

Strong Stance Against Trade Mark Squatting in Türkiye

Trade mark squatting has unfortunately become increasingly common in Türkiye in recent years. Bad-faith applicants often identify trade marks that are registered and genuinely used abroad but have not yet been registered in Türkiye, file applications for those marks in their own names and then attempt to sell the registrations or present themselves as the rightful proprietors of the trade marks. In another common scenario, bad-faith applicants use the registrations they have unfairly obtained to prevent the real right owners from entering the Turkish market.

Fortunately, the Turkish Patent and Trademark Office continues to adopt a broad and rights-holder-friendly approach when assessing bad faith in oppositions filed against trade mark applications that are identical to distinctive trade marks registered and used abroad.

The absence of prior registration or use of a mark in Türkiye does not, by itself, prevent a finding of bad faith. In the oppositions filed against trade mark applications that are identical to a distinctive trade mark registered and used abroad and are of such a nature that it could not reasonably have been created coincidentally, the Office may accept bad faith even in the absence of any concrete evidence demonstrating the bad faith of the applicant, solely on the basis that the trade mark registered and used abroad has been copied identically.

Lala Berlin case

A very recent decision of the Office (E-71248886-130-260172511, dated 6 March 2026) confirms this approach. In this case, a trade mark application numbered 2025/043581 was filed before the Office for a mark that was identical, both in its word form and in its distinctive stylised form, to an originally created Berlin-based fashion brand.

	
TM application 2025/043581	Lala Berlin fashion brand

Although the Lala Berlin trade mark enjoyed extensive international protection through registrations obtained in numerous countries and widespread use abroad, it had been neither registered nor used in Türkiye as of the date on which the dispute arose.

Apart from the fact that the trade mark application in question was an identical reproduction of the earlier trade mark, there was no additional evidence specifically demonstrating the applicant's bad faith.

What was, however, beyond dispute was that the subject application is identical to the Lala Berlin trade mark and enjoyed protection through international trade mark registrations and extensive use in the apparel and fashion industry abroad.

In this respect, the opposition relied not only on the genuine right ownership on the trade mark but also on the fact that the application constitutes a deliberate reproduction of the trade mark registered and used abroad, extending from the identical word element to its stylisation and positioning.

It was argued that the filing of such an application for use in the very same field of business cannot reasonably be regarded as an act undertaken in good faith. It was further emphasised that, given the limitless freedom available in selecting a trade mark, the adoption of the identical wording and an identical overall composition can hardly be explained as a mere coincidence.

Following its examination under Article 6/9 of the Industrial Property Code no 6769, the Trademarks Directorate of the Office concluded that the applicant had "failed to act in accordance with the principles of honest commercial practices with the intention of knowingly obtaining an unfair advantage" and accordingly rejected the application in its entirety on the grounds of bad faith.

Clear and consistent approach

This decision demonstrates that the Office has adopted a clear and consistent approach in assessing bad faith in trade mark applications seeking to identically reproduce trade marks that are registered and used abroad but have not yet been registered or used in Türkiye.

Accordingly, whether or not a trade mark is registered in Türkiye, it is essential to monitor foreign trade mark portfolios, regularly review the Turkish Trademark Bulletin and file an opposition particularly on the ground of bad faith when an identical trade mark application is identified.

Otherwise, once such bad-faith applications proceed to registration, the rightful owner will be required to seek their invalidation through court proceedings before entering the Turkish market.

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