commission of Experts on Intellectual Property Rights²

1.7 Overall cost: 1,260,000. - EURO

1.8 EU contribution: 1,200,000. - EURO

1.9 Final contracting date: 2 years after signing the Financing Agreement

1.10 Final execution date: 4 years after signing the Financing Agreement

1.11 Final disbursement date: 5 years after signing the Financing Agreement

2. Overall Objectives and Project Purpose

2.1 Overall Objective: To improve implementation and enforcement of industrial property rights in Turkey.

¹ Or another person appointed in written by the TPI's President.

² The full list of this Commission's members is provided in the Annex III.

2.2 Project purpose: To improve further alignment with the EU acquis, enhance the capacity of the TPI for better implementation and establishing a constructive dialog between the stakeholders.

2.3 Link with AP: Council Decision 2006/35/EC of 23 January 2006

Section 3.1, Short Term Priorities, Intellectual Property Law: Improve enforcement of the legislation on intellectual property rights, by reinforcing administrative capacity and coordination including law enforcement agencies and the judiciary. Address in particular counterfeiting of trademarks, especially relating to automotive spare parts and luxury goods, as well as piracy, especially with regard to books, and other media.

Section 3.2, Medium Term Priorities, Intellectual Property Law: Complete alignment and ensure the enforcement of intellectual property rights by strengthening enforcement structures and mechanisms, including enforcement authorities and the judiciary.

Link with NPAA: (TR) Council of Ministers Decision No: 2003/5930
Dated 23/06/2003

Section IV, Ability to Assume the Obligations of Membership, 5-Company Law, Priority 5.3; Industrial Property Rights:

Table 5.3.3 Necessary Institutional Changes – (Turkish Patent Institute)

1. Strengthening of the institution by recruiting new staff
2. Training of staff on EU implementations
3. Provision of consultancy for preparation and implementation of legislation
4. Translation of transposed Turkish legislation and remaining EU legislation

2.4 Link with MIPD: Turkey Multi-annual Indicative Planning Document 2007-2009

Component I, Transition Assistance and Institution Building, 1. Current Situation, (3rd paragraph, page 16)

Alignment is more advanced in free movement of goods, except for the products for which no harmonized EU product legislation exists. Legislative alignment with the relevant provisions on intellectual property right is advanced, but the implementation of these remains difficult.

Component I, Transition Assistance and Institution Building, 4. Main Priorities, (page 18)

In addition to the above priorities, Institution Building support may also be provided *acquis* chapters: Free Movement of Goods (support for quality assurance at testing and calibration laboratories); Freedom of establishment and freedom to provide services (mutual recognition of professional qualifications, postal services); Public procurement; Intellectual and industrial property rights;

2.5 Link with National Development Plan: (TR) Grand National Assembly
Decision No: 877, dated 28.06.2006

Ninth Development Plan, 7-Main Objectives: Development Axes; 7.1 Increasing Competitiveness, 7.1.2 Improving Business Environment;

381. By taking into account the impact of the intellectual rights system on the economy; short, medium and long-term strategies will be determined in this area and an action plan for the implementation of these strategies will be created. Activities towards raising public awareness about the intellectual rights system will be increased.

The Strategy of Ninth Development Plan, IV Development Axes, IV.1 Increasing Competitiveness, Improving Business Environment; (p 117)

In order to increase effectiveness in the product and input markets, importance will be assigned to preventing unfair competition, protecting intellectual and industrial property rights, raising the education level of the labor force, developing R&D activities and to reducing input costs.

3. Description of project

3.1 Background and justification:

The conclusions of the Helsinki European Council in December 1999 recognized Turkey as a candidate for membership to the European Union. In December 2004, the European Council concluded that Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations. Accordingly the accession negotiations started on 3 October 2005. The first stage of negotiations was the analytical examination of the EU legislation (screening process). Screening meetings were completed in October 2006.

As for the approximation of the legislation concerning the industrial property rights, Turkey has a head start due to the existence, since 1996, of the Customs Union between Turkey and the EU. According to the Decision 1/95 of the EC- Turkey Association Council, establishing the final phase the Customs Union, Turkey had to gradually finalize, by 1.1.1999, the harmonization of its IPR legislation in areas of direct relevance to the Customs Union. Turkey, before the entry into force of the Decision 1/95, adopted a serial of Decree-Laws for the protection of industrial property rights.

The industrial property protection system in Turkey consists of three pillars: administrative body (TPI being responsible for implementing the IPR legislation), enforcement bodies (IPR courts, customs and security forces), and right owners (including patent and trademark attorneys as applicants). The registration of industrial property rights in Turkey had been under the responsibility of the Industrial Property Rights department in the Ministry of Industry and Trade until 1994 when the Republic of Turkey established the Turkish Patent Institute as a separate agency under the supervision of the Ministry of Industry and Trade with the Decree Law³ No: 544. Parallel to this change, almost all the industrial property legislation was reviewed and decree laws that were mostly harmonized with the *acquis* were issued:

Patents:

- Decree-Law No: 551 Pertaining to the Protection of Patent Rights in force as of 27 June 1995

Industrial Designs:

- Decree Law No: 554 Pertaining to the Protection of Industrial Designs, in force as of 27 June 1995

Trademarks:

- Decree-Law No. 556 Pertaining to the Protection of Trademarks, in force as of 27 June 1995

Penal Law Amending Decree-Laws No: 551, 554 and 556:

- Law No: 4128, in force as of 07 November 1995

In order to establish enhanced harmonization with the *acquis*, these laws were amended in the subsequent years; trademarks decree-law amended on 03 November 1995 and 22 June 2004; and patents decree-law amended on 22 September 1995, and 25 June 2004. The decree-law establishing TPI was converted to permanent law and ratified with Law No: 5000 on 06 November 2003. Meanwhile, a new law was introduced on 22 April 2004 for the Protection of Integrated Circuit Topographies as a separate protection category.

In the current situation the industrial property legislation comprising obligations from international agreements⁴ is largely in compliance with the below *acquis* with minor differences resulting from provisions providing options to the Member States, which do not cause deviations as also confirmed in the 2006 Screening Report. Meanwhile, further harmonization studies for these do continue:

- First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trademarks, as amended (*OJ L 040 11.02.1989 p. 1*)
- Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (*OJ L 289 28.10.1998 p. 28*)
- Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions (*OJ L 213 30.07.1998 p. 13*)

³ Decree-Laws are issued by the Council of Ministers of equivalent force with the permanent laws, which should be ratified by the National Assembly within a given period of time.

⁴ The complete list of international agreements regulating TPI's operations is provided in the Annex.

- Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products (*OJ L 024 27.01.1987 p. 36*)
- Directive 2004/48/EC Of The European Parliament And Of The Council of 29 April 2004 on the Enforcement of Intellectual Property Rights.
- Regulation (EC) No 816/2006 of The European Parliament and of the Council of 17 May 2006 on Compulsory Licensing of Patents Relating to the Manufacture of Pharmaceutical Products for Export to Countries with Public Health Problems.

While the improvements in the legislative, technical, and physical capabilities of TPI continue, the EU Commission points out the drawbacks in overall status of Turkish industrial property rights in its Regular Progress Reports and the Screening Report.

In the 2006 Progress Report, the Commission refers to the status of IPR implementation in Turkey as:

“However, some shortcomings exist concerning TPI functioning, in particular concerning appeal and opposition procedures for trade mark applications. These are lengthy, and the justification of decisions is insufficient. Moreover, a number of bad faith and/or non-distinctive design applications were registered that can only be cancelled by court decisions.”

In the 2006 Progress Report, the Commission refers to the status of Turkish enforcement as:

“The third IPR civil court was established as such, but the number of these courts and their logistical infrastructures is insufficient. Difficulties remain in obtaining search and seizure warrants from non-specialized lower courts. Training of judges needs to be strengthened.”

The Screening Report for Chapter 7- Intellectual Property Law addresses the harmonization level of Turkish IPR legislation as:

“Similarly, patents provisions are to a large extent aligned with the acquis and Turkey is party to the relevant international conventions and agreements, except provisions on protection of biotechnological invention and the patent litigation agreement, which is anyway not required immediately. Turkey is participating to the European Patent Organization, but has not implemented the agreement on patent litigation. There are no provisions in Turkey's legislation concerning Supplementary Protection Certificates. These gaps will need to be addressed during accession negotiations. Provisions on compulsory licensing are overall aligned with the acquis. However, a compulsory license may be requested in order to export a certain product. This provision is not aligned with the Community Law. The fact that protection of topographies is ensured through this channel, however, constitutes a deviation from the acquis. Moreover, the scope of certain exceptions will need to be clarified in due course, notably those concerning equipment installed on ships and aircrafts.”

The Screening Report for Chapter 7- Intellectual Property Law addresses the level of enforcement as:

“Even when violations of IPR are ascertained by enforcement forces, the legislation is not applied evenly throughout the country. The number of convictions and of judgments enforced remains insufficient; in particular as far as trademarks violations are concerned. Moreover, recent cases have demonstrated that Courts are reluctant to provide injunctions, and this results in the continuation of infringements. Judgments emanating from specialized IPR courts are considered as fair, and appropriate. However, these courts deal with a too high number of cases compared to their actual capacity. Inconsistent application of IP law by non-specialized Courts is a source of concern. Moreover, there is evidence of right holders’ rights not having been taken into sufficient account, and imposition of burdensome requirements to the complainant. The too frequent recourse to experts’ opinion in IPR cases has also reduced the effectiveness of judicial proceedings. Training of judges, as well as reinforcing IPR specialized courts are necessary and activities in this sense are ongoing.”

In the current situation, there is a sharp increase in the number of appeals made to the specialized courts. Regarding trademarks, for example, the increase in number of appeals between 2003 and 2004 is approximately ten times, i.e. from 250 trademark civil appeals in 2003 to 2,000 trademark civil appeals in 2004. The number of infringement cases is even more, causing an average of 10,000 total cases carried to the courts in 2004. Apart from the cases between right holders and their disputed parties, approximately 450 cases were opened against TPI in 2006 as a further workload to the courts, while 33% of the cases were resolved in favor of TPI, i.e. courts ruled that TPI’s decisions were correct in one out of three cases. The departments of TPI have their own established various examination criteria but these need to be updated and developed in line with the *acquis*. Furthermore, the link between the courts and examiners for establishing a discussion platform does not exist, which prevents reaching a common point of view. The lack of approximation with the court decisions causes an increase in the number of lost cases, which encourages the applicants to carrying more cases to the courts against TPI’s decisions. Hence, effectiveness of the specialized courts and the overall enforcement is adversely affected.

In order to help improve the implementation (and consequently the enforcement) of IPR in Turkey, TPI’s internal operations would be upgraded. Two priorities have been identified to this end: (i) establishing examination manuals within TPI to ensure that the decisions are issued in accordance with the written criteria and standards; (ii) harmonizing the approaches of the courts and the TPI decisions in evaluating IPR. Currently, out of 12 specialized courts for IPR, there are five specialized judges working in three specialized civil courts in addition to five specialized judges working in five criminal courts in the field of industrial property rights. Increasing the number of courts and the number of judges is a viable solution. In addition to this, reducing the number of cases carried to the courts against TPI decisions through upgrading the TPI’s registration procedures would also help increasing the effectiveness of the enforcement.

The police, municipal police and the customs officers are an integral part of the system and should be well equipped to fight against counterfeiting and piracy. It has been observed that these enforcers require training on how to utilize TPI’s industrial

property databases in order to identify possible infringements. The TPI's databases containing registered patents, trademarks and designs are available online but several cases have been reported of officers using unofficial databases. Hence, TPI plans to provide training to these enforcers in their own localities (particularly for the customs officers who have almost no time for training facilities) on utilization of databases, TPI's services and IPR information.

3.2 Assessment of project impact, catalytic effect, sustainability, and cross border impact:

Project Impact:

The project is expected to produce three outcomes:

- (i) Elaboration of Turkish IPR legislation with regard to EU acquis, reducing the disparities in decision-making methodologies of examiners in processing IP applications, oppositions, & complaints.
- (ii) Achieving coherency and consistency in implementing the decisions
- (iii) Improving cooperation and coordination with enforcement bodies.

Catalytic Effect:

The long-term catalytic effect would be the increase in the public trust towards the implementation and the enforcement of the IPR system. This would lead to reduction in the number of irrelevant objections against TPI decisions and a reduction in the number of unnecessary appeals made to the specialized courts, hence improving the processing times in both pillars. Once the cases resolved in favor of TPI becomes dominant – which is currently 1 out of 3- this will be a discouraging factor for the plaintiffs who would appeal to the courts without acceptable justifications, since such judicial costs are normally borne by the losing party. Therefore the courts would be able to focus on the infringement cases instead of issuing corrective decisions on TPI's registration, which will help increase the overall IPR enforcement efficiency.

Sustainability:

The project outputs are independent to continuous external financing. The implemented examination guidelines will help issuing the decisions consistently in accordance with the written standards. The results of the case study workshops among judges and examiners will also be annexed to the guidelines so that the different approaches and the agreed solutions will be available for further reference. The average age of examiners to be trained is below 35, which will ensure long-term commitment to their career and availability of their services to TPI both as an examiner and a trainer who transfers the accumulated knowledge to the future recruits. The required internal finance for salary of the trained examiners and the maintenance of the developed software would be readily available from the TPI funds. A network of cooperation will be established among the examiners and the judges facilitating exchange of views further.

Cross-border Impact: N/A

3.3 Results and measurable indicators:

Results	Objectively verifiable indicators
3.1 Improvement in the decision-making process.	<p>3.1.1. Reduction of “total appeals / total decisions” from 9% to 6%.</p> <p>3.1.2. Examination Guidelines adopted by November 2009.</p> <p>3.1.3. PTM adopted by November 2009.</p>
3.2 Improved alignment of TPI operations with the court rulings.	<p>3.2.1. The “cases resolved in favor of TPI” increased from 33% to 66% by November 2010.</p> <p>3.2.2. At the end of workshops, examiners and judges agree on most of the case studies handled during symposiums/workshops.</p>
3.3 Improved coordination with the IPR stakeholders.	<p>3.3.1. Increased utilization of TPI databases by enforcing agencies and private sector.</p> <p>3.3.2. Good level of IP knowledge (and TPI functions) demonstrated in the end-training questionnaires</p>

Improvement in the decision making process: For the purposes of monitoring the project progress, the indicator 3.1.1 is available as statistical data from Re-Examination Board of TPI. The unit “total appeals” indicate the number of objections made to TPI. Therefore, the ratio “total appeals/total decisions” is an indicator of the improvement in decisions issued by the first level examiners. This ratio can be monitored during the project life and afterwards. The indicators 3.1.2 and 3.1.3 are the delivery of specific items that are to be verified by the interim quarterly and final project management reports.

Improved alignment of TPI operations with the court rulings: The indicator 3.2.1 is a statistical data available from the Ministry of Justice, whose results would be best revealed in the long term and not eligible for monitoring during the project. The unit “total cases” represents the number of appeals made to the Specialized Courts against TPI’s final decision given by the Re-Examination Board. Therefore, the ratio “cases resolved in favor of TPI/total cases” represents the establishment of approximation between the decisions of TPI and the courts (including Supreme Courts). The indicator 3.2.2 is the data collected at the end of workshops that would reveal the alignment between opinions of judges and examiners, which is eligible for monitoring during the project.

Improved coordination with the IPR stakeholders: Indicator 3.3.1 represents the intensity of communications from the enforcing agencies (particularly customs) to the TPI trademarks database for the purpose of preventing piracy and counterfeiting. This is to be monitored by the IT department of the TPI. The 3.3.2 indicates the level of familiarity of the stakeholders with the specific IPR issues, TPI’s role in the system, and its sector specific services.

3.4 Activities:

The activities will be achieved under a **Twinning Contract**. These activities will focus on increasing the *acquis* implementation capacity of TPI. Additional activities comprising stakeholders are present to ensure approximation of the implementation and increased coordination.

1. Elaboration of Turkish Legislation in view of further alignment with the EU *acquis* and development of TPI's capacity and functions; (1.1) will comprise of establishing examination guidelines and a performance and training management system in TPI. To this end, the TP will perform an analysis of EU and Turkish legal documents, establish a set of criteria for the examination of industrial property applications, and translate these criteria into examination guidelines for patents, trademarks and industrial designs in accordance with the EU and MSs' best practices. To improve the quality of legislation, IPR stakeholders will be also involved in legislative studies. TPI and the TP will jointly identify the working groups consisting examiners in their respective fields; TPI will be responsible for providing necessary working documentation in English; the TP will arrange logistics and internal approvals of his counterparts to work in Ankara; the WGs will work in TPI headquarters to analyze the degree of alignment of Turkish legislation with those of the EU including case studies and establish a set of examination criteria for patents, trademarks and designs. As part of the legislative analysis study, the TP is expected to submit a recommendation report on improving the Turkish IPR legislation, including but not limited to geographical indications and topographies of integrated circuits, and a draft text for regulating services of trademark and patent attorneys. (1.2) Furthermore, TP will provide documentation on the performance and training management tools of an EU patent office agreed with the TPI and how they are incorporated into its IT structure; provide technical support to customize these for TPI's requirements; and implement in the IT structure. This would entail modifying the TPI's software or implementing a system similar to the one used in the specific EU patent office.

2. Training and information exchange activities; (2.1) will comprise of a total of minimum four study visits to an EU patent office, an EU specialized court, Court of Justice, and OHIM by at least (5) judges, (2) TPI lawyers, and (3) examiners. A similar study visit would be arranged for a group of attorneys in consultation with the Advisory Commission and the Twinning Partner. The twinning partner (TP) will arrange the availability of these Institutions and communicate the content and purpose of the study; identify the contact persons in these institutions and arrange logistics; TPI will arrange for the internal approvals of the participants and establish the agenda on the issues to be discussed in agreement with the TP. (2.2) Furthermore, at least four workshops will be organized among the Turkish judges and examiners under the supervision of one EU examiner and one specialized court judge from EU, discussing approximately (40) cases on national and international disputes. TPI will arrange the approvals for the participants and arrange logistics for the workshops in Ankara; identify the case studies with co-beneficiary; distribute these to the participants prior to the meetings. The TP will identify a relevant expert from one specialized court and if possible from the Court of Justice; arrange their participation and the logistics. (2.3) Finally, the project will consist of providing training seminars to: -design examiners on the grounds of refusal and definitions of designs; - patent examiners on substantive

examination, and on-job training on case studies; - trademark examiners on decision-making, grounds of refusal, and well-known marks. The training will consist of internships (total of 7 interns for 1 months) in TP office and training seminars to examiners in Ankara. TPI will arrange the availability of the training rooms in its headquarters; both sides will jointly identify a training program based on the training needs assessment that will be performed jointly in detail after the contract signature; the TP will identify the experts from its own institution and also from external sources, when required, who would provide training on the selected subjects; TP will arrange the logistics for these experts.

3. Establishing a sustainable constructive dialog among IPR stakeholders; will comprise of awareness raising seminars towards the IPR stakeholders, particularly the enforcing agencies such as the customs offices and the security forces. The seminars will aim to provide these government agencies with the essential IPR information rather than training each one of them as examiners. Furthermore, the role and the services of TPI and how to use these services will be described during these activities. Since TPI staff will provide most of these seminars, TP is expected to assist the TPI in outlining the content of the seminars; and provide information about the coordination mechanisms in its country. Based on the applicability of such mechanisms in Turkey, further technical studies and training courses would be jointly carried up, which would require expert support from the TP.

3.5 Conditionality and sequencing:

1. The Ministry of Justice commissions sufficient number of judges to participate in the workshops and allocates the budget to cover their travel and subsistence costs.
2. The tender for this project can be launched on the condition that, by submitting a formal Declaration of Assurance, showing that the beneficiary has sufficient staff in a list for technical implementation and monitoring of the contract.
3. The Advisory Commission members who took part in related previous studies take part in the project.

In terms of basic sequencing, the activities shall proceed in the below order while the study visits and training seminars will be implemented in parallel:

- Advisory Commission meeting prior to launching the project
- Identifying the trainers and training needs (Needs Assessment)
- Implementing the training program
- Workshops with the co-beneficiary
- Internship starting in parallel with the analysis studies in TPI headquarters
- Follow up workshops and establishing criteria for examination
- Establishing the guidelines
- Establishing the performance and training management system
- Follow up workshop
- Follow up training on adopting the guidelines and PTM

3.6 Linked activities

In order to support development of the IPR system in Turkey, two projects were implemented: i) GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit GmbH) “Modernization of the Industrial Property Rights System”, 1995-2000, consisting procurement of minor IT equipment and office furniture and financing technical study visits, ii) World Bank financed “Industrial Technology Project”, 1999-2006, consisting construction of a new building, procurement of office and IT equipment, consulting services, custom software designing, financing technical visits, and training programs. The project has provided the facilities to house conferences, training activities, and workshops in its headquarters. The project also produced strategic planning documents, client surveys for 2005 and 2006, and a re-structuring report. The Project Completion Report prepared by the TPI and the Implementation Completion Report issued by the World Bank summarize the outputs of the project and would be useful in assessing the current status of TPI.

TPI has launched a new project called Hezarfen in 2007 towards increasing the innovation capacity of the SMEs through providing them with consulting services on innovation analysis and market search opportunities. The project is linked to the proposal in terms of increasing IPR awareness among the industry sector. The project contacts in various SMEs can be beneficial in order to reflect the sector’s expectations from the IPR system.

Under the Project DG IA-D/MEDTQ/02-99 “Effective Enforcement of Intellectual Property Rights”, which was completed in December 2005, seven specialized courts were set up, seven judges and one public prosecutor received training both in Turkey and abroad. The experience of these judges should be utilized while structuring the examination guidelines.

TR 0402.04 - Support to Turkey’s efforts in the full alignment and enforcement in the field of intellectual property rights with a focus on fight against piracy.

The Twinin g project is being implemented in the MoCulture and Tourism/DG for Copyrights and Cinema. The legislative committee studies in the form of 5 sub-committees together with Ministry staff, Turkish IPR judges, prosecutors, representatives of collecting societies and where necessary other stakeholders like State Planning organisation representative and some academics. These studies have greatly contributed to the enhancement of common legal understanding of different actors, legal quality of the draft legislative amendments and overall constructive dialog between the participants of the project. Same methodology and experience may well be benefited under this project as well.

3.7 Lessons learned

- Identification of trainees based on their qualifications is as essential as identifying the trainers. During identification of trainees for the internship and other training activities, the examiners actively working on formal and substantive examination of applications (absolute grounds of refusal, oppositions, etc.) will be prioritized.
- All project-based activities must be timely supervised and approved by the SPO. The PMU Head will be the intermediary for transfer of information from the project team to the SPO and to facilitate the procedures for approvals.
- There should be effective communication between the stakeholders (Right owners societies, the CFCU, TPI, Police, customs, Ministry of Justice). In order to establish this, a mailing list will be established. This will also be continued after the project completion in order to keep the stakeholders informed of the activities organized by TPI relevant to their studies. The PMU staff will be in contact with the contact persons.

4. Indicative Budget (amounts in €)

Activities	TOTAL PUBLIC COST	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	IN V	Total	Type of cofinancing (J / P)	%	Central	Regional		IFI
Activity 1/ 2 / 3												
Twining	1,260,000	1,200,000	100	1,200,000	-	60,000			60.000			
TOTAL	1,260,000	1,200,000	100	1,200,000	-	60,000			60.000			

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Contract Completion
(Contract 1.1) TWINNING	February 2008 ⁵	(Start of) October 2008	(End of) October 2009

Duration of the Project: 13 Months

⁵ It would be preferable if the tendering could be started at an earlier time so that the improvements are timely implemented. The calendar in this table is an estimation, which considers that the start of tendering would wait for the signature of the Financial Agreement.

Activity	2008					2009							
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct
Mobilize, TNA ⁶	X												
Analysis		X	X	X									
Guidelines					X	X	X	X	X	X			
PTM											X	X	X
Workshops	X			X			X				X		
Study Visits			X		X		X		X		X		
Training				X	X	X							X
Seminars					X				X				X

6. Cross cutting issues (where applicable)

6.1 Equal opportunity

Equal participation of women and men will be secured through appropriate information and publicity material, in the design of projects and access to the opportunities they offer. An appropriate men/women balance will be sought on all the managing bodies and activities of the programme and its projects.

6.2 Environment

Not applicable

6.3 Minority & vulnerable groups

According to the Turkish Constitutional System, the word minorities encompass only groups of persons defined and recognized as such on the basis of multilateral or bilateral instruments to which Turkey is a party.

The project will in no way harm the rights of any individuals (including disabled people) or entities to apply for the registration of their industrial property rights, or hinder the use of their rights for oppositions, complaints, appeals, or any other rights thereof before the public institutions of Republic of Turkey.

⁶ TNA; Training Needs Assessment

ANNEXES

ANNEX I: LOGICAL FRAMEWORK MATRIX IN STANDARD FORMAT

ANNEX II: AMOUNTS (IN €) CONTRACTED AND DISBURSED BY QUARTER FOR THE PROJECT OVER THE FULL DURATION OF PROGRAMME

ANNEX III: INSTITUTIONAL FRAMEWORK

ANNEX IV: REFERENCE TO LAWS, REGULATIONS AND STRATEGIC DOCUMENTS

ANNEX V: DETAILS PER EU FUNDED CONTRACT

ANNEX 1: LOGICAL FRAMEWORK MATRIX IN STANDARD FORMAT

LOGFRAME PLANNING MATRIX		Programme name and number	“Supporting Turkey for Enhancing Implementation and Enforcement of Industrial Property Rights”, No: 68	
		Contracting period expires: FA+2 years		Disbursement period expires: FA+5 years
		Total budget : 1,260,000		IPA budget: 1,200,000
Overall objective	Objectively verifiable indicators	Sources of Verification		
1. To improve implementation and enforcement of Industrial Property rights in Turkey.	<p>1.1. Positive assessment for the enforcement of <i>acquis</i> on IPR in the Country Progress Reports issued in the last quarter of 2010.</p> <p>1.2. Reduction of “<i>cases opened against TPI / total decisions of TPI Board</i>” from 10% to 7% by December 2010.</p>	<p>1.1. EU Commission Country Progress Reports</p> <p>1.2. Ministry of Justice and TPI Board of Appeal statistics</p>		
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions	
2. To improve further alignment with the EU <i>acquis</i> , enhance the capacity of the TPI for better implementation and establishing a constructive dialog between the stakeholders.	<p>2.1. Reduction of “<i>total appeals / total decisions</i>” from 10% to 7% by June 2010.</p> <p>2.2. Reduction of “<i>cases opened against TPI / total decisions of TPI Board</i>” from 10% to 7% by November 2010.</p>	<p>2.1. TPI Board of Appeal statistics</p> <p>2.2. Ministry of Justice and TPI Board of Appeal statistics</p>	<p>- There will be no major national & international policy change affecting the implemented management tools.</p> <p>- There are no major changes in the structure and operating procedures of the courts.</p>	
Results	Objectively verifiable indicators	Sources of Verification	Assumptions	
<p>3.1 Improvement in the decision-making processes.</p> <p>3.2 Improved alignment of TPI operations with the court rulings.</p>	<p>3.1.1. Reduction of “<i>total appeals / total decisions</i>” from 9% to 6%.</p> <p>3.1.2. Examination Guidelines adopted by November 2009.</p> <p>3.1.3. PTM adopted by Nov 2009.</p> <p>3.2.1. The “<i>cases resolved in favor of TPI</i>” increased from 33% to 66% by November 2010.</p> <p>3.2.2. At the end of workshops, examiners and judges agree on most of the case studies handled during symposiums/workshops.</p>	<p>3.1.1 TPI Board of Appeal statistics</p> <p>3.1.2 & 3.1.3 Interim quarterly and final project management reports</p> <p>3.2.1 Ministry of Justice statistics</p> <p>3.2.2 Symposiums / workshops conclusion reports.</p>	<p>- The examiners stick to the rules stated in the guidelines.</p> <p>- The examiners are able to adopt the change in their working methods.</p> <p>- Judges & examiners maintain the established cooperation environment.</p>	

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
3.3 Improved coordination with the IPR stakeholders.	3.3.1. Increased utilization of TPI databases by enforcing agencies and private sector. 3.3.2. Good level of IP knowledge demonstrated in the end-training questionnaires	3.3.1. TPI online database statistics 3.3.2. Training questionnaires	
Activities	Means	Costs	Assumptions
1. Development of TPI's capacity and functions and improvement of legislation for further alignment 2. Training and information exchange activities. 3. Information dissemination to stakeholders.	1 x Twinning Contract with technical assistance and training components.	1,260,000 €	- The TPI staff is ready to accept the changes to their working methodologies. - Both the judges and particularly the TPI examiners are willing to cooperate in correcting their decision-making approaches. - The Ministry of Justice fully cooperates in providing permissions to the judges and financing any allowances that are not covered by the project.