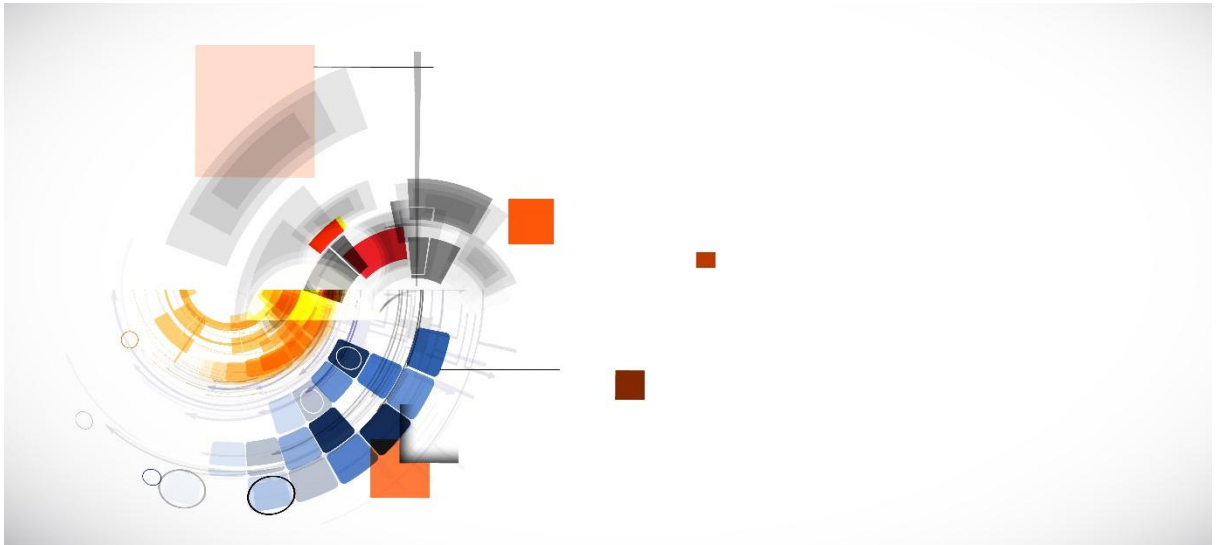


COPYRIGHT REGISTRATION IN TURKEY

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Turkey is a party to Berne Convention since 1951 which is the oldest international convention regulating copyright. Under Berne Convention and Law on Intellectual and Artistic Works (“Copyright Act”), there are no formalities regarding the registration of copyright. The work is protected upon its creation with no formality and/or ceremony. This being the fact, it is always advisable to register a work for purposes of having an effective enforcement.

Here are a few benefits of having a registration for copyright in Turkey:

Regulatory Requirement for phonogram producers and film producers:

Despite the Copyright Act, the Regulation on Record and Registry of Intellectual and Artistic Works (2006) stipulates that the phonogram producers that make the first fixation of sounds and the producers that make the first fixation of films are obliged to record and register their rights in order to facilitate proof of right ownership, to exercise their economic rights, and to prevent the violation of their rights by third parties without the aim of creating any rights. According to the data published by the General Directorate of Copyrights, 7.412 registrations have been affected for cinematographic and musical works and video games in the years 2015 and 2016.

Through the registration of these works before the General Directorate of Copyrights, the right holders may apply for Banderoles. These banderoles are used on the licensed copies of the work to prevent piracy.

Optional Registration for Copyrights:

While the registration for literary works, computer software (with the exclusion of video games) and works of fine art is not mandatory, 1.428 of these works have been registered before the Directorate in the years 2015 and 2016. The registration of these works also enables the right holders to apply for Banderole as a measure for anti-piracy.

Copyright Registration can be used for enforcing the copyrights before the Customs:

Aside from Banderoles, the registration certificates can also be used to apply for a customs watch before the Customs Authorities upon a central recordal of the copyright. The acceptance of the copyright recordal by the Customs Authority will activate the customs monitoring on the passing of possibly pirated goods in order to initiate the suspension of release of such products.

Copyright Registration can be used as a documentary evidence for proof of ownership:

The registration certificates of copyrighted works are also very practical and useful tools to prove the ownership and to determine context of the work in possible civil and criminal actions. These certificates are also used during the enforcement of the copyright in case of infringement before the Court. As the framework of the copyrighted work is clearly defined in the certificate, the examination will be carried through more effectively, which increases the chances of obtaining preventive or injunctive measures during such actions.