

## Classification examination of IRs designating TR

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Turkish Trademark Registry (Turkish PTO) has never examined International trademarks designating Turkey as to classification and/or propriety of the specification of goods/services. This practice has changed with regard to the specification of “retail service” for couple months ago.

Before 19 October 2011, Turkish PTO used to allow local applicants (not IRs designating Turkey) to use only the explanatory note to class 35 in NICE Classification, namely “*the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods*”, as the specification of so called “retail/wholesale services”, and did not allow any indication in the specification to the goods and/or group of goods.

After 19 October 2011 (for local applications, not IRs designating Turkey), Turkish PTO has changed her approach to the wording of “retail/wholesale services” several times. After the first couple months of 2012, Turkish PTO introduced new approach in which (1) the use of the explanatory note to class 35 in NICE Classification is no longer allowed; and that (2) the retail service specifications which do not refer to the goods, which is subject to retailing, are no longer allowed; and that (3) the specification of retail service MUST be as “*the bringing together, for the benefit of others, of ... **(the goods and/or group of goods subject to retailing must be printed here)** ..., enabling customers to conveniently view and purchase those goods*”.

The latest requirements for “retail/wholesale services” specification which is described in the above paragraph have being stated to be applied to IRs designating Turkey for past couple months, according to examiners at Turkish PTO. The PTO has already started issuing objections with regard to Turkey designation of International Registrations which has retail service specification with no reference to the good and/or group of goods which are subject to that service. In addition, a notice in this regard was posted at International Bureau’s website, which may be found at the following link; <http://www.wipo.int/madrid/en/members/profiles/tr.html?part=misc>

The procedure to overcome such provisional refusals of IRs designating Turkey will be as follows. The applicant must file an appeal within due time in order to prevent that the refusal become final. In the appeal, it should be stated that the subject retail service specification will be / was amended with International Bureau to comply with the Turkish PTO’s requirements. Since Turkish PTO has no system to remedy such objections by communicating with the examiner who has issued the provisional refusal, the applicant must also file a request with International Bureau to amend the subject specification of services with regard to Turkey designation in order to comply with the requirements of Turkish PTO.

In filing request for amendment of retail service specification with WIPO, it is strongly suggested not to use broad and/or vague description of goods. It may also be advisable to check the proposed amendments with a local trademark attorney in Turkey before filing with WIPO.

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