

TURKEY'S ELECTRONIC INDUSTRIAL PROPERTY RIGHTS REGISTRATION EXPERIENCE

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Abstract

Among the most important factors that indicate the level of development of a state's economy are the industry and commerce in the globalizing world, rapidly increasing competition conditions rendered the protection of industrial property rights indispensable and the necessity raised to distinguish a product from others. For this reason, a significant part of the economic activities of today's states consists of industrial property rights and their protection. Turkey carried out very significant and serious works recently on both improving the national legislation and participating in the international agreements on industrial property. In Türkiye, Turkish Patent Institute being the only public institution fulfilling official registration of industrial property rights, in order to gain safety and legal acceptability for the internet application system, an electronic signature and time stamp integration is fulfilled, in August 2007 online trademark application with e-signature, after that, in January 2008 online patent and industrial design application with e-signature and in April 2008 trademark, patent and industrial design application with e-signature has been serviced. In this article you will find the Institute's e-signature applications, substructure of e-signature and statistical information related with e-signed applications.

Keywords - E-Government, E-signature, Mobile E-signature

1 INTRODUCTION

In Türkiye, an important amount of increase on online transactions by using the internet is seen both in public sector and in private sector in the recent years. Together with these developments, the amount of the online transactions usage has increased, and such increasment has brought technical and legal problems with it. For solving these kind of legal problems, electronic signature, which is considered and valued just like damp signature, is now in use. And an important amount of such integration just like online e-state application has now came true in Europe and in our country.

Turkish Patent Institute is a public institute which aims to form an active industrial property system in order to present a customer focused fast service by strengthening the humanity, legality and technical background, to spread consciousness of industrial property and knowledge around the country. Thus, a series of technical study has been made to make the integration of electronic signature and time stamp in order to gain legality and safety for online application system for the customers to make the official registration of industrial property rights more active and faster. With these studies, e-signature with online patent, trademark and industrial design applications are now in use. [1]

With TPI E-signature applications e-signature owners has the opportunity to make applications online by using their e-signatures on the internet from the online transaction part of our web portal (online.tpe.gov.tr) without making a pre-announcement for their industrial property rights. [2]

2 GENERAL INFORMATION

A) About the Applications

E-signature transactions in Turkish Patent Institute E-signature applications and application

procedure, behind integrated with in the institutes application, according to client and server architecture , programmed with J2EE programming technology and works on Oracle database.

E-signature transactions, client is done by a Java Applet, used by TÜBİTAK's e-signature library. With the E-signature Applet being used all the ESHS certificates used in Türkiye are supported

Turkish Patent Institute's E-signature applications also support the time stamp service. Time Stamps proofs that a data has existed at certain time and in a specific date. Time Stamp Server, by using open key technology to sign time stamps, certificates the existence of it in a specific time and its integrity.[3] In industrial property right applications, the use of time stamp technology, has a great importance in designating official registration priority.

Turkish Patent Institute E-signature applications consist of 3 applications:

- 1) Trademark application with E-signature and Mobile signature.
- 2) Patent/ Useful Model application with E-signature and Mobile signature.
- 3) Industrial design with E-signature and Mobile signature.

B) Work Steps of Application

E-signature applications, has similar work and procedure steps with Trademark, patent/useful model and industrial design applications. For his reason the following parts will only include the most comprehensive trademark application procedure.

Steps of Trademark Application with E-signature

- a) The attorney or the applicant who does the application enters the system, if necessary a pre-writing requirement is clarified.
- b) If the application is done by an attorney, representation information will be entered,
- c) The name and the example of the trademark which will be applicated will be entered,
- d) The information's of the trademark's owner/owners will be entered,
- e) The property and service classifications of the trademark will be selected,
- f) If there is the trademarks law preference information's will be entered.
- g) Information's about the payment will be entered,
- h) Overall view of the application will be seen,
- i) E-signature / Mobile signature procedure will be done,
- j) The information of the application and the records of the document will be viewed, the form can be printed.

After these procedures an application number will be given and you will enter the documentation system. Now you can pursuit your folder from the file tracking operation, right away for your trademark application and after a while for your patent and industrial design application from the online transaction page. [2]

E-Signature Applications User Types

- A. Patent or Trademark Attorneys who provides application conditions
- B. Any citizen who provides application conditions

Any patent/trademark attorney or citizen, who has e-signature and provides system requirements, can make an application. There is no other procedure before application. With this aspect TPI E-signature applications are different from other institutions and organizations. Besides, without any extra procedure the application made is directly delivered to document system and from document

system to related application. And this makes us to save time mostly lost by bureaucratic/hierarchic procedures. [2]

C) Trademark Application Steps with E-signature and Mobile Signature

Turkish Patent Institute online transaction page does not only provide trademark, patent and industrial design applications with e-signature, it also provides you to investigate before you make application and file tracking after application.

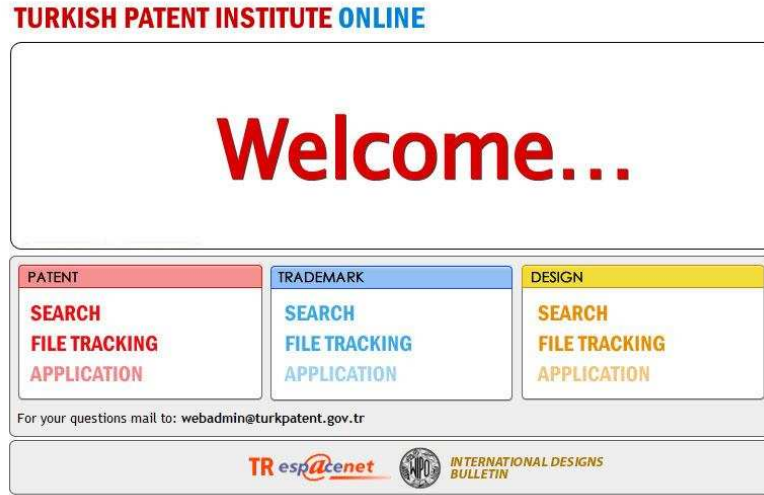


Diagram 1: Turkish Patent Institute Online Transaction Page (online.tpe.gov.tr/eng/)



Diagram 2: Trademark Application Screen

On trademark application screen, legal acceptability is mentioned and information about system requirements, the places where to be an e-signature owner and for the acceptability of the application. [4]

İşlem Adımları		Genel	Örnek	Sahipler	Mal-Hizmet	Rüçhan	Ödeme	Ön İzleme	Tamamla
Tarayıcınız:	Microsoft Internet Explorer 7								
Java Versiyonunuz :	1.5.0.11								
Tarayıcınız ve Java versiyonunuz çevrimici başvuru yapmak için uygundur. Devam etmek için 'İLERİ' düğmesine tıklayınız.									
❖ Bu sayfada başvuruyu sorunsuz gerçekleştirebilmeniz için gereken kontroller yapılmaktadır. ❖ Eğer bir uyumsuzluk varsa lütfen uyarıları dikkate alınız. ❖ Herhangi bir sorun yoksa "İLERİ" düğmesine tıklayarak başvuru işlemine geçiniz.									
İLERİ >>									

Diagram 3: System Requirement Test Screen for Trademark applications

This test screen is to help you to provide clear application, if a wrong transaction is made, the computer controls the application considering the system requirements, warns and recalls the applicant and does not continue the application procedure.

İşlem Adımları		Genel	Örnek	Sahipler	Mal-Hizmet	Rüçhan	Ödeme	Ön İzleme	Tamamla
Başvuruyu yapan (Zorunlu Alan)	☐ Vekil ☒ Başvuru Sahibi								
e-posta adresi (Zorunlu Alan)	basvuran@epostaservisi.com								
Vekil Sicil Numarası	Vekil Ara								
Vekaletname	☒ Vekaletname Numarası ☐ Vekaletname Dosyası								
	numaralı dosyada yer almaktadır.								
Önyazı Talebi	☐ Var ☒ Yok								
Referans									
❖ Başvuruyu yapmanın vekil ya da başvuru sahibi olduğunuzu seçiniz. ❖ Başvuruyu yapan vekil ise vekil numarasını girerek vekil ara düğmesine basınız. ❖ Vekil Adı Soyadı geldikten sonra İleri' ye basınız. ❖ Vekilsiz başvuru yapacaksanız "başvuru sahibi"ni seçip "İleri" düğmesine basınız ❖ Vekaletname numarasını biliyorsanız giriniz. ❖ Vekaletname dosyası JPEG formatında olmalıdır. ❖ Önyazı talebi ücretlidir. ❖ Referans alanı başvurunun sizin sisteminizdeki referans numarasıdır. Zorunlu değildir.									
İLERİ									

Diagram 4: Applicant information entrance screen for Trademark Application

In this screen the e-mail address of the applicant or the trademark/ patent attorney is introduced. Attorney also introduces its self by using the attorney number or has to introduce by loading the attorney folder from the system. If it exists a pre-writing requirement is clarified from the applicant on this screen.

İşlem Adımları		Genel	Örnek	Sahipler	Mal-Hizmet	Rüçhan	Ödeme	Ön İzleme	Tamamla
Markanın İçeriği	☐ Kelime ☐ Şekil ☒ Kelime+Şekil								
Marka Adı (Zorunlu Alan)	Marka adı buraya girilir								
Marka Örneği	☒ Renkli ☐ Siyah Beyaz								
❖ Marka içeriğini ("kelime", "şekil" veya "kelime+şekil") seçiniz. ❖ Marka içeriğini "şekil" olarak seçtiyseniz "marka adı" alanı zorunlu değildir.									
İLERİ									

Diagram 5: Trademark information entrance screen for trademark application

On this screen the name and the protection extent of the applied trademark (word, figure, word + figure) is entered by the customer.

İşlem Adımları Genel Örnek Sahipler Mal-Hizmet Rüçhan Ödeme Ön İzleme Tamamla

Marka Örneği C:\marka_ornegi.jpg Gözet

- Marka örneğini yüklemek için "Gözet..." (Browse...) butonunu tıklayarak açılacak olan pencereden marka örneği dosyasını seçiniz veya dosyanın yolunu ve adını giriniz.
- Marka örneğinin jpg formatında, **300 dpi ve en az 5x5 cm (590x590 piksel) en fazla 7x7 cm (825x825 piksel)** boyutunda taranmış olması gerekmektedir.
- Marka örneğinin kaliteli olarak taranmış olmasına dikkat ediniz. Yüklediğiniz marka örneğinin yayınlanmaya elverişli (net ve okunaklı) olmaması halinde Enstitü tarafından, marka örneğini tekrar letmeniz talep edilecektir.
- Seçmiş olduğunuz marka örnek dosyasının isminde ve dosya yolunda (jpg dosyası) Türkçe karakter (Ç,ç,Ğ,ğ,İ,i,Ö,ö,Ş,ş,Ü,ü) bulunmadığından emin olunuz.
- Bir önceki sayfada girmiş olduğunuz **MARKA ADI** Türkçe karakter **İÇEREBİLİR**.

GERİ İLERİ

Diagram 6: Trademark Application Trademark example entrance screen

Trademark example, explaining the trademark's logos' example. At this point the costumer loads its trademark's image logo in to the system according to the criterions.

İşlem Adımları Genel Örnek Sahipler Mal-Hizmet Rüçhan Ödeme Ön İzleme Tamamla

TPE Sahip Kodu Bul İlk defa başvuru yapıyorsanız bu alanı boş bırakınız.

TPE'nin vermiş olduğu sahip kodunu biliyorsanız ilgili alana bu bilgiyi girip "Bul" düğmesini tıklayınız.

Sahip Türü Gerçek Kişi Yabancı T.C. Kimlik Numarası Vergi Dairesi Vergi Numarası Ad - Soyad / Firma Unvanı Adres Ülke Türkiye İlçe Posta Kodu Telefon Cep Telefonu Fax e-posta

- Gerçek kişiler için vergi numarası ve vergi dairesi alanlarının doldurulması zorunlu değildir.
- Yanında * işaretli bulunan alanların dolu olması zorunludur.

VAZGEÇ KAYDET

Diagram 7: Trademark applicant information entrance screen

The applicant information screen is the place where trademark owners information's are entered. On this screen information's about the customer, such as; TC identification number, tax department, tax number can also be entered on this screen in order to be verificated. If the customer has entered an application in TPI before, he will have a TPI code. With this code he can automatically fill a new application if he needs.

İşlem Adımları Genel Örnek Sahipler Mal-Hizmet Rüçhan Ödeme Ön İzleme Tamamla

Nice Sınıf Kodu 37

Mal ve Hizmet Listesi

İnşaat hizmetleri, inşaat araç, gereçlerinin ve iş makinelerinin kiralanması hizmetleri.
Temizlik hizmetleri; dezenfeksiyon hizmetleri; hâşere ilaflama hizmetleri; temizlik araçları ve makinelerinin kiralanması hizmetleri.
Hava araçları servis istasyon hizmetleri (bakım, tamir ve yakıt dolumu).
Deniz araçlarının bakımı ve tamiri hizmetleri; gemi inşaatı hizmetleri.
Hava taşıtlarının bakım ve tamiri hizmetleri.
Mobilyalara ilişkin döşeme, tamir, restorasyon hizmetleri.
Isıtma, havalandırma ve su tesisatının kurulması (tesis edilmesi), bakımı ve tamiri hizmetleri.

- Başvuru yaptığınız Marka'nın mal ve hizmet sınıf numarasına tıklayınız.
- Kayıtlı sınıflarda düzenleme yapamazsınız. Bu nedenle yeni yazacağınız mal ve/veya hizmet varsa "99" kısmını seçiniz.
- Marka başvuru ücretlerini mal ve hizmet sınıf sayısına göre değişmektedir. **bilgi için tıklayınız**
- Marka başvurunuz hangi mal ve hizmet sınıfına ait olduğunuzu bilmiyorsanız, **bilgi için tıklayınız**.

VAZGEÇ KAYDET

Diagram 8: Trademark property and service classes selection screen

On this screen the customer can choose as many as property and service classes he wants which registrates his trademark from this 45 units, besides, he can add the properties and services he could not find in the units to the special coded class 99.

İşlem Adımları Genel Örnek Sahipler Mal-Hizmet Rüçhan Ödeme Ön İzleme Tamamla

Ödeme Şekli: Banka hesabına havale/EFT

Ödeme Amacı: Başvuru Ücreti

Ödeme Tutarı: 85

Dekont Bilgileri

Banka Hesabı: T.C. Ziraat Bankası Necatibey Şb. (6565383-5002)

Ödeme Tarihi: 10.11.2008

Dekont/EFT Numarası: 456789123

İKLE	SİL	Amaç	Tutar	Banka Hesabı	Ödeme Tarihi	Dekont No
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Banka veya dekont bilgilerinde karşılaştığınız problemlerle ilgili dilek.oztekin@tpe.gov.tr veya dursun.dogan@tpe.gov.tr adreslerine mail atabilirsiniz.

GERİ İLERİ

Diagram 9: Payment screen

On payment screen the customer sees the cost about the application he made, application cost, pre-writing requirement and law preference cost is seen on this screen.

According to the 15/01/2004 date and 5070 numbered e-signature Law decisions; 10 TL for the patent and useful model applications made on electronic platform, 20 TL for industrial design applications and 30 TL for trademark applications, is discounted from the total cost. [2]

İşlem Adımları Genel Örnek Sahipler Mal-Hizmet Rüçhan Ödeme Ön İzleme Tamamla

Marka başvurunuzun gerçekleşmesi için "ONAYLA" düğmesine tıklayınız.
İlk defa online marka başvurusu yapıyorsanız, e-imza kartınızın markasını seçiniz.
Açılacak "İmzalama Ekranı"nda "Yazdır" düğmesine tıklayarak başvuru formunu yazdırabilirsiniz.
"İmzalama Ekranı"nda başvuru formunu inceledikten sonra "İMZALA" düğmesine tıklayınız.

Marka Bilgileri

Marka İçeriği: Kelime + Şekil

Önyazı Talebi: Yok

Marka Metni: cleva

Marka Örneği: MARKA

Marka Sahipleri

No	Sahip Bilgileri	Adres Bilgileri
205580	MUSTAFA ÖZLÜ	

Mal ve Hizmetler

Sınıf	Mal ve Hizmetler
37	İnşaat hizmetleri, inşaat araç, gereçlerinin ve iş makinelerinin kiralınması hizmetleri. Temizlik hizmetleri; dezenfeksiyon hizmetleri; hayşere ilaçlama hizmetleri; temizlik araçları ve makinelerinin kiralınması hizmetleri. Kara araçları servis istasyonu hizmetleri (bakım, tamir ve yakıt dolumu). Deniz araçlarının bakımı ve tamiri hizmetleri; gemi inşaat hizmetleri. Hava taşıtlarının bakım ve tamiri hizmetleri. Mobilyalara ilişkin döşeme, tamir, restorasyon hizmetleri. İstima, havalandırma ve su tesisatının kurulumu (tesis edineci), bakımı ve tamiri hizmetleri. Çıyıların temizliği, bakımı ve tamiri hizmetleri. Sıralı makinelerin ve cihazların, büro makinelerinin ve cihazlarının, haberleşme cihazlarının, elektrikli ve elektronik cihazların tesisi, bakımı ve tamiri hizmetleri. Saat tamiri hizmetleri. Madencilik, maden çıkarma hizmetleri. Ayakkabı, çanta, kemer tamiri hizmetleri.

Ödeme Bilgileri

Ödeme Şekli: Banka Havalesi

Banka: T.C. Ziraat Bankası Necatibey Şb. (6565383-5002)

Dekont Tarihi: 10.11.2008

Ödeme Amacı: Başvuru ücreti

Ödeme Tutarı: 85 TL

Dekont Numarası: 456789123

GERİ MOBİL İMZALA ELEKTRONİK İMZALA

Diagram 10: Application information control screen

On this screen the customer controls the information he entered for the trademark application, if there is an error or missing about the information's, he click the back button and corrects the mistakes. If there is no problem with the information's, he chooses one of the Electronic Signature or mobile signature alternatives which he needs and starts the signature transaction.

D) E-signature steps and E-signature Module Features

1) E-signature Transaction Steps

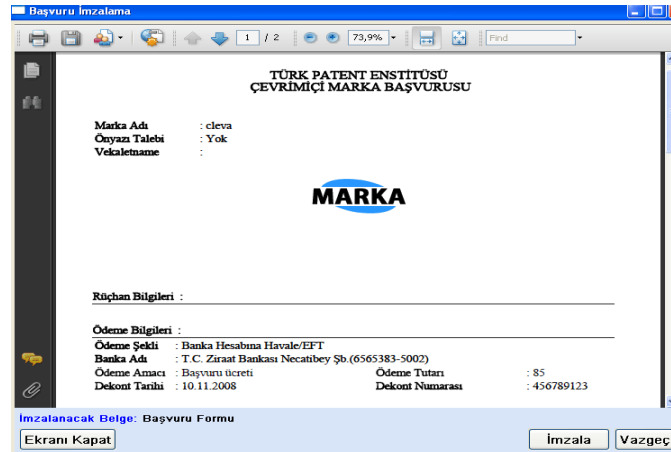


Diagram 11: Application signing screen

This screen is where the signing transaction is done. The customers click the signing button to sign the PDF document which is shown to him.

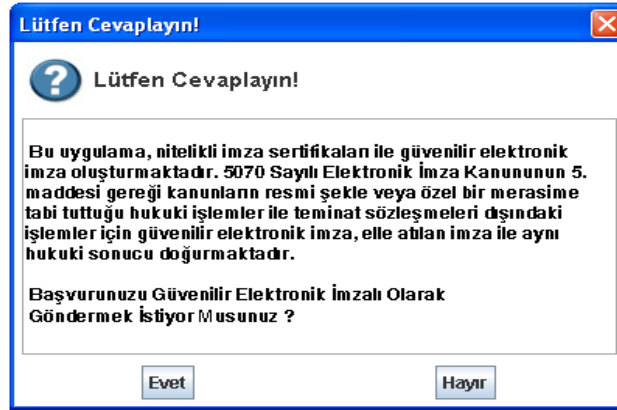


Diagram 12: E-signing approval dialogue

If the shown PDF document signing is approved by clicking the yes button the procedure goes on.

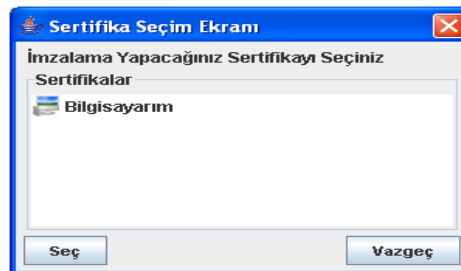


Diagram 13: Certificate selection screen

The customer chooses the certificate he wants from the system, if he is applying with mobile signature, he enters his telephone number.



Diagram 14: E-signature pin code entrance screen

Pin code for the E-signature is entered and with this, the signature transaction starts.



Diagram 15: The last screen of a successful electronic signature transaction

When you click to OK button on this screen, it means that the application is signed and the time stamp is received. When the application is at the evaluation stage, the applicant sees a receive message, an application number and a document number on the screen. These numbers also goes to the applicants' e-mail, which he entered during the application.

2) E-signature Technical Features

Turkish Patent Institute's e-signature application with the internet and its electronic signature and time stamp integration is done by using a company's international standard software combination and with the technical support of this private company. [CEN (Comité Européen de Normalisation), ETSI (European Telecommunications Standards Institute), ITU (International Telecommunication Union)]

The Institution uses the TÜBİTAK e-signature library for its e-signature applications to have benefit from Cryptographic transactions and AAA services. The data related with the signature that is received from the TÜBİTAK e-signature library is attached to the PDF document which is prepared for application, and it is sent to the costumer.

The customer electronically signs the document he sees, and sends it to the institute's server. The institute firstly confirms the signature. The complete and e-sign confirmed application after getting a time stamp to know the definite time it came, is now ready to be approved and evaluated.

For the verification of E-signed documents the CCL (Certificate Cancel List) on the date it was signed will be controlled. To find the CCL on that date, all the CCL's broadcasted by ECSP (Electronic Certificate Service Provider)'s is stored in the system.[1]

Turkish Patent Institute E-signature Applications has passed the standard appropriateness inspection successfully, according to the E-signature application control list, CWA 14170, CWA 14171[5] and ETSI[6] 101733 prepared by TÜBİTAK NECRI (National Electronic and Cryptology Research Institute). With this, TÜBİTAK has entered the E-signature integration achieved Institutions list, which works with in NECRI with Institution Certification Centre.[7]

3 DATUM STATISTICS

Turkish Patent Institute plans to receive 80 % of the applications among 75.000 trademark application a year, from the internet.

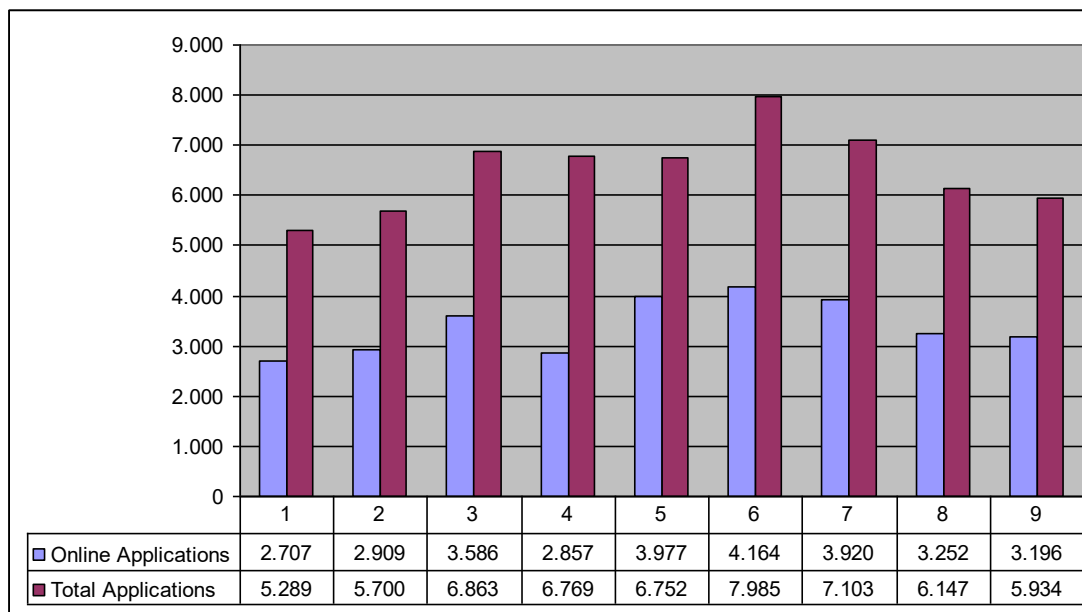
TABLE 1
ONLINE PATENT, INDUSTRIAL DESIGN, TRADEMARK APPLICATION UNITS
(JANUARY-SEPTEMBER 2009)

	PATENT		I. DESIGN		TRADEMARK		TOTAL	
	Online	Total	Online	Total	Online	Total	Online	Total
2009/01	145	539	108	418	2.454	4.332	2.707	5.289
2009/02	109	556	100	442	2.700	4.702	2.909	5.700
2009/03	182	688	150	617	3.254	5.558	3.586	6.863
2009/04	105	583	166	594	2.586	5.592	2.857	6.769
2009/05	115	513	166	523	3.696	5.716	3.977	6.752
2009/06	119	594	174	615	3.871	6.776	4.164	7.985
2009/07	141	601	160	525	3.619	5.977	3.920	7.103
2009/08	100	542	153	504	2.999	5.101	3.252	6.147
2009/09	115	528	127	398	2.954	5.008	3.196	5.934
Total	1.131	5.144	1.304	4.636	28.133	48.762	30.568	58.542

At the end of January - October 2008 period, 772 of it is Patent, 949 of it is Industrial Conception, 22.296 of it is Trademark, Total 24.017 online application received. In the same period total 64.826 application received. 37 % of the applications were done online.

At the end of January - September 2009 period, 1.131 of it is Patent, 1.304 of it is Industrial Design 28.133 of it is Trademark, Total 30.568 online application received. In the same period total 58.542 applications received. 52 % of the applications were done online.

After online application, research and file tracking transactions are widely used. At the end of September 2009 735.392 of it is Patent, 744.176 of it is Industrial Design, 12.544.683 of it is Trademark, total 14.024.251 research and document pursuit were done. In a month, more than an average of 1.558.250 research and document pursuit is being done. [8]



Graphic 1: Online Applications and Total Applications.

As it is seen on the graphic above, the rate of the online applications in the total amount is ascending. In January 2009 this rate was 51 %, at the end of September 2009 it rose up to 53%. [8]

4 CONCLUSIONS

Turkish Patent Institute's Trademark, patent/useful model and industrial design application with E-signature Applications and with the help of technology, presents equal opportunities to any person around the Country. With this service, applicant save money and time with the help of technology, probable injustice is blocked and also the employee in the institution spends less time on paper work. The necessary atmosphere is prepared between the citizens and patent and trademark attorneys, to do their work easier and faster. E-signature Applications from the internet made the applications more economic, instant follows can be made, safe and legally acceptable. Together with this, the document brought to institute by hand or sent by mail, can also be followed instantly by using this system.

Besides, the institute lowered the payment according to e-signature law decision and encouraged the applicant to use the e- signature. To make the costumers use the system easily user guides of the system and most asked question and similar documentations are in use for the customers. With the close relationship and contact between the institute and customers, re-announcement has obtained and the problems during the usage of the system and other similar problems found a quick solution.

With all its services, costumer's satisfaction has been the objective of the institute and this has been another step. With this online application system, on the way being an e-institution, another mile stone has been added for the institution. And also it is considered as an example for the other institutions.

Turkish Patent Institute's E-signature Applications, in principle provides applicants to save money, to save work power and time with the help of technology. It shows that, by widening the usage of online e- signature applications and this type of systems makes great benefit, both for its institutions and private sectors for that Country.

5 REFERENCES

- [1] <http://www.tpe.gov.tr/portal/default2.jsp?sayfa=701> Turkish Patent Institute News and Notifications
- [2] http://online.tpe.gov.tr/SSS_Cevrimici.pdf TPI most asked questions and answers about online transactions
- [3] <http://www.kamusm.gov.tr/tr/Hizmetler/Zamandamgasi/> TÜBİTAK UEKAE, Public Certification Centre, Time Stamp
- [4] http://online.tpe.gov.tr/Online_Basvuru_Kullanım_Kılavuzu.pdf TPI User Guide for Online Applications
- [5] CWA 14171 CEN. Workshop Agreements: "Procedures for Electronic Signature Verification".
- [6] ETSI TS 101 733 V1.5.1 (2003-7 12) : "Electronic Signatures and Infrastructures (ESI); Electronic Signature Formats"
- [7] <http://www.kamusm.gov.tr/tr/Kurumsal/Musterilerimiz/> TÜBİTAK UEKAE, Public Certification Centre, E-Signature Application Control List
- [8] <http://online.tpe.gov.tr/istatistikler.htm> Turkish Patent Institute Online Application, Research and File Tracking Statistics

[9] http://www.turkpatent.gov.tr/dosyalar/yayinlar/faaliyet/FR07_eng.pdf Turkish Patent Institute Annual 2007 Report

[10] 3rd Information Security and Cryptology Conference Proceedings Book, 2008, “Türk Patent Enstitüsü E-imza Uygulamaları”, Mustafa ÖZLÜ