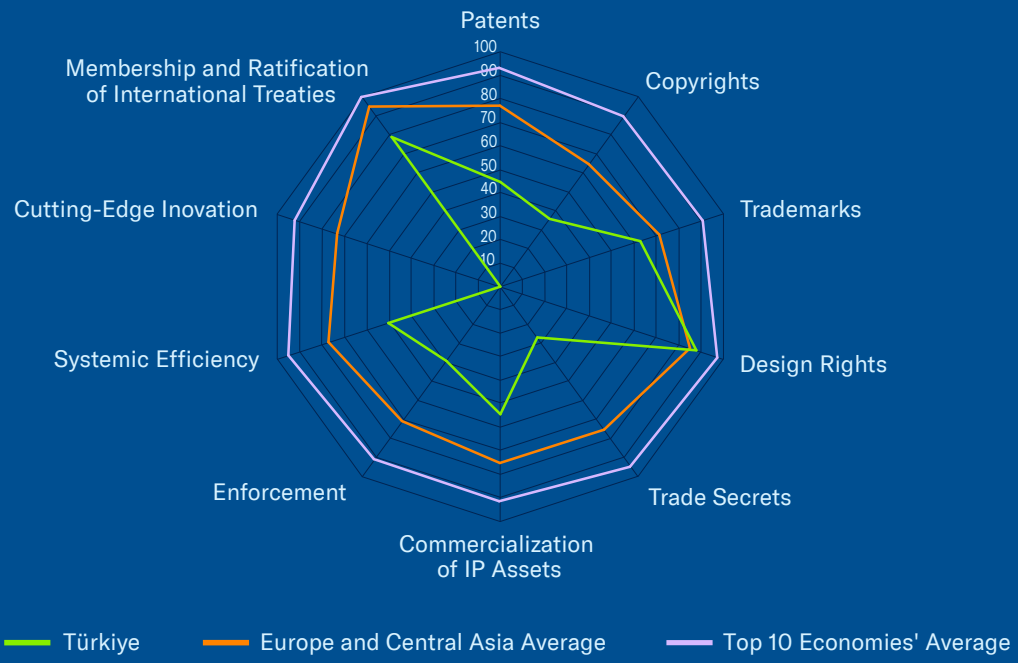
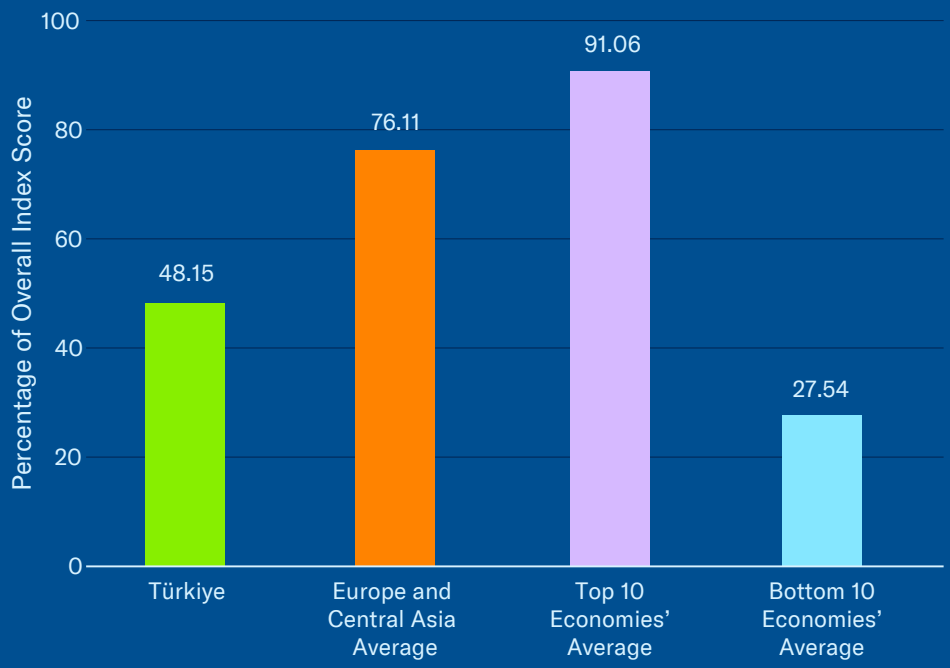
Türkiye

Rank
30/55

Category Scores



Overall Score in Comparison



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Key Areas of Strength

- Biopharmaceutical localization environment was reformed in 2023 after the WTO ruling
- Efforts to align the national IP environment with EU standards
- Active promotion of the importance of IP protection and use as an economic asset among the public and SMEs
- Generous R&D and IP-specific tax incentives are in place

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Localization policies targeting high-tech sectors are becoming a more prominent feature of industrial and economic policy
- RDP is not granted to biologics
- Key gaps persist in the copyright environment and in patent protection and enforcement
- Industrial localization policies for biopharmaceuticals have fused together with IP policy and broader health policy on the pricing and procurement of medicines
- High counterfeiting and piracy rates, with software piracy estimated at 56%

Indicator	Score
Category 1: Patents Rights and Limitations	**4.00**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.50
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent opposition	0.50
Category 2: Copyrights and Limitations	**2.49**
10. Term of protection	0.74
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.25
15. TPM and DRM	0.25
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.75
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.75**
21. Industrial design term of protection	1.00
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**0.80**
23. Protection of trade secrets (civil remedies)	0.25
24. Protection of trade secrets (criminal sanctions)	0.25
25. Regulatory data protection term	0.30
Category 6: Commercialization of IP Assets	**3.25**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**2.73**
32. Physical counterfeiting rates	0.29
33. Software piracy rates	0.44
34. Civil and precedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by customs	0.75
Category 8: Systemic Efficiency	**2.50**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**5.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.00

Percentage of Overall Score: 48.15% • Total Score: 25.52

Spotlight on the National IP Environment

Past Editions versus Current Score

Türkiye's overall Index score remains unchanged at 25.52 out of 53 indicators.

Patents, Related Rights and Limitations, and Enforcement

5. Pharmaceutical-related patent enforcement and resolution mechanism; and 34. Civil and procedural remedies:
IP laws in Türkiye provide for basic civil remedies, which include injunctions, damage awards, and the confiscation of goods and equipment used to produce infringing material for patents and trademarks. However, practical enforcement in Türkiye has historically been characterized by inefficiency and long delays. The 2020 edition of the World Bank's *Doing Business* found that, on average, it took 623 days to enforce a contract—almost two years—at an estimated cost of 24.9% of the claim value. These long delays were up by almost 200 days from an average of 449 days from 2004 to 2015. For IP rights specifically, there remains a general dearth of expertise and experience on the part of the judiciary and public prosecutors.

As noted over the course of the Index, some positive developments have occurred over the past decade. The most prominent development was the introduction of specialized IP courts in select cities and the establishment of a special prosecutor's agency responsible for IP rights investigations. Today, 25 civil and criminal IP courts are spread across Türkiye's major cities. Despite these institutional changes, industry reports suggest that these courts are overburdened and that rightsholders continue to face difficulties in gaining redress, most notably with respect to preliminary injunctions. For example, for the research-based biopharmaceutical industry, a long-standing issue has been the early marketing of follow-on products, despite existing granted IP exclusivity periods being in place. Türkiye does not have a pharmaceutical linkage mechanism whereby Turkish drug regulatory authorities condition the approval of a follow-on biopharmaceutical product on there being no relevant period of market exclusivity for the underlying reference product. Instead, biopharmaceutical rightsholders must rely on the court system and, specifically, on gaining preliminary injunctions when an infringing product is launched. Historically, such injunctions have been difficult to obtain. The result has been the early launch of follow-on products and a corresponding price drop once a generic product is listed in the national formulary and publicly reimbursed. Local legal reports suggest that this may now be changing with a potentially precedent-setting injunction issued by the IP Court in Ankara in late 2023. Should this case improve rightsholders' ability to obtain preliminary injunctions in the future, it would mark a significant improvement to Türkiye's national IP environment and a potential score increase for indicators 5 and 34. The Index will continue to monitor these developments in 2025.

Commercialization of IP Assets and Market Access

26. Barriers to market access:
As detailed over the course of the Index, over the past two decades, Turkish industrial and economic policy has increasingly been driven by an effort to localize industrial production and R&D. A major part of these efforts has been localization and import substitution policies that actively discriminate against foreign entities and favor domestic Turkish companies.

Many of these localization and discriminatory policies have targeted the ICT and research-based biopharmaceutical industries. With regards to the ICT sector, in 2024, important amendments to the Law on the Protection of Personal Data came into effect together with new implementing regulations on cross-border data transfers.

Turkish laws have historically placed onerous requirements (including local data storage) on ICT companies and digital service providers. Sector-specific data storage requirements are in place for payment service providers and banking and financial services institutions. Although cross-border transfers have technically been allowed under the Law on the Protection of Personal Data, such transfers could only take place after explicit consent had been obtained from the data subject or if the legal jurisdiction to which data was transferred provided an equivalent level of protection as in Türkiye. Until the 2024 amendments, this option was not available as the Turkish Personal Data Protection Authority had not designated any jurisdiction as functionally equivalent.

In March 2024, as part of a broader package of reforms (the Amendment to the Code of Criminal Procedure and Certain Laws), changes were introduced to the Law on the Protection of Personal Data and underlying regulations. Although still fundamentally restricted, cross-border data transfers will now be allowed under a broader set of circumstances, including the use of standardized contracts as defined under Article 10 of the July 2024 implementing regulations ("Procedures and Rules for Transferring Personal Data Abroad, Regulation on Principle").

Cross-border flows of data are ingrained in countless services relied on by consumers with numerous digital, automated, and virtual services relying on the seamless movement and storage of data in various locations. Reducing existing restrictions and barriers on such free flows of data with these legislative changes would be a positive development and would reverse what has been an intensification of localization requirements over the past five years. The Index will continue to monitor these developments in 2025.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:
Interest in rare diseases has grown in Türkiye. In 2022, the Ministry of Health published "Rare Diseases Health Strategy Document and Action Plan." The document provides an overarching national policy for addressing rare diseases, including awareness raising, expanding access to treatment, and supporting new forms of biopharmaceutical R&D in Türkiye. With respect to incentives to R&D and the development of new treatments and technologies, under Section 4 of the report, "Treatment and Care Services," Subsection 4.2.2.1 sets the goal of introducing a specific national orphan drug law with corresponding intellectual property incentives in place for drug development and greater access to new treatments. At the time of research, no legislative action had been taken.