

# LES TURKEY

Mayıs 2012



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## LESI:

- WIPO'nun (Dünya Fikri Haklar Örgütü) 2011 yılı içerisinde tamamlamış olduğu bir çalışma sadece fikri haklara dayalı değerlerin oluşturduğu global pazarın 200 milyar dolara ulaştığını tespit etmiş, bir diğer çalışma sadece ABD menşeli firmaların sahip oldukları gayri maddi varlıkların değerinin 14.5 trilyon dolara ulaştığını göstermiştir.
- Bilgi ekonomisinde ortalama işletme değerinin %70'ini gayri maddi varlıklarının değeri oluşturmaktadır

# So What?





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## LESI:

- LES International (LESI) ( 1965 )
- is a society of the professionals to create an environment for effective and successful commercialization using open exchange ideas, identifying best practice and encouraging innovation through both networking and education in all areas of intellectual property.
- LES International has 32 national/regional societies and more than 11.000 members worldwide.



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# LES TURKEY

- Encouraging innovation and high professional standards and creating an environment for effective and successful commercialization through both networking and education in all areas of intellectual property
- Raising level of knowledge and awareness of the business community and governmental bodies on the economic importance of licensing, technology transfer and protection of intellectual property rights
- Facilitating worldwide technology transfer, licensing of intellectual property and utilization of intellectual property
- Creating a legal network with the individuals and authorities and to promote, support and encourage research, development, innovation, information exchange and information access in the field of science and technology
- Assisting members in improving their skills and techniques in licensing through self education, the conduct of special studies and research, the sponsorship of educational meetings, the publication of statistics, reports, articles and other material, and the exchange of ideas related to domestic and foreign licensing. To make available to its members the latest, most accurate, information on licensing
- Facilitating the relationship between the licensors and licensees
- Arbitrating disputes between members and nonmembers and settling such disputes, and acting as an expert in its field
- Cooperating with other societies, unions, communities, non- governmental organizations, universities, chambers of commerce, industry and other professional organizations to carry out joint projects with them when necessary



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- Membership: 62 (as of March 28) up from 45 last year
- The target 100 for 2012
- Composition: 1/3 University, 1/3 Industry, 1/3 service providers

# LES TURKEY

## Industry Sector



## Professional Titles



## Organization Types





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# ARTEV STUDY

- Management of Research Based Intellectual Assets
- 5 Universities + LES Turkey
- Govt funded 600K USD
- July 2011-July 2012
- All events to date in conjunction with ARTEV
- ARTEV present at GTIF with 9 people
- Formally engaged TPE, TUSIAD, ICC and TTGV



# Events



- November-December 2011
  - IA management at Universities
  - IAM at Industry (with TUSIAD)
  - Tech transfer value chain
- February 2012: 2 workshops with AUTM presence
- March 2012: Sector specific workshops
  - Biotech, Material sciences, IT, Other
- May 2012: Closing workshops
  - IAM
  - IP management: Patent mapping
  - IP management: Valuation



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# Other Initiatives

- IP cafes
- Member of the Year Award
- LES 100 courses and international outreach
  - Georgia, Kazakhstan, Turkmenistan
- MoU with USIMP platform and LES 100 Course in June
- Social media presence: LinkedIn + twitter
- LESI successful society at Auckland

# Committees

- 38 International Committees
  - Education
  - External Relations
  - Americas
  - Copyright – Trademark - Patent – Consumer goods and Licenses
  - Dispute resolutions
  - Industry & Government & University
  - LES Nouvelles
  - Valuations
  - YMC

# Hot Topics of 2011 -2012

- IP Valuation ?
- Patent Mapping ! F.O.O. For Funding Organizaitons.
- Management of Intellectual Assets or Properties
- Social Media & IP ?
- Royalties



# Best Practices

- 19th Century İhtira Beratı
- Licensing or Franchising:

A franchise agreement therefore necessarily includes a licence of use of the intellectual property rights owned by the franchisor, but the purpose of the franchise agreement is not limited to such licence.

- Know How – Trade Secrets?

On 21 November 2011, a draft bill was updated and announced for the reform of legislation regarding trade, banking and client secrets. The term 'trade secret' is defined as information and documents regarding the field of operations of a commercial enterprise or company.

- International licensing relationships can be created without any registration requirement. However, a license cannot effect against third parties for good faith until it is registered at the Turkish Patent Institute.

# Best Practices

- **Open Source Softwares:**

Turkish courts have not restricted the enforceability or applicability of the terms and conditions of licences for open source software. The latest development of open source software was in 2010, when the Consumer Court of Ankara banned the forced sale of the Windows operating system with new PCs.

- **Royalties and other payments, currency conversion and taxes, Compulsory licensing**

The nature, amount, manner or frequency of contractual payments or royalties, fees or costs of whatever nature are subject to the parties' consent. Exceptionally, with regard to compulsory licences, the patentee shall be paid an economically reasonable fee. The licence fee shall be determined especially by taking into consideration the economic importance of the invention. Where, despite the mediation of the Turkish Patent Institute, the parties cannot agree on the licence fee and other terms and conditions of a licence whose scope has been enlarged with the patent(s)-of-addition, these shall be determined by court. However, in some cases employees are entitled to a reasonable payment from their employer if they have made an invention.

# Best Practices

Royalty ve patent hakları vergi kanunlarımız açısından gayrimaddi haklar arasında sayılmış ve değerlendirilmiştir. Bu değerden nerede ve nasıl yararlanıldığı VUK ve diğer GVK ya göre değişebilmektedir. Yabancı ülkelerde bulunan kurumlara ödenecek marka, patent ve teknik bilgi (Know-How) kira bedelleri üzerinden Kurumlar Vergisi Kanunu'nun 24'üncü maddesi gereğince % 20 kurumlar vergisi kesintisi ve kesinti miktarı üzerinden % 7 fon payı kesilerek ödenmesi gerekmektedir. Fon payı ile birlikte kesinti oranı % 21.4 olmakla beraber, yukarıda belirtilen Türkiye ile çifte vergilendirmenin önlenmesi anlaşması yapmış ülkede bulunan kurumlara ödenecek kiralardan % 10 vergi kesintisi yapmak mümkün bulunmaktadır.

\* Mediation Then Arbitration? Employee Inventions?



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# Best Practices

Compulsary Licensing.

Non Use ( 3 – 4 years )

Dependent Patents

Public Neccesity (Pharma)

KHK 104 Transformed to NPL 73

TRIPS 31





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