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Trademark Registration in Türkiye:

A 2026 Legal Guide for Foreign Companies and Brand Owners

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Trademark Registration and Protection in Türkiye 2026

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Abstract

This article examines Turkish trademark registration and the continuing protection of brands owned by foreign businesses. It considers clearance searches, classification, application procedure, refusal, opposition, use requirements, cancellation, renewal and enforcement. The role of registered trademark agents and the choice between national filing and international routes are also addressed. The judicial authorities discussed in the manuscript illustrate the importance of the particular mark, goods, services and evidence. The analysis argues that filing strategy should precede market entry and continue after registration through monitoring, maintenance of use records and a clear allocation of ownership and enforcement responsibilities.

Keywords trademarks, Türkiye, TÜRKPATENT, trademark opposition, genuine use, Madrid Protocol

Introduction

When a foreign company enters the Turkish market, trademark registration is sometimes treated as an administrative task to be completed after the commercial structure has already been decided.

I would usually reverse that order. Before a product is launched, a distributor appointed, packaging printed or substantial marketing expenditure committed, the business should know whether the proposed brand can actually be protected in Türkiye and whether somebody else already holds rights capable of preventing its use.

A company may discover that a mark available in its home country is descriptive in Turkish, conflicts with an earlier Turkish registration, resembles an established local brand, or has been registered by a distributor, former business partner or unrelated third party.

For this reason, trademark work begins before the application.

It begins with clearance, ownership and filing strategy. Trademark protection in Türkiye is principally governed by Industrial Property Code No. 6769, Sınai Mülkiyet Kanunu, which was published in Official Gazette No. 29944 on 10 January 2017. The Code governs trademarks together with patents, utility models, designs and other industrial property rights. TÜRKPATENT administers the trademark register and trademark application system.¹

¹ Industrial Property Code No. 6769, Official Gazette No. 29944, 10 January 2017, particularly Articles 3 to 9, 18 to 26, 149, 159 and 160. TÜRKPATENT official legislation database.



What Can Be Registered as a Trademark in Türkiye?

Article 4 of Law No. 6769 adopts a relatively broad definition of signs capable of functioning as trademarks. A trademark may consist of words, including personal names, figures, colours, letters, numbers, sounds, shapes of goods or packaging, and other signs, provided two fundamental conditions are met.

First, the sign must be capable of distinguishing the goods or services of one undertaking from those of another. Second, it must be capable of being represented in the register in a manner that allows the subject matter of protection to be understood clearly and precisely. TÜRKPATENT's current trademark guidance reflects this statutory definition.

For international businesses, this means that protection is not limited to the company name or a traditional word logo.

Depending on the circumstances, a brand portfolio may include:

word marks; logos and figurative marks; product or packaging shapes; colour marks; sound marks; slogans; and other non-traditional marks satisfying the statutory requirements.

The legal question is not simply whether a marketing department considers something to be a brand. The question is whether the sign performs the legal function of distinguishing commercial origin.

Conduct the Trademark Search Before the Commercial Launch

An available company name is not the same thing as an available trademark. Registration in the Turkish Trade Registry does not, by itself, establish that the same wording is available for trademark registration.

Likewise, domain-name availability does not establish trademark availability. Before filing, the proposed mark should therefore be searched against earlier Turkish trademark applications and registrations. The analysis should consider not only identical signs but also signs sufficiently similar to create a likelihood of confusion for identical or similar goods and services.

For a foreign business, I would also ask whether the proposed word has a meaning in Turkish. A word that is distinctive abroad may become descriptive, generic, deceptive or otherwise problematic when understood by Turkish consumers.

This is one of the reasons local legal analysis should take place before the brand is committed commercially. A clearance search cannot guarantee that no opposition will ever be filed, but it can identify obvious problems while rebranding is still commercially possible.

Classification Is a Legal Strategy, Not a Clerical Exercise

Trademark applications identify the goods and services for which protection is requested. Türkiye applies the Nice Classification, which currently divides goods and services into 45 classes, consisting



of 34 goods classes and 11 service classes. TÜRKPATENT links directly to the current WIPO Nice Classification and related tools.²

The class number alone is not enough.

The wording within the specification matters.

A specification that is too narrow may leave commercially important activity unprotected. A specification that is unnecessarily broad can increase filing and renewal costs and later expose unused portions of the registration to cancellation.

TÜRKPATENT itself warns in its current educational materials that applications should cover goods and services genuinely produced, supplied or planned, because registration for goods and services with no intended use increases both cost and cancellation exposure.

For a foreign group, the Turkish specification should therefore be compared with:

the actual Turkish business model, the international trademark portfolio, planned future expansion, licensing arrangements, and the way the brand is genuinely expected to be used.

Simply copying a US, EU or UK specification into a Turkish application is not always the best strategy.

The Trademark Application Procedure

A Turkish national trademark application is submitted electronically to TÜRKPATENT.³

The Office first conducts a formal examination. If the application satisfies the filing requirements, TÜRKPATENT examines it under Article 5 of Law No. 6769, which contains the absolute grounds for refusal.

If no absolute ground prevents publication, the application is published in the Official Trademark Bulletin. Third parties then have two months from publication to oppose registration under Article 18. TÜRKPATENT's current official process chart confirms the two-month publication period and the principal stages from application through registration.⁴

If no opposition is filed, or if all oppositions are finally rejected, the registration process proceeds upon completion of the remaining formalities and payment requirements.

The application should therefore be monitored after filing.

Filing is not the end of the trademark process.

Absolute Grounds for Refusal

Article 5 contains grounds that TÜRKPATENT considers as part of its examination. These include, among other circumstances, signs that do not satisfy the statutory definition of a trademark, signs

² TÜRKPATENT, official Nice Classification guidance and WIPO Nice Classification resources.

³ Regulation on the Implementation of Industrial Property Code No. 6769, TÜRKPATENT official text.

⁴ TÜRKPATENT, official trademark information and trademark registration process, including examination, publication and the two-month opposition period.



lacking distinctive character, descriptive signs, certain customary signs, deceptive signs and specified protected emblems or indications.

TÜRKPATENT publishes an extensive examination guide addressing application of the absolute refusal grounds and the assessment of distinctiveness.

Descriptiveness is particularly important for international applicants. A foreign-language expression may be commercially attractive precisely because it describes the product.

That same quality can make it difficult to monopolise as a trademark. The legal value of a trademark is often greatest when marketing instinct and trademark law are considered together at the naming stage.

Earlier Trademark Rights and Opposition

Article 6 regulates relative grounds for refusal. One of the most important is the likelihood of confusion between an applied-for mark and an earlier trademark, taking into account the similarity between the signs and the relevant goods or services.

Other relative grounds include certain rights arising from earlier commercial use, well-known marks within the Paris Convention framework, personal or intellectual property rights belonging to another party, applications filed by an agent or representative without appropriate authority, and bad-faith filings.

Unlike a purely mechanical name comparison, likelihood of confusion requires an overall legal assessment.

Visual similarity matters.

Phonetic similarity matters.

Conceptual meaning can matter.

The distinctiveness of the earlier mark matters.

The relationship between the goods and services matters.

The relevant consumer and purchasing conditions can matter. This is why two marks can contain a similar word and nevertheless coexist, while two marks that are not literally identical may still present a serious conflict.

Yargıtay on Likelihood of Confusion

Court of Cassation jurisprudence has long required confusion analysis to be conducted according to the particular market and goods rather than through an abstract side-by-side comparison.

One useful example is Yargıtay 11th Civil Chamber, E. 2021/5717, K. 2023/556, dated 26 January 2023, which held that even where the relevant consumer for pharmaceutical products consists of doctors, veterinarians and pharmacists with a heightened level of attention, a likelihood of confusion between similar pharmaceutical marks may still exist because non professional staff working in pharmacies and similar outlets may confuse them in practice.



More recent academic analysis of Yargıtay's pharmaceutical trademark jurisprudence explains that assessment of confusion in this field may require consideration of factors such as the relevant consumer, whether the product is prescription-based, indications, active ingredients, substitutability and the overall commercial circumstances.

The broader lesson applies beyond pharmaceuticals.

Trademark similarity is contextual.

Counsel should understand both the legal test and the market in which the marks are used.

What Happens When TÜRKPATENT Rejects an Application or Decides an Opposition?

A TÜRKPATENT decision is not necessarily the end of the matter. A party whose interests are adversely affected by an Office decision may generally challenge that decision before the Re-examination and Evaluation Department, Yeniden İnceleme ve Değerlendirme Dairesi, within two months from notification.

The Board's decision constitutes the final administrative decision of TÜRKPATENT. A judicial action challenging that final decision may then be filed within two months before the Ankara Intellectual and Industrial Property Rights Civil Court. TÜRKPATENT expressly confirms both stages and the relevant time limits in its current official guidance.⁵

For foreign applicants, these periods should be monitored carefully. A refusal should be reviewed immediately after notification because the available response may involve substantive argument, evidence, consent documentation or limitation of the goods and services.

Registration Does Not Eliminate the Obligation to Use the Trademark

Trademark registration creates valuable exclusive rights, but Turkish law does not permit a proprietor simply to occupy the register indefinitely without commercial use.

Under Article 9 of Law No. 6769, where a trademark has not been put to genuine use in Türkiye for the registered goods or services within five years following registration, without proper justification, or where genuine use has been suspended continuously for five years, cancellation consequences may arise.

TÜRKPATENT explains that genuine use requires market-facing commercial use rather than merely internal use within a company. The evidence must demonstrate real and effective use through objective material appropriate to the relevant market.⁶

Evidence may therefore become critical. Depending on the business, relevant material can include invoices, catalogues, packaging, advertising, website records, distribution documents, sales records

⁵ TÜRKPATENT, Yeniden İnceleme ve Değerlendirme Dairesi official guidance concerning administrative appeals and actions before the Ankara Intellectual and Industrial Property Rights Civil Court.

⁶ TÜRKPATENT official proof-of-use materials concerning genuine commercial use, evidence and the five-year use requirement.



and other evidence showing when, where, how and for which goods or services the mark has actually been used.

Brand owners should preserve this material systematically. Trying to reconstruct five years of Turkish market evidence only after a cancellation application arrives is much more difficult.

An Important 2024 Change: Trademark Cancellation Is Now

Administrative

This section requires the most significant correction to the original article. Article 26 of Law No. 6769 originally granted trademark cancellation authority to TÜRKPATENT, but implementation of that power was postponed for seven years.

That transitional period ended on 10 January 2024. TÜRKPATENT now decides trademark cancellation applications administratively under Article 26.

Importantly, this is not limited to cancellation for non-use.

Article 26 identifies four principal cancellation categories:

failure to satisfy the genuine use requirement under Article 9; the mark becoming the common name for the registered goods or services because of the proprietor's acts or failure to take appropriate measures; use of the mark becoming misleading, particularly concerning characteristics, quality or geographical origin; and use contrary to the statutory requirements governing collective or guarantee marks.

The implementing amendment added Article 30/A to the Industrial Property Code Regulation and establishes the current TÜRKPATENT procedure for Article 26 cancellation applications.

This distinction should be maintained carefully in a professional article:

Invalidity, hükümsüzlük, principally based on the grounds in Articles 5 and 6, remains a court remedy under Article 25. Cancellation, iptal, based on Article 26, is now determined administratively by TÜRKPATENT.

They are legally different remedies.

How the New Administrative Cancellation Procedure Works

Under the current implementing regulation, an Article 26 cancellation request is filed directly with TÜRKPATENT. The request must identify the relevant registered trademark, the cancellation grounds and the goods or services concerned.

TÜRKPATENT serves the request on the registered proprietor. The proprietor receives one month to submit evidence and observations. Upon a timely request, the Office may grant up to one additional month.



For non-use cancellation, where the trademark has been registered for the required five-year period, the proprietor is required to produce evidence showing genuine use in Türkiye for the challenged goods or services or proper justification for non-use.⁷

The 2026 TÜRKPATENT tariff also contains specific administrative cancellation fees. Since official fees can be revised annually, they should be checked on the filing date rather than permanently built into transaction advice.

The change is significant for portfolio management.

Cancellation is no longer necessarily a full court action from the outset. Foreign brand owners should have a procedure for escalating any TÜRKPATENT cancellation notice immediately to Turkish counsel because the initial response periods are short.

Yargıtay on Well-Known Marks and Genuine Use

A recent Court of Cassation decision is particularly important for large international brands.

Yargıtay 11th Civil Chamber

E. 2024/6194, K. 2025/4339, 19 June 2025 The case concerned the consequences of non-use and the scope of trademark protection. The decision confirms the important principle that well-known status does not remove the genuine-use requirement. A proprietor seeking to preserve trademark protection for particular goods or services must be able to establish qualifying use where the statutory use requirement applies.⁸

The decision can be located through the official Yargıtay Karar Arama system using its chamber, file and decision numbers. The principle also corresponds with TÜRKPATENT's official proof-of-use guidance, which expressly states that even where a well-known trademark forms the basis of an opposition, the use-proof requirements remain relevant where the statutory conditions are satisfied.

This is an important portfolio-management lesson for multinational businesses. A famous brand should not maintain registrations across numerous classes on the assumption that reputation alone will permanently protect unused goods and services.

The portfolio should reflect commercial reality.

Trademark Protection Lasts Ten Years, but Renewal Should Be Planned

A registered Turkish trademark is protected for ten years from its filing date.

It may then be renewed for successive ten-year periods indefinitely. The ordinary renewal request is made during the six months preceding expiry. Turkish law also provides an additional six-month period after expiry, subject to the applicable additional fee.⁹

⁷ Regulation Amending the Regulation on the Implementation of the Industrial Property Code, introducing Article 30/A concerning trademark cancellation applications under Article 26.

⁸ Yargıtay 11th Civil Chamber, E. 2024/6194, K. 2025/4339, 19.06.2025. Decision searchable through the official Yargıtay Karar Arama system.

⁹ Industrial Property Code No. 6769, Article 23, concerning ten-year protection and renewal; TÜRKPATENT official trademark renewal guidance.



A mature trademark portfolio therefore requires a calendar containing more than renewal dates.

I would normally track:

filing and registration dates, opposition deadlines, five-year use dates, licence arrangements, ownership changes, renewal periods, current specifications, evidence of use, and potential conflicting third-party filings.

Registration protects a mark.

Portfolio management preserves that protection.

Registration Should Be Followed by Trademark Monitoring

TÜRKPATENT does not replace the brand owner's commercial monitoring function.

A trademark proprietor should monitor later applications that may conflict with its mark. Because the statutory opposition period is only two months from publication, an international company that waits until a conflicting mark appears in the marketplace may have lost the easiest administrative opportunity to challenge the application.

A trademark watch can therefore be particularly valuable for key brands.

Not every remotely similar application should be opposed. The objective is to identify applications that create a meaningful legal or commercial risk.

Over-enforcement can be as inefficient as under-enforcement.

Registration Is Only One Part of Trademark Enforcement

Where a third party uses a protected mark without authorisation, the Industrial Property Code provides civil remedies for infringement.

Depending on the facts, a trademark owner may seek remedies including:

determination of infringement, prevention or cessation of infringing conduct, compensation, measures concerning infringing goods and other remedies established under the Code.

Article 159 also permits applications for preliminary injunctions where the statutory requirements are satisfied, including measures aimed at stopping infringement and preserving the effectiveness of the eventual judgment.

Counterfeit activity may also engage criminal provisions of the Industrial Property Code. For foreign businesses, enforcement strategy should therefore be considered separately from registration strategy.

A company facing a serious counterfeit problem needs counsel experienced in litigation, interim relief and evidence preservation, not merely trademark filing.



Foreign Brand Owners Do Not Need a Turkish Subsidiary to Own a Trademark

A foreign company does not ordinarily need to incorporate a Turkish subsidiary simply to own a Turkish trademark. Law No. 6769 permits protection for persons falling within Article 3, including persons entitled to protection under the Paris Convention and relevant international frameworks.

Türkiye has been a party to the Paris Convention since 1925, and Articles 1 to 12 of the Stockholm Act have applied to Türkiye since 1 February 1995.¹⁰

Foreign companies can therefore hold Turkish trademark rights directly, subject to the applicable legal and representation requirements.

The trademark owner should nevertheless be selected deliberately. If the global parent owns the brand in every other jurisdiction, placing the Turkish registration in the name of a distributor or local employee without a commercial reason can create serious difficulties later.

Ownership should be decided before filing.

Foreign Applicants Must Use a Registered Trademark Agent Before TÜRKPATENT

This point is particularly important for foreign clients. Under Article 160 of Law No. 6769, persons whose domicile is outside Türkiye may act before TÜRKPATENT only through a registered trademark or patent agent, as appropriate.¹¹

Transactions attempted personally without the required representation are treated as not having been made. TÜRKPATENT maintains an official online registry where clients can verify registered trademark agents.¹²

This produces an important professional distinction. A trademark agent, marka vekili, and an attorney at law, avukat, are not automatically the same qualification.

A registered trademark agent can represent clients before TÜRKPATENT within the statutory framework.

Court litigation requires counsel authorised to practise before Turkish courts.

Some professionals hold both qualifications. Others do not. A foreign company expecting only routine prosecution may principally need a registered trademark agent.

A foreign company facing opposition, cancellation, infringement, counterfeit activity or court proceedings may benefit from a legal team capable of coordinating both TÜRKPATENT procedure and judicial litigation.

¹⁰ Paris Convention for the Protection of Industrial Property, official WIPO treaty records concerning Türkiye.

¹¹ Industrial Property Code No. 6769, Article 160, requiring persons domiciled abroad to be represented before TÜRKPATENT through the appropriate registered agent.

¹² TÜRKPATENT official Patent and Trademark Agent Registry, Vekil Araştırma.



National Filing or Madrid Protocol?

Foreign companies have two principal ways to obtain trademark protection covering Türkiye. They can file a national Turkish application directly with TÜRKPATENT, or obtain protection through the Madrid System by designating Türkiye through an international registration where the Madrid requirements are satisfied.

Türkiye's accession to the Madrid Protocol entered into force on 1 January 1999.¹³ TÜRKPATENT continues to publish current Madrid information and 2026 fee materials for international trademark filings.¹⁴

The Madrid route offers substantial administrative convenience for companies managing large international portfolios.

But an international registration is not a global trademark immune from national law. When Türkiye is designated, the Turkish portion remains subject to examination under Turkish trademark law. TÜRKPATENT can therefore issue a provisional refusal, and Turkish third parties may oppose the designation under the applicable Turkish procedure.

For a multinational portfolio, the appropriate filing route depends on factors such as:

the number of target jurisdictions, ownership structure, portfolio administration, expected opposition risk, dependence on the basic mark during the Madrid dependency period, and the importance of Türkiye to the business.

A direct national filing is not inherently better.

A Madrid designation is not inherently better.

The correct choice is strategic.

What Should a Foreign Company Look for When Choosing Trademark Counsel in Türkiye?

This is where I would make the article much more useful to an international reader. A foreign company should first determine what kind of trademark assistance it actually needs.

If the work involves filing, classification, prosecution and TÜRKPATENT opposition proceedings, verify that the professional handling the matter is registered as a trademark agent with TÜRKPATENT. The Office maintains a searchable official registry.

If the work may involve infringement litigation, preliminary injunctions, invalidity proceedings, compensation claims, counterfeit enforcement or judicial review of administrative decisions, the client should also confirm that counsel is a Turkish attorney authorised to practise before the courts.

¹³ Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. Türkiye's accession entered into force on 1 January 1999. Official WIPO treaty record.

¹⁴ TÜRKPATENT official Madrid System materials and 2026 information.



The Türkiye Barolar Birlięi maintains the official Baro Levhası / Avukat Arama system for verification of Turkish lawyers.¹⁵ Beyond professional registration, I would ask whether counsel can answer practical questions such as:

Has a proper clearance search been performed before filing? Why were these specific classes and goods or services selected? Who should own the trademark within the corporate group? Is Türkiye better handled through Madrid or national filing? What is the opposition risk? How will later conflicting applications be monitored? When will the five-year use period become relevant? What use evidence should the client preserve? Can the same team conduct court proceedings if the matter becomes contentious? How will urgent counterfeit or infringement matters be handled?

For an international brand, trademark counsel should understand the difference between obtaining a registration and protecting a brand over time.

Those are related, but they are not the same service. Frequently Asked Questions Can a foreign company register a trademark in Türkiye without establishing a Turkish company?

Yes. A Turkish subsidiary is not generally required. Foreign companies entitled to protection under Article 3 of Law No. 6769 and the applicable international framework may hold Turkish trademark rights directly.

Does a foreign applicant need a Turkish representative?

If the applicant is domiciled outside Türkiye, Article 160 requires representation before TÜRKPATENT through a registered trademark or patent agent, as applicable.

How can I verify a Turkish trademark agent?

TÜRKPATENT provides an official searchable Vekil Araştırma database of registered trademark and patent agents.

How can I verify a trademark lawyer?

A Turkish attorney can be verified through the official Türkiye Barolar Birlięi Baro Levhası / Avukat Arama system.

How long does a Turkish trademark registration last?

Ten years from the filing date. It may be renewed for successive ten-year periods without a fixed maximum number of renewals.

How long can third parties oppose an application?

The current opposition period is two months from publication of the trademark application in the Official Trademark Bulletin.

Does TÜRKPATENT automatically reject every application similar to an earlier trademark?

Not in every case. Absolute refusal grounds are examined by TÜRKPATENT under Article 5. Many earlier-right conflicts under Article 6 arise through third-party opposition. The precise mechanism depends on the statutory ground involved.

¹⁵ Türkiye Barolar Birlięi, official Baro Levhası / Avukat Arama database.



What happens if my trademark has not been used for five years?

If the statutory genuine-use requirement is not satisfied and no proper justification exists, the registration may become vulnerable to cancellation for the unused goods or services.

Does a famous trademark still need to be used?

Yes, where the genuine-use requirement applies. Recent Yargıtay jurisprudence confirms that well-known status does not automatically remove the use requirement, and protection may be vulnerable for goods or services for which qualifying use cannot be established.

Who decides non-use cancellation cases after 10 January 2024?

TÜRKPATENT. More precisely, TÜRKPATENT now decides cancellation requests under Article 26 generally, not merely non-use cases.

Are invalidity and cancellation the same thing?

No. Invalidity under Article 25 concerns grounds associated principally with Articles 5 and 6 and remains a judicial matter. Cancellation under Article 26 concerns matters such as non-use, genericide, misleading use and specified collective or guarantee mark issues and is now handled administratively by TÜRKPATENT.

Should I register my trademark in every Nice class?

Usually not merely for defensive reasons. The specification should reflect realistic present and anticipated commercial activity. Unnecessarily broad filings increase cost and may later become vulnerable to non-use cancellation.

Is a Madrid registration enough to protect the trademark in Türkiye?

Türkiye can be designated through the Madrid Protocol, but the Turkish designation remains subject to Turkish examination and opposition rules. A Madrid international registration does not bypass Turkish trademark law.

Is registration enough if somebody begins selling counterfeit goods?

No. Registration gives the legal foundation for enforcement, but infringement may require evidence preservation, cease-and-desist strategy, preliminary injunctions, civil proceedings and, where appropriate, criminal enforcement.

When should a foreign business consult Turkish trademark counsel?

Ideally before the brand is launched in Türkiye. It is easier to change a proposed brand before packaging, advertising and distribution contracts have been committed than after an opposition or infringement dispute has begun.

Conclusion

Trademark protection in Türkiye should not be viewed as a one-time filing exercise. The first decisions arise before filing: whether the mark is sufficiently distinctive, whether earlier rights exist, who should own the application and which goods and services genuinely require protection. The next



stage is prosecution: examination, publication, opposition and, where necessary, administrative appeal. After registration, different risks begin. The business must use the mark genuinely, preserve evidence, monitor later applications, renew the registration and respond quickly when infringement occurs.

The 2024 transfer of Article 26 cancellation authority to TÜRKPATENT makes active portfolio management even more important. A registration that has not been genuinely used can now be challenged administratively, and the current system also permits TÜRKPATENT to determine the other cancellation grounds expressly listed in Article 26. Recent Yargıtay jurisprudence reinforces the same broader point. Trademark registration creates rights, but registration alone does not make those rights immune from later scrutiny. For a foreign brand owner entering Türkiye, I would therefore treat trademark strategy as part of the market-entry plan itself. The objective should not merely be to obtain a certificate.

The objective should be to secure a trademark that the business can use, defend and preserve in the Turkish market.

Legal Notice

This article provides general legal information and does not constitute legal advice. The applicable legislation, regulations, administrative and judicial practice, documentation requirements, filing, notification or service dates and other deadlines where relevant, and the facts of the particular matter should be checked before any action is taken.



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