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12 counterfeit hotspots in Turkey that rights holders must be aware of

In the next part of our regular series on marketplaces across the world that reportedly engage in the trade of counterfeit goods, we head to Turkey.

Due to Turkey's geopolitical position as a crossover between two continents, and with its 82 million population, it is frequently used as step for travelling counterfeit products to the European market. In this sense, Turkey serves as a bridge between the international commerce networks.

It is unsurprising, then, that Turkey is the second-largest counterfeit product market in the world, with a turnover of approximately \$3 billion, particularly in metropolis and tourist regions. The counterfeit product range is wide in Turkey, ranging from medicine to cosmetics, electronics to automotive parts, and clothing to cigarettes.

For that reason, we reached out to [Ahmet Akgüloğlu](#) and [Gizem Akguloglu](#) from ATG Law Firm to garner insight into what rights holders need to know to tackle fake goods in Turkey, and find out which physical markets must be on enforcement radars.

In a nutshell, what should a rights holder know about enforcing against counterfeit goods in Turkey?

In Turkey, intellectual property rights are protected under new IP Law (IPL) numbered 6769, having entered into force as of 10 January 2017. The new IPL changed the decree-laws and also collected the trademarks, patents, geographical indications and industrial designs under a single roof.

In the face of such a large and growing counterfeit sector, trademark owners can protect their rights in Turkey through criminal lawsuits and police raids, civil lawsuits or customs actions initiated against the counterfeiters within the scope of Turkish trademark legislation. Therefore, an in-depth investigation should be undertaken to protect intellectual property rights within this geopolitically important territory, all legal measures should be considered together, and the best legal action must be taken for the concrete case.

It should be noted that for protection under the IPL against counterfeiting matters, registration before the Turkish Patent and Trademark Office ("TPTO") is a must.

On the other hand, please note that, a notarised and apostilled power of attorney is necessary for all the civil and criminal lawsuits, as well as for the action, which will be taken before customs.

The right holders can protect their rights against the counterfeiters with the following methods in Turkey.

- Criminal lawsuits and raid actions
- Civil lawsuits
- Customs actions

Details of those are presented below.

Courts

Pursuant to Article 30 of the IPL, infringers of the intellectual property rights shall be sentenced from one year to three years of imprisonment and punished with a judicial fine. Pursuant to Article 116 of the Law of Criminal Procedure, the rights owner can request for a search at the workplaces of the counterfeiters. In addition to that, according to Article 149 of the IPL, the right owner can request for confiscation of the fake products.

There are some key considerations worth noting regarding the raid actions against counterfeiters:

Firstly, it is useful to determine the suspected targets and where the counterfeit products are located. In order to detect them, working with investigators is recommended in practice. As above-mentioned, since the production and sale of the counterfeit products in Turkey is extensive, the counterfeiters, who want to escape from possible legal actions, keep significant numbers of counterfeit products in secret warehouses. Therefore, investigations need to be conducted very forbearingly, detailed and carefully.

Secondly, obtaining evidence about the targets before the raids is very important. To be able to get a search and seizure warrant from the court; there must be obvious evidence regarding the counterfeiting; whether sample products, invoices taken from the counterfeiter, credit card slips, detailed photos of the target, an expert's report comparing the differences between a counterfeit and a genuine product, exact addresses, etc. Sometimes, it can be difficult to get invoices since the counterfeiters refrain from issuing them to avoid possible raid actions. Although it is possible to obtain invoices, there are no hidden warehouses addresses on the relevant invoices. In such cases, corroborating evidence such as photos, witness statements and the relation between the counterfeiter's showroom and the warehouse can be explained to the court.

Thirdly, once the targets are identified, the criminal complaint is filed before the public prosecutor's office. When the Criminal Courts of Peace (court) issues a search and seizure warrant, the raid is conducted with the attendance of the right holder's representatives and police officers. In order to avoid interrupting other raid operations, simultaneous raids are recommended if there is more than one target belonging to the same counterfeiter in different regions or if there is more than one target belonging to the one counterfeiter in the same region. After the raid operation, the matter becomes a criminal lawsuit.

At the end of criminal proceedings, the court can order the destruction or confiscation of the counterfeit goods. Usually rights holders choose to build their strategies on criminal action procedure, since following the path of criminal action is quicker and cost efficient. There is no official fee for the criminal cases and the raid operations. There is also zero cost for the storage of the seized counterfeited products. The right holders cover the transportation expense of the seized counterfeited products, which does not cause very high costs.

On the other hand, working in cooperation with the police department specialised in intellectual property rights can bring successful conclusions and this cooperation is highly recommended in practice. These police departments exist in the largest Turkish cities such as İstanbul, Ankara, İzmir, Antalya etc.

Civil Lawsuits

The rights holder may ask for prevention and cessation of trademark infringement, basing on its registered trademark right. To be able to immediately stop an infringing activity while the court action is pending, preliminary injunctions are available. As explained previously, the evidence and the investigations are important.

In cases where the ongoing or potential infringement is proven, the courts generally grant preliminary injunction decisions, in order to prevent or stop an infringing activity. The court generally requires the

claimant to deposit a guarantee amount, the basic aim of which is to indemnify the defendant. Such amount is kept by the court until the case is finalised and it is returned to the claimant, in the case that the defendant does not file any action for its losses. However, it is more costly and results in a longer period than criminal cases. Furthermore, if the opposing party is not a well-established company, it is not possible to receive compensation at the end of the civil lawsuit.

There is also the option of sending a cease and desist letter. This may be a cost effective solution for the client to try.

Customs

By filing an application at the Ministry of Customs, all customs of Turkey can be reached and it is possible to protect the trademark before each customs office. There is no administrative fee for filing an application. In this context, filing an application is highly recommended. If there is solid evidence showing that importing products violate the rights of trademark owners, they can be stopped in *ex officio* and seized by the customs.

Upon detection of suspected counterfeit goods, the customs office issues a suspension decision and directly notifies the rights holder or its recorded representative. In case the seized goods are confirmed to be counterfeit, then the civil or criminal court procedure starts. If the rights owner and the owner of the goods meet on a mutual point, the counterfeit goods may be destroyed without issuing a court order (which is called as "simplified destruction").

On the other hand, attending the training arranged by the customs offices all over Turkey is a good opportunity to establish brand awareness in the eyes of customs officers and also to help them to compare the original and the counterfeit goods. Hence, attending this training is highly recommended.

Does landlord liability exist in Turkey?

There is no regulation regarding the liability of the landlord.

Are there any local dedicated anti-counterfeiting associations or organisations in Turkey?

Unfortunately, there is not a dedicated anti-counterfeiting associations or organisations in Turkey.

Counterfeit hotspots you should know in Turkey:

Turkey is a sprawling country with physical marketplaces selling fake goods spread across the entire area. For that reason, we have split up the markets across different areas of the country.

Istanbul

As it is well known, Istanbul is the centre of trade, production and biggest market in Turkey. Also it is the major transportation hub in the region for all types of products with major airports, seaports and land transport routes. Moreover, Istanbul is the region with the highest production and sales of counterfeit products.

Grand Bazaar

Location: Grand Bazaar, with its traditional name 'Kapalıçarşı', being one of the largest and oldest covered bazaars in the world, is located in the very centre- of Istanbul. The Grand Bazaar is a frequent destination for tourists. The Grand Bazaar is 30,700 square meters with over 60 streets and alleys and

4,000 shops. There are many hidden corners, showrooms in the Grand Bazaar, located at different places than the regular shops ([map link](#)).

Counterfeit risk factor: Very high

Fakes know to be sold there: Mostly fashion fakes, including clothes (eg, Balenciaga, Burberry, Dolce & Gabbana, Versace, Tommy Hilfiger, Calvin Klein, Gucci, Dsquared2, Fendi, Giorgio Armani, Supreme, Moncler, Canada Goose, Lacoste, Hugo Boss, Tommy Hilfiger), footwear (eg, Alexander McQueen, Giuseppe Zanotti, Hermes, Balenciaga), bags, wallets, belts, watches (eg, Rolex, Audemars Piguet, Gc, Guess, Omega, Tag Heuer). Click to view images from [inside the Grand Bazaar](#), as well as examples of fake [bags](#) and [wallets](#).

Challenges for brand owners: The determination of the exact addresses is very difficult since the counterfeiters hide the door numbers. If the exact address cannot be determined, it is not possible to get a search and seizure warrant from the court. Furthermore, during the shopping, counterfeiters use each other's swiping machine.

Recommendations to brand owners: Working with investigation firms is recommended.



The Grand Bazaar in Istanbul is one of the oldest covered markets in the world

Star Arena

Location: A shopping centre in Merter, İstanbul ([map link](#)).

Counterfeit risk factor: Very high

Fakes known to be sold there: Mostly fashion fakes, including clothes, footwear, bags, wallets, and belts.

Challenges for brand owners: There is a strong communication between the counterfeiters. The investigation must be conducted very carefully.

Recommendations: Make a set of rather big purchases of products in order to get into contact with the infringers and obtain their details.

Küçükçekmece

Location: The hidden warehouses located in Küçükçekmece, İstanbul – here are many warehouses in this area ([map link](#)).

Counterfeit risk factor: Very high

Fakes known to be sold there: Mostly fake perfumes, cosmetics (especially L'Oréal and LVMH Group brands) and cleaning products.

Recommendations: Make a set of rather big purchases of products in order to get into contact with the infringers and obtain their details. Working with investigation firms is also recommended

Merter AVM

Location: A shopping centre in Güngören, İstanbul – almost all of the stores have warehouses ([map link](#)).

Counterfeit risk factor: Very high

Fakes known to be sold there: Mostly fashion fakes, including clothes, footwear, bags, wallets, and belts.

Recommendations: Make a set of rather big purchases of products in order to get into contact with the infringers and obtain their details. There is also a strong communication between the counterfeiters. The investigation must be done very carefully.

Opera Onur Çarşısı

Location: A covered bazaar in Kadıköy, İstanbul ([map link](#)).

Counterfeit risk factor: High

Fakes known to be sold there: Mostly fashion fakes, including clothes, footwear, bags, and wallets (eg, Puma, Nike, Adidas, Tommy Hilfiger, Hugo Boss, Lacoste, Vans, Converse).

Bostancı Auto Manufacturing

Location: An open air auto industrial market is located in Ataşehir, İstanbul ([map link](#)).

Counterfeit risk factor: High

Fakes known to be sold there: Mostly fake automotive parts, including spare parts and electronic components (including from such brands as Mercedes Benz, BMW, Toyota, and Volkswagen).

Recommendations: There is a strong communication between the counterfeiters. The investigation must be done very carefully.

Ankara

Ankara is the capital and main market for government and private tenders. Also it is the main hub for inner Anatolia.

Ostim

Location: An open air auto industrial is located in Yenimahalle/Ankara ([map link](#)).

Counterfeit risk factor: High

Fakes known to be sold there: Mostly fake car parts, including spare parts, electronic components, auto parts, and car alarms (including from such brands as Mercedes Benz, BMW, Toyota, and Volkswagen)

Recommendations: Once again, there is a strong communication between the counterfeiters, so investigations must be conducted carefully.



Ankara is Turkey's cosmopolitan capital and is the country's centre for performing arts

Ivedik Auto Manufacturing

Location: An open air auto industrial market located in İvedik, Ankara ([map link](#)).

Counterfeit risk factor: High

Fakes known to be sold there: Mostly fake car parts, including spare parts, electronic components, auto parts, and car alarms.

Etlik

Location: The suspected targets and warehouses are located in Etlik, Keçiören, Ankara ([map link](#))

Counterfeit risk factor: High

Fakes known to be sold there: Mostly fake perfume, chemicals, and personal care products.

Recommendations: Make a set of rather big purchases of products in order to get into contact with the infringers and obtain their details. Furthermore, working in cooperation with the police department specialised for intellectual property rights is highly advised.

Izmir

Location: İzmir is the third largest city in Turkey, and it is the hub for Western and South Western Anatolia. The suspected targets and warehouses are located in Buca, Çiğli, Işıkkent, and Karabağlar areas.

Counterfeit risk factor: High

Fakes known to be sold there: Mostly fashion fakes, including clothes (eg, Tommy Hilfiger, Calvin Klein, Gucci, Dsquared2, Fendi, Giorgio Armani, Supreme, Moncler, Fendi, Puma, Nike, Adidas, Lacoste), footwear (eg, Balenciaga, Alexander McQueen, Giuseppe Zanotti, Hermes, Puma, Nike, Adidas, Reebok), bags, and wallets (eg, Louis Vuitton, Chanel, Balenciaga, Dior, Prada, Gucci, Dolce & Gabbana, Hermes, Michael Kors, Yves Saint Laurent, Fendi, Puma, Nike, Adidas).

Recommendations: Working in cooperation with the police department specialised for intellectual property rights is recommended.



İzmir has up to 8,500 years of history as a human settlement

Antalya

Antalya, a very touristic city, located on the Mediterranean Region of Turkey, is frequently used as step for travelling counterfeit products to European market due to the geopolitical position of Turkey as a crossover between two continents. Antalya also hosts hundreds of thousands of tourists every year, and is known as one of the 'counterfeit' centres of Turkey. There are lots of shops through which fake versions of well-known brands from all over the world are sold to the public.

Kundu

Location: The primary areas are in the Hisar Shopping Centre and Kundu Bazaar, although the entire area of Kundu is problematic – even the stores which are located in 5-star hotels are selling counterfeit products ([map link](#)).

Counterfeit risk factor: High

Fakes know to be sold there: Mostly fashion fakes, including clothes (eg, Tommy Hilfiger, Calvin Klein, Gucci, Dsquared2, Fendi, Giorgio Armani, Supreme, Moncler, Puma, Nike, Adidas, Victoria's Secret), footwear, bags, wallets and also alcohol products ([click here](#) for a photo of the fake alcohol products).

Challenges: Generally, the owners of the shops have a kinship with each other. Hence, the raid operations will become more difficult. Furthermore, the court in this area controls the evidence firmly and perceive the sales of counterfeit products as contribution to economy and tourism.

Recommendations: There is a strong communication between the counterfeiters. The investigation must be conducted very carefully.

Belek

Location: Belek is one of the most touristic areas of Turkey ([map link](#)).

Counterfeit risk factor: Very high

Fakes know to be sold there: Mostly fashion fakes are sold, including clothes, footwear, bags, and wallets (eg, Louis Vuitton, Chanel, Balenciaga, Dior, Coach, Prada, Gucci, Dolce & Gabbana, Hermes, Michael Kors, Yves Saint Laurent, Fendi, Puma, Nike, Adidas, Fjallraven Kanken, Eastpak).

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