

THE ROLE OF INDUSTRIAL PROPERTY IN THE NATIONAL TECHNOLOGY INITIATIVE

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Abstract

Recent developments have once again revealed the importance of Türkiye's economic and technological independence. For this reason, the "National Technology Initiative" roadmap, which has emerged to increase our country's competitiveness and nationalize critical technologies, has vital importance. Strengthening the intellectual capital of our country, and in particular, the industrial property portfolio is an important issue to be considered in achieving the goals of the "National Technology Initiative".

Technological developments and innovative activities have become the main factors that determine the direction of economic growth and global competition in today's society, where the countries that have knowledge and can control it are accepted as powerful. To foster innovative technological progress and to support economic growth, we must encourage the creation of products resulting from intelligence and creativity. To do so, there is a need for a strong industrial property system. Without industrial property protection, businesses and individuals will not be able to take full advantage of their inventions and will spend less time on research and development.

Strengthening our country's industrial property portfolio with the vision of the "National Technology Initiative" is one of the fundamental steps that will pave the way for original and innovative products on a global scale in our country. In line with this goal, as the Turkish Patent and Trademark Institution, we continue to work on more efficient use of our country's industrial property capacity and commercialization activities that will turn into economic value.

As the Turkish Patent and Trademark Institution, while carrying out the registration activities in our country regarding the patents-utility models, trademarks, designs, geographical indications and designations of origin, and integrated circuit topographies, that constitute the industrial property rights, on the other hand, we contribute to the effective protection and commercialization of industrial property rights by raising awareness of industrial property in all segments of society, and we serve the economic and technological development of our country in accordance with the "National Technology Initiative".

Patent data, which is accepted as one of the most important indicators of technological developments in today's world, increases its strategic importance day by day. In this study, the analysis of the current situation of our country in the field of industrial property is discussed together with some indicators of industrial property. In addition, the activities that we carry out as a national office are also included.

Keywords

Industrial Property, Patent, Trademark, Technology, Commercialization

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Introduction

With the fourth industrial revolution, technologies such as the Internet of Things, Cloud Computing, Artificial Intelligence, and 5G are already changing our living and working spaces. These technologies have paved the way for a data-driven economy. For this reason, we can easily say that technological developments and innovative activities have become the major factors determining the direction of economic growth and global competition within society today.

In today's world, where the countries that have information and can control it are considered as powerful countries, it will be possible as a country to be permanent in the competitive environment within the global markets or to reach the summit, only if we produce innovative technologies that make a difference. The new products and production processes that we will produce as a country must be protected by strong mechanisms. Otherwise, it will be possible for competitors to copy and use the innovations in question and even to get ahead of us by improving them. This would produce a lack of profit on the products created by spending a certain amount of effort and money and using creativity. Strong legal protection for the innovations we have developed as a country is possible with the effective enforcement of industrial property rights.

Industrial Property Rights

The Industrial Property Right is an intangible right that allows the registration of inventions, innovations, new designs and original works in industry and agriculture on behalf of the first practitioners, or signs that will distinguish the manufacturer or seller of the goods produced and sold in the commercial area, on behalf of the owners, and so allowing first practitioners to have the privilege of producing and selling the product for a certain period of time.

The industrial property system, which ensures the protection of technological innovations, strong trademarks, original designs, and local values, is one of the most important elements of sustainable development.

We can define the effective protection of industrial property rights as one of the basic conditions for a strong and stable economy. Industrial property rights is a system that aims to balance the interests of both sides, by being a reward and incentive tool given to the owner for the works that come out as a result of his/her intellectual efforts as well as allowing the society to benefit from these studies.

Turkish Patent and Trademark Institution

In addition to the registration activities in our country regarding industrial property rights consisting of patents-utility models, trademarks, designs, geographical indications and designations of origin, and integrated circuit topographies, the Turkish Patent and Trademark Institution (TURKPATENT) performs important functions for the development of the industrial property system in our country.

As an institution, our mission is determined as follows: *“To serve the economic and technological development of our country in line with the National Technology Initiative by increasing the awareness of industrial property in all segments of the society, contributing to the effective protection and commercialization of industrial property rights, and playing an active role in international platforms”*.

History of Industrial Property in Our Country

Our country is one of the first countries to take initiative to regulate the protection of industrial property. The beginning of activities related to providing special privileges to inventors to increase public welfare and production and thereby encourage innovations in our country, dates back to the “Ahi community” system in the 13th and 14th centuries of the period of the Ottoman Empire.

The first written regulations on industrial property rights in our country again coincide with the period of the Ottoman Empire. The “Alamet-i Farika Nizamnamesi” of 1871 for the Protection of Trademark Rights and the “İhtira Berati” Law of 1879 for the Protection of Patent Rights are among the earliest practices in the world that can be called modern for their times.

Developments such as our country’s adhesion to the Agreement Establishing the World Trade Organization and its annexed agreement on Trade-Related Aspects of Intellectual Property Rights in 1995, the Customs Union agreement with the European Union (EU), and the harmonization of various Community regulations and legislation with the Member States in the field of industrial property in the EU during the same period, have resulted in the obligation to effectively protect industrial property rights by international standards.

In this direction, the Turkish Patent Institute, as it was then called, was established on June 24, 1994, with Decree-Law (KHK) No. 544. Besides, Law No. 5000 on the Establishment and Functions of the Turkish Patent Institute entered into force on November 19, 2003, to harmonize Decree-Law No. 544 with current conditions and to enact it.

In 1995, decrees entered into force concerning patents-utility models, trademarks, designs, and geographical indications.

On January 10, 2017, the Industrial Property Law (SMK) No. 6769 entered into force, and patents-utility models, trademarks, designs, and geographical indications, which were previously protected by decree-laws, were combined under the SMK No. 6769. With the said law, the harmonization of Turkish industrial property legislation with international agreements and EU legislation has been enhanced and the institutional structure of TURKPATENT has been strengthened.

With the SMK No. 6769, the name of the Turkish Patent Institute was changed to “Turkish Patent and Trademark Institution”. In addition, the “Intellectual Property Academy and Industrial Property Training Center” was established in order to enable TURKPATENT to more effectively fulfil its duties of supporting academic studies and spreading industrial property awareness to all segments of the society.

With the Presidential Decree No. 4 on the Organization of Affiliated, Related, Associated Institutions and Organizations with Ministries and Other Institutions and Organizations of July 15, 2018, the provisions for the establishment and institutional structure of TURKPATENT were transferred to the said Decree.

Current Situation and Indicators

Based on all the collected data, Türkiye’s industrial property capacity is increasing yearly, and is one of the countries with the highest number of filings.

According to the World Intellectual Property Indicators Report 2021 published by the World Intellectual Property Organization (WIPO), Türkiye ranks 14th in the world for

resident patent applications by origin, 7th for trademark applications, 4th for design applications, and 9th overall resident IP activity by origin. This situation is the most important indicator of the innovative character and the growth capacity of the production structure of our country.

Türkiye has participated in international conventions and agreements related to industrial property. Consequently, it has managed to find a place for itself in the developments associated with industrial property in the world. TURKPATENT continuously develops and strengthens its relations with international institutions and organizations, in particular with organizations such as WIPO, the World Trade Organization (WTO), the European Patent Office (EPO), and the Office of the European Union for Intellectual Property (EUIPO). Therefore, it aims to monitor the evolution of international agreements in force in the field of industrial property rights and to make our country the leader in its region in the field previously mentioned by completing the necessary processes in terms of agreements deemed appropriate and beneficial.

On the international scene, among the remarkable achievements of TURKPATENT in the field of industrial property, is the appointment of TURKPATENT as an International Searching and Preliminary Examining Authority. TURKPATENT continues to strengthen its patent search capability by being one of the 23 international authorities of the WIPO since 2017. In addition, TURKPATENT has increased the number of international search and preliminary examination reports in 2021 and became one of the top 10 authorities that prepared the most reports.

Some current indicators from TURKPATENT statistical database regarding industrial property rights encompassing patents-utility models, trademarks, designs, geographical indications and designations of origin, as well as integrated circuit topography, are given below:

Patent - Utility model

Patent applications before our Institution, which is responsible for the execution of patent and utility model registration procedures in our country; can be evaluated in three groups: applications made directly to the Office, applications made through the Patent Cooperation Treaty (PCT) and European Patent applications and patents in which Turkish claims and fascicules are submitted to the Institute through the European Patent Convention (EPC). It is also possible to apply a utility model protection for inventions (Turkish Patent and Trademark Institution, 2021).

A total of 17.566 patent applications were filed with TURKPATENT in 2021, of which 8.439 were national and 9.127 foreign. While the ratio of the number of national patent applications to the total number of patent applications was 44% in 2020, this rate was 48% in 2021. The total number of patent applications, which was 18.705 in 2020, decreased by 6% to 17.566 in 2021.

A total of 12.566 patents, including 3.342 national and 9.224 foreign, were registered by TURKPATENT in 2021. 9.179 of the registered patents are European patents valid in our country through EPC. In 2021, compared to 2020, the number of national patent registrations increased by 51%, from 2.214 to 3.342. While the ratio of the number of national patent registrations to the total number of patents was 18% in 2020, this rate was 27% in 2021.

The distribution of the number of national patent applications filed with TURKPATENT and the number of national patent registrations by year are shown in Figure 1 below.

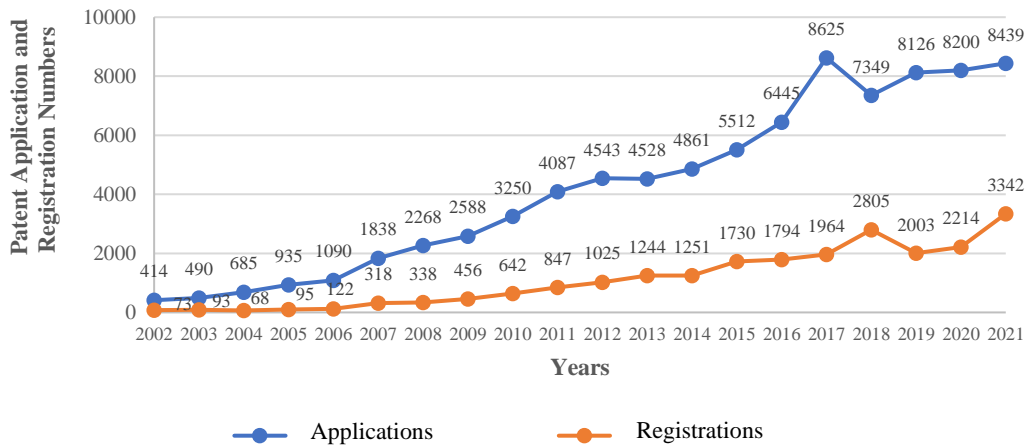


Figure 1. Number of national patent applications and registrations for the years 2002-2021

When applications made to our Institution are examined by category; between 2011 and 2021, 692 applications were filed relevant to Big Data, 644 to Artificial Intelligence, 376 to Cloud Computing, and 439 to the Internet of Things.

National applications made to TURKPATENT between 2011 and 2021 in the fields of Big Data, Artificial Intelligence, Cloud Computing, and the Internet of Things are shown in Figure 2 below.

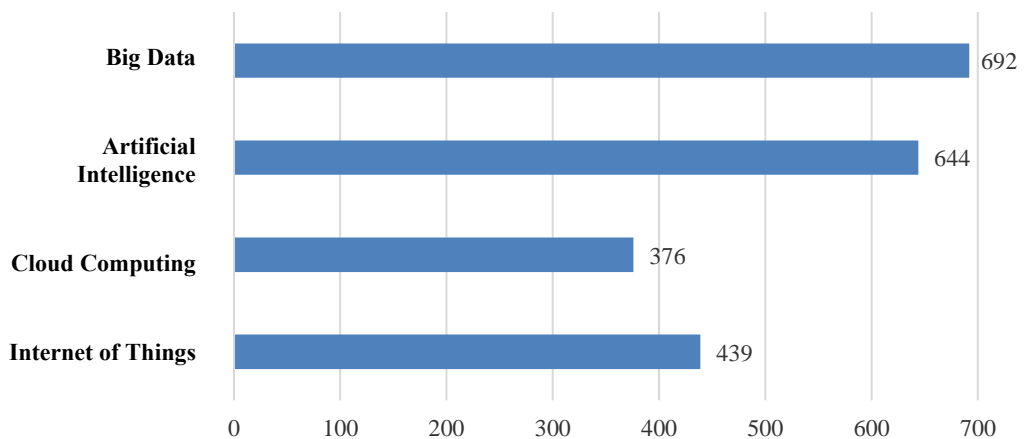


Figure 2. Number of national applications made in high-tech fields between 2011-2021

Our institution serves as an International Searching and Preliminary Examining Authority under the PCT. In this context, 10 international search and preliminary examination reports were prepared by us in 2017, the first year we started preparing reports as an authority; while the number was 940 in 2019, 1.710 in 2020, and 1.653 in 2021.

While the number of national search and examination reports prepared by our institution was 13.415 in 2020, it increased by 73% compared to the previous year and reached 23.190 in 2021.

TURKPATENT, which had no search and examination capability on its own structure until 2006 and provided these services through foreign contracted institutions, provides search and examination services for all national and international applications filed under the PCT today. In the meantime, it also provides this service to some countries in our region under bilateral agreements.

The breakdown of the number of national and international reports issued by our institution by years is given in Table 1 below.

Table 1. Number of National and International Reports Issued between 2019-2021

Years of Reporting	2019	2020	2021
Number of International Reports	940	1.710	1.653
Number of National Reports	8.059	13.415	23.190

Considering utility model applications, which is the other way to protect an invention, a total of 4.490 utility model applications were filed in 2021, 4.418 national and 72 foreign. The number of national utility model applications increased from 3.577 to 4.418 with an increase of 24% compared to 2020. While the ratio of the number of national utility model applications to the total number of utility models was 99% in 2020, this rate was 98% in 2021.

In 2021, a total of 2.591 utility models, including 2.513 national and 78 foreign, have been registered. The number of national utility model registrations increased from 1.145 to 2.513 with an increase of 120% compared to 2020. The ratio of the number of national utility model registrations to the total number of utility model registrations in 2020 and 2021 was 97%.

The number of national utility model applications filed with TURKPATENT and the distribution of utility model registrations by year are shown in Figure 3 below.

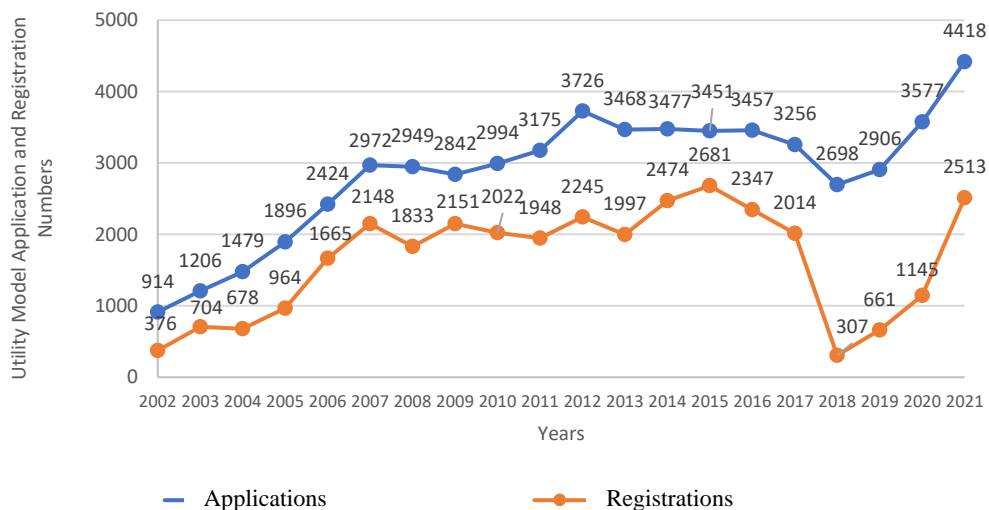


Figure 3. Number of national utility model applications and registrations for the years 2002-2021

Trademark

Our institution, in parallel with the registration of trademarks and the execution of related transactions, carries out studies for the revision and development of the trademark protection system, by following national and international developments in this field and reflecting it, if necessary, in national law and practice, and attempting to increase brand awareness among the public (Turkish Patent and Trademark Institution, 2021).

The number of national trademark applications filed with our institution in 2021 was 176.493 and the number of foreign trademark applications was 15.286. In 2021, 92% of the total number of trademark applications were national trademark applications, and national trademark applications increased by 13% over the previous year.

In 2021, the number of national trademark registrations was 114.242 and the number of foreign trademark registrations was 15.179. In 2021, 88% of the total number of trademark registrations were national trademark applications, and the number of national trademark registrations increased by approximately 33% compared to the previous year.

The distribution of the number of national trademark filings and registrations made at TURKPATENT per year is shown in Figure 4 below.

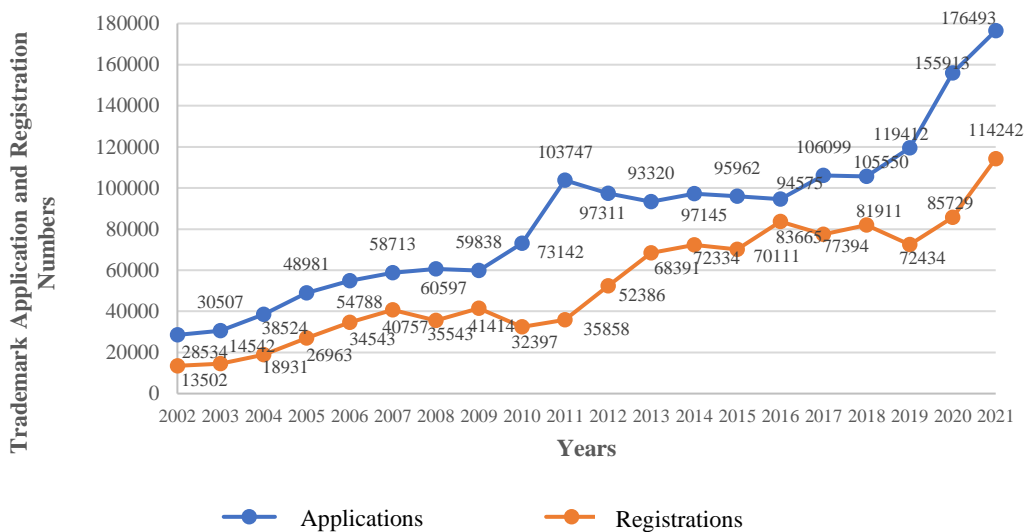


Figure 4. Number of national trademark applications and registrations for the years 2002-2021

Design

Our institution carries out the processes of registration, filing, search, examination, evaluation, and registration of design applications in accordance with the provisions of the relevant legislation, as well as the procedures related to licenses, transfers, and other changes.

The total number of design applications filed with our office in 2021 increased by approximately 38% compared to 2020 and reached 65.915. Approximately 90% of the total number of design applications were national design applications and, in 2021, national

design applications increased by approximately 41% compared to the previous year and amounted to 59.247.

In 2021, the total number of design registration increased by 11% compared to 2020 and reached 50.038. 88% of the total number of design registrations are national design registrations, and the number of national design registrations in 2021 increased by 16% compared to the previous year and reached 44.173.

The number of national design applications filed with TURKPATENT and the breakdown of national design registrations by year is shown in Figure 5 below.

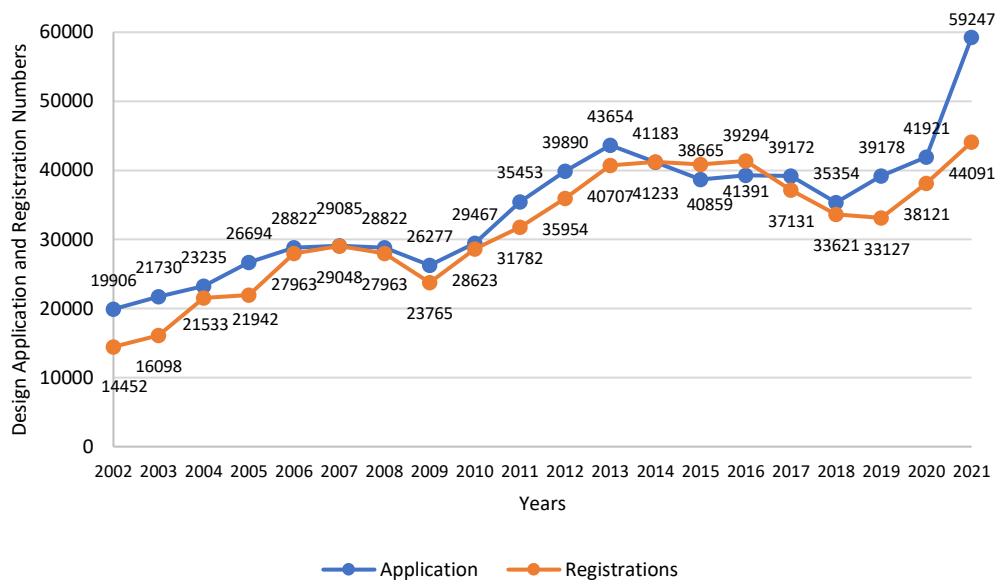


Figure 5. Number of national design applications and registrations for the years 2002-2021

To ensure the creation and protection of designs sensitive to humans and the environment, to enable the designs and designers of our country to be sustainable competitive with the world, to disseminate the identity of “Turkish design”, and to provide that Turkish designers and designs are preferred in the global market, the Turkish Design Advisory Council was established in 2009 with the decision numbered 2009/15355 of the Presidential Cabinet, and TURKPATENT provides its secretariat.

Geographical Indications and Designations of Origin

Geographical indications designations of origin have functions such as specifying geographical origins, guaranteeing production method and quality which can also be shaped by traditional knowledge and cultural values, being a marketing tool by distinguishing products in the market and combating imitation products. Therefore, unlike other industrial property rights, it plays an important role in supporting local production and rural development as well as the rights it confers on individuals. In this context, high performance was also displayed in 2021 in informing applicants and finalizing applications.

In 2021, 10 geographical indication applications were filed with the EU, including “Gaziantep Menengiç Kahvesi / Gaziantep Melengiç Kahvesi” (coffee), “Araban

Sarımsağı” (garlic), “Tonya Tereyağı” (butter), “Erzurum Su Böreği” (pastry), “Edremit Zeytinyağı” (olive oil), “Antep Fıstık Ezmesi” (pistachio butter), “Aydın Memecik Zeytinyağı” (olive oil), “İpsala Pirinci” (rice), “Bursa Kestane Şekeri” (chestnut candy), “Aydın Memecik Zeytini” (olive). With these applications, the number of registration applications still pending before the EU reached 26. In 2021, with the registrations of “Aydın İnciri” (fig), “Aydın Kestanesi” (chestnut), “Gaziantep Baklavası” (baklava), “Malatya Kayısı” (apricot), “Milas Zeytinyağı” (olive oil), “Bayramiç Beyazı” (fruit), and “Taşköprü Sarımsağı” (garlic), the number of geographical indications registered in the EU reached 7 (Turkish Patent and Trademark Institution, 2021).

In 2021, there was a sharp increase in the number of applications and registrations of geographical indications. While the number of geographical indications applications was 453 in 2020, the number of geographical indications registrations was 161, in 2021 the number of applications was 558 and the number of registrations was 350.

The number and regional distribution of products that have received a geographical indication registration in our country by the end of 2021 are shown in Table 2.

Table 2. *Distribution of Geographical Indication Registration Numbers by Regions*

Region	Registration Numbers
Mediterranean	110
Eastern Anatolia	105
Aegean	153
Southeast Anatolia	193
Central Anatolia	175
Black Sea	208
Marmara	98

Integrated Circuit Topography

An integrated circuit is a product in an intermediate or final form that is designed to perform an electronic or other similar function, comprising at least one active element, some or all of its interconnections which are joined in and/or on a piece of hardware. Integrated circuit topography is a series of images prepared for production and fixed in any format, showing the three-dimensional arrangement of the layers that make up the integrated circuit, and each image is expressed as the view of all or part of the surface of the integrated circuit at any stage of production (Turkish Patent and Trademark Institution, 2021).

It is an industrial property right registered in our country by TURKPATENT, such as patents-utility models, trademarks, designs, geographical indications and designations of origin.

Activities Carried Out by TURKPATENT in The Framework of Industrial Property Rights Awareness

Intellectual Property Academy

As an office, we attach great importance to training and awareness-raising activities, to events where developments and current practices are shared. One of the measures taken to achieve this goal is the establishment of the Intellectual Property Academy under SMK No. 6769. The Industrial Property Training Center, which forms the Academy together with the Copyright Training Center, carries out training, consulting, research, and coordination studies on industrial property rights as a center within TURKPATENT. In the coming period, we plan to increase the number of training courses provided at the Academy and reach a wider audience.

Masters of Laws (LL.M.) in Intellectual Property

Again, as part of our educational activities, there is a master's program in intellectual property law that we have launched with Ankara University and WIPO in recent years. Each year, a varying number of international and Turkish students are accepted with scholarships in this program, where the language of instruction is 100% English, where experts from our institution as well as domestic and foreign scholars teach.

Türkiye Patent Competition

As an institution, we prioritize raising awareness of industrial property among youngsters, and the effective use of industrial property rights in terms of providing benefits from the products youngsters creatively establish by spending effort, time, and money. In this context, with the "Patentle Türkiye" Competition, first held in 2017 every two years, we intend to raise patent awareness among our students studying in our universities, to equip students with technical knowledge that they will use in their professional careers or academic studies in the future, and to encourage activities concerning inventions that have an important place in the technological development of our country. In addition, the National Competition for High School Patents and Utility Models, first held in 2021, helped to raise awareness among high school students about patents and utility models and to acquire knowledge and experience in patent and utility model applications.

Information Documentation Units

Units are established throughout the country to provide regional information and documentation support to users of the industrial property system. The number of Information and Documentation Units, which was 186 in 2020, increased to 214 in 2021. 73 of these units are in chambers of commerce and industry, 115 in universities, 23 in development agencies, 1 in a foundation (HAVELSAN), 1 in a technology development zone (Bilişim Vadisi - IT Valley), and 1 in an organized industrial zone (OIZ) (Turkish Patent and Trademark Office, 2022).

Information Documentation Units, which make a remarkable contribution to awareness and commercialization in the field of industrial property, stand out as important players in the intellectual property ecosystem of our country. Türkiye ranks first in Europe in terms of the number of information and documentation units. Being an important source of knowledge on industrial property rights, national and international activities continue perpetually in order to increase the capacity of information document units with respect to commercialization as well.

Hezarfen Project

Developed and implemented in 2006 to increase the innovation capacity of small and medium-sized enterprises (SMEs) by TURKPATENT, the Hezarfen project is a project that is regularly included in development plans, and more recently included in the program of 180-day action of the presidency, and has continued successfully for 15 years.

With the Hezarfen project, we aim to inform our SMEs on the identification and management of all the assets that may be subject to intellectual property rights, and to increase their awareness.

By the end of 2021, 28 Hezarfen projects have been implemented in 25 different provinces, and consultancy services have been provided to 759 SMEs (Turkish Patent and Trademark Institution, 2022).

Commercialization of Patents

Research conducted in recent years reveals the growing importance of intellectual and industrial products. Over the past 40 years, the share of intangible assets of all business value has increased from 20% to 80%; the share of these intangible assets in the global economy has exceeded 50% (Ogier, 2016). In this direction, bringing the intellectual and industrial products created by people using their intelligence, effort and creativity into the economy, in other words, commercialization of these products is becoming increasingly important. National and international industrial property offices continue to work on various programs to support the commercialization of the assets, in particular the intellectual and industrial property held by SMEs and universities. In this context, our country is making significant inroads in the commercialization of intellectual and industrial property with the projects it carries out on the national and international scene.

Thanks to the awareness-raising activities carried out by TURKPATENT and the incentives provided by institutions such as the Scientific and Technological Research Council of Türkiye (TUBITAK), the Small and Medium Enterprises Development Organization (KOSGEB), the industrial property portfolio of our country is growing day by day. To date, Türkiye's industrial property inventory includes approximately 2.220.000 valid industrial property registrations (patents-utility models, trademarks, and designs registered by national applicants). It is very important to transfer awareness about registration to the sector at the point of commercialization.

When patent commercialization data is analyzed, SMEs rank first among the institutions that commercialize patents. In this area, SMEs are followed by large companies, start-ups, and universities, respectively. When the marketing models are examined, it has been determined that the most preferred model is licensing. When we look at our country's licensing data for the period 2018-2021, we see that universities' share of licensing transactions has increased from 15% to 48%. It is an important indicator that the innovations and the inventions developed by our universities have started to be commercialized.

Turkish Industrial Property Valuation Engineering and Consultancy Services Inc. (TURKSMD)

Turkish Industrial Property Valuation Engineering and Consultancy Services Inc. (TURKSMD) was established in 2018 as affiliation of TURKPATENT to provide services in the fields of industrial property valuation, venture capital partnership, industrial property

portfolio consultancy to transfer the portfolio of industrial property of our country to the real sector at the point of commercialization. Continuing its activities on the TURKPATENT campus with its 45 employees including 35 industrial property consultants, TURKSMD aims to contribute to the commercialization of industrial property rights by serving:

- Preliminary search report on patents and utility models,
- Preliminary search report on trademark,
- Patent and utility model valuation report,
- Brand valuation report,
- Freedom to operate report,
- Invalidity analysis report,
- Provide consultation services in technology transfer transactions.

To improve the valuation capacity of intellectual and industrial property assets in our country and increase their contribution to the country's economy, a cooperation process has been initiated between TURKSMD and the Credit Guarantee Fund (KGF). In this context, it is planned to provide a certain amount of financing based on the valuation reports prepared for the patent-utility models by TURKSMD and to provide loans by the partner banks of KGF.

Technological and Informational Infrastructure of TURKPATENT

Within the information society where it is very important to be able to provide services to beneficiaries in the public and private sectors in a fast and efficient manner, TURKPATENT, the institution responsible for the registration of industrial property rights, uses maximum information technology in the processes related to the registration of these rights. In addition, information technologies are used intensively to facilitate access to documents and information on industrial property rights, new software is produced according to emerging needs and existing software is constantly updated. (Turkish Patent and Trademark Institution, 2021).

As of January 1, 2020, transactions with physical documents before TURKPATENT were terminated and the new electronic application system (EPATS) was adopted, and as of July 1, 2020, the new electronic notification system (ETEBS) was introduced. Improvement studies are carried out continuously in these applications.

Conclusion

Our ability to remain an economically strong country will only be possible by manufacturing high value-added products and by offering competitive products and services in all technological fields. National Technology Action Plans and Development Plans, which have been created to provide the products and services in question, are of great importance for the achievement of national goals. In line with the achievement of these goals, the importance of the industrial property ecosystem, which is one of the most important elements of a strong, sustainable and competitive economy, is increasing day by day. In recent years, studies by leading industrial property organizations have focused on making industrial property information more useful and bringing this information into the economy through marketing activities. Increasing and strengthening the industrial property portfolio of Türkiye will play a very important role in achieving the goals set within the framework of the "National Technology Initiative".

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Cemil BAŞPINAR has been graduated from Istanbul Technical University, Department of Civil Engineering with BSc. degree at year 2004 and with MSc. degree at year 2009. After starting as Assistant Patent Examiner in year 2004 at Turkish Patent Institute, which was then named as Turkish Patent and Trademark Institution, he has completed his expert studies and the thesis on "Sectoral Analysis of Patent Activities in the Manufacturing Industry" in 2008 and received the title of Patent Examiner. Başpinar served as the Acting Chairman of the Board and Acting Chairman of the Turkish Patent and Trademark Institution between March 2002 and September 2022, where was previously appointed as Vice President of the Institution in February 2015. Başpinar is currently serving as the Chairman of the Board and Chairman of the Turkish Patent and Trademark Institution from September 2022. Cemil Başpinar is also the Chairman of the Disciplinary Board of Patent Attorneys and Trademark Attorneys, and the Chairman of the Board of Turkish Industrial Property Valuation Engineering and Consultancy Services Inc., an affiliation of the Turkish Patent and Trademark Institution.