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digital athletes

Highlights of this issue

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eSport with Its Legal Dimension

Players and audience of games of the League of Legends, DOTA 2, Counter-Strike: Global Offensive etc., which are very popular in our country, are increasing day by day. It has become inevitable to discuss the legal dimension of the field of digital game which named eSport.

The Turkish Digital Games Federation, which was established in 2011 to organize this area, was connected to the Emerging Sports Branches Federation in 2013.

However, there are still a number of legal questions that are not answered. How will eSporters' insurance be made? How will the legal relationship between eSport teams and team owners be defined and will it be the case that eSport is considered an employee? What will be the situation of trainers?

We think that the legislation will develop in this area with practice on disputes regarding eSport.

New members of Data Protection Board are appointed

In accordance with the decisions which were published in Official Gazette dated 30.12.2016, Murat Karakaya and Hasan Aydın, Official Gazette dated 07.01.2017, İhsan Ezel Büyüksekban and Vedat Yıldız are appointed as the new members of the Data Protection Board. On 15.12.2016 Prof. Dr. Faruk Bilir ile Şaban Baba were appointed. Thus, the appointment of the members of the Board is completed.

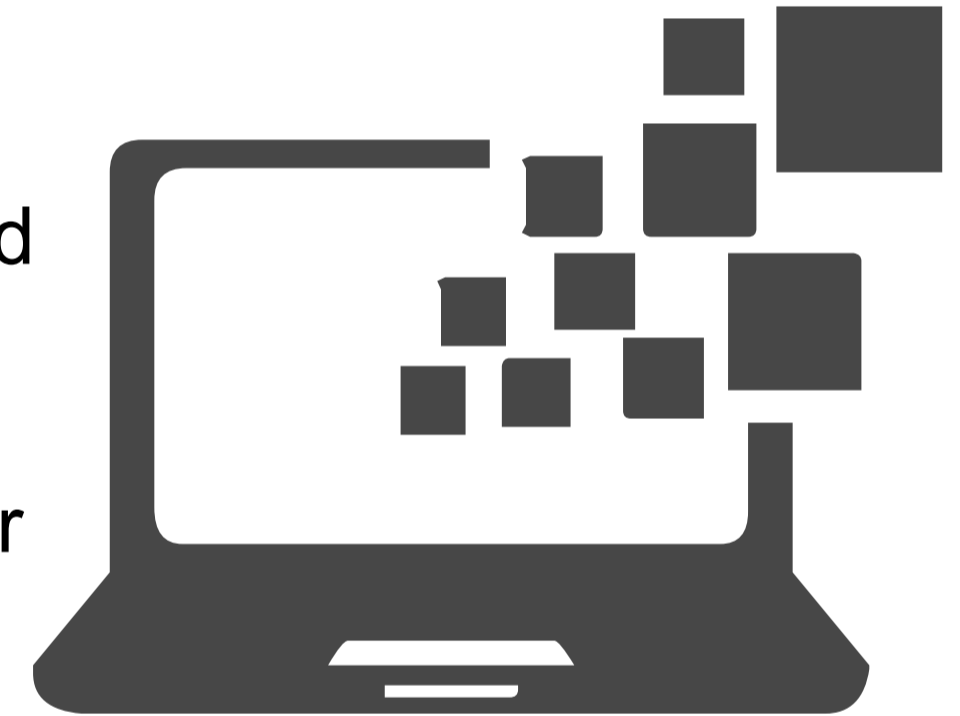
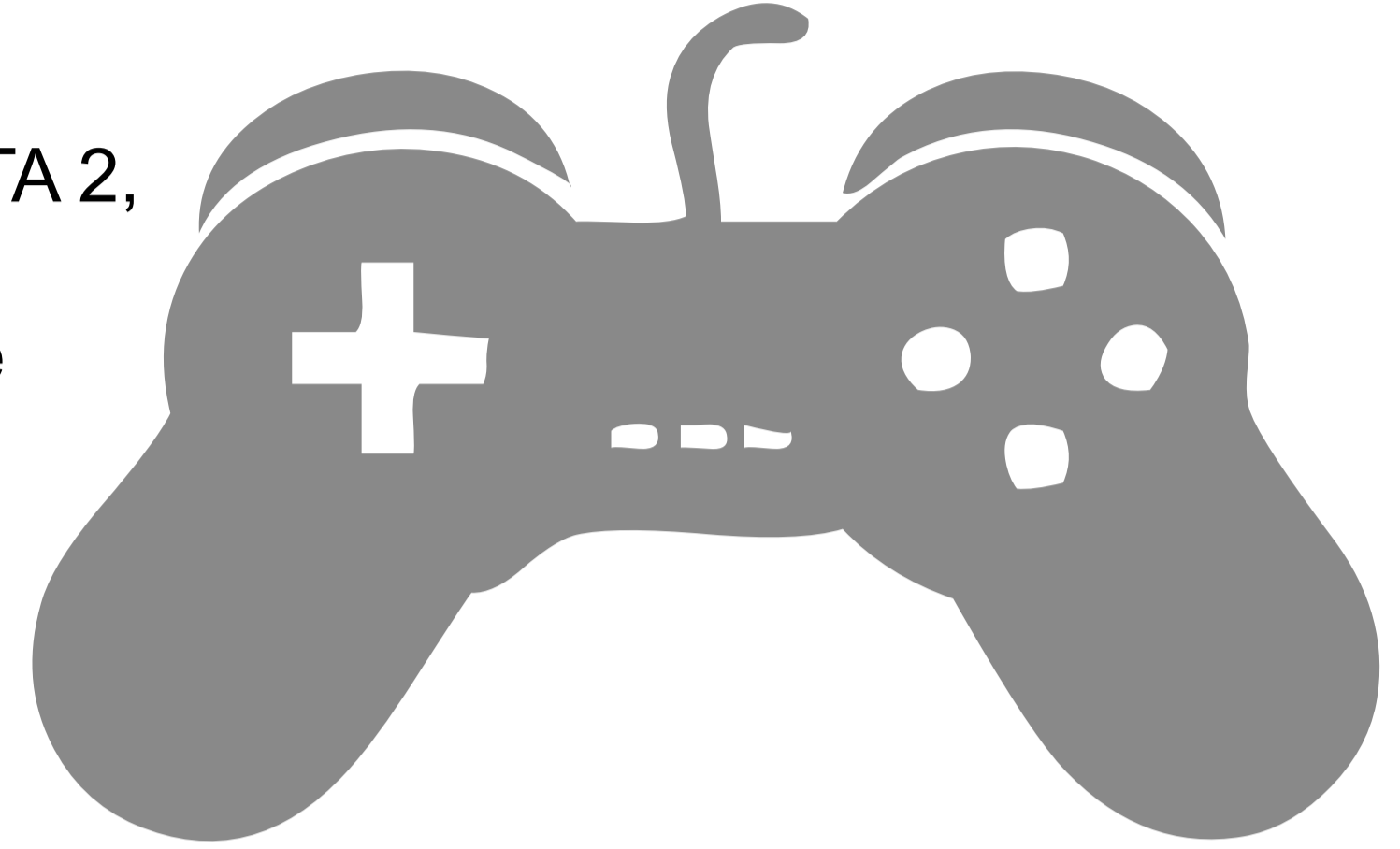
The Strategy and Action Plan for the Software Industry

The Strategy and Action Plan for the Software Industry (**Plan**) prepared by Ministry of Science, Industry and Technology and High Planning Council was published in the Official Gazette on 5 January 2017.

The Plan is for the period between 2017 and 2019 and aims to increase international competitiveness. In addition to this purpose, the Plan also aims to make copyright regulations in software industry, establish Information and Cyber Security Institution and determine software need of public institutions.

In the Plan, the goal is to increase the national awareness and strengthen the infrastructure, bring legal and administrative regulations, develop qualified human resources and increase international competitive power in order to perform the purposes. In order to achieve these goals, the establishment of an authorization system for IT firms, in this manner legislative arrangements granting authorization document, preparation of public service announcements regarding the importance of software, preparations of the legal process to be followed during public provisions of IT products and preparation of technical specifications will be established.

The aim is to create support programs especially in strategically important areas such as cloud computing, artificial intelligence, robotic intelligence, 3D printers, internet of things, big data, game software,



smart applications, security software. Another plan is to regulate Public Tender regarding price advantages for public procurement in accordance with the Plan.

Turkish language text of the Plan can be found at the following link:
<http://www.resmigazete.gov.tr/eskiler/2017/01/20170105-9-1.pdf>

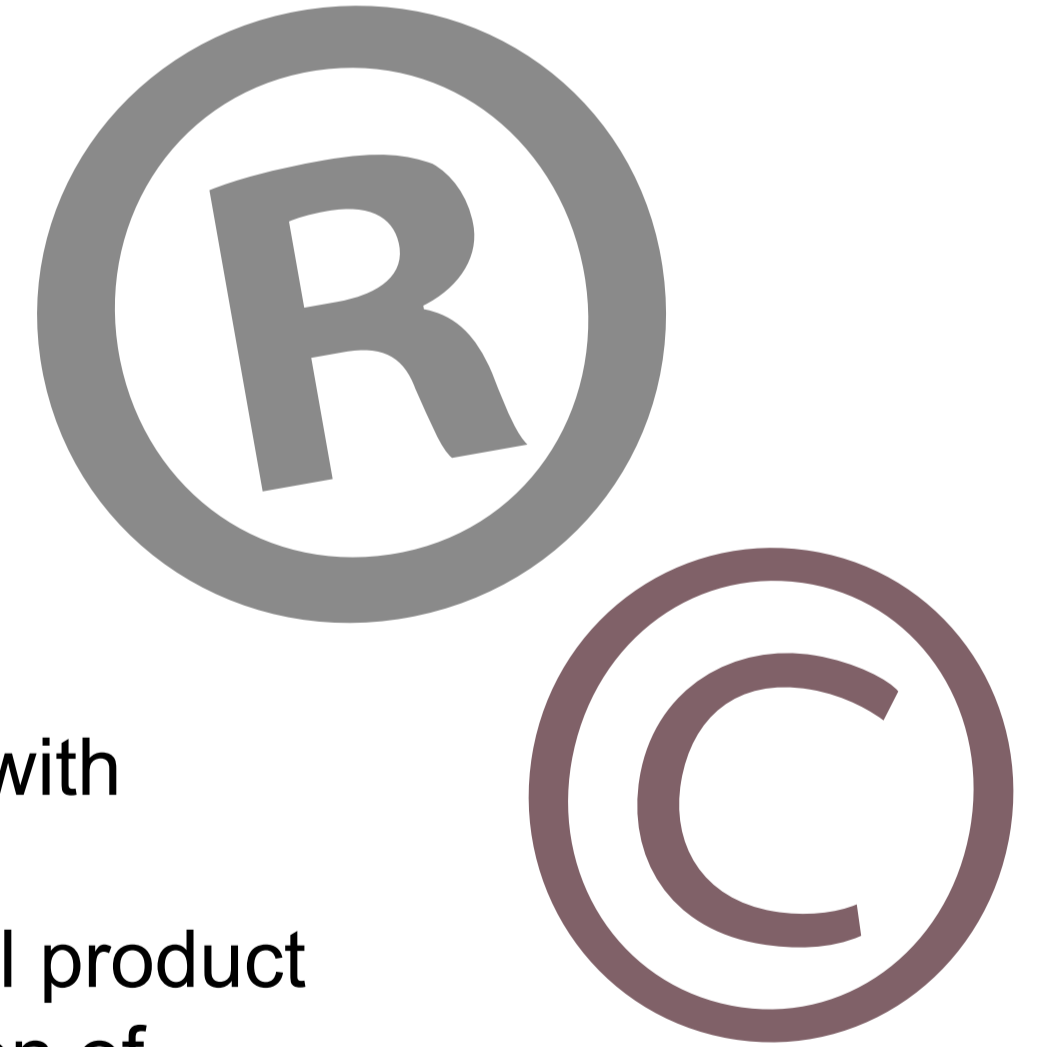
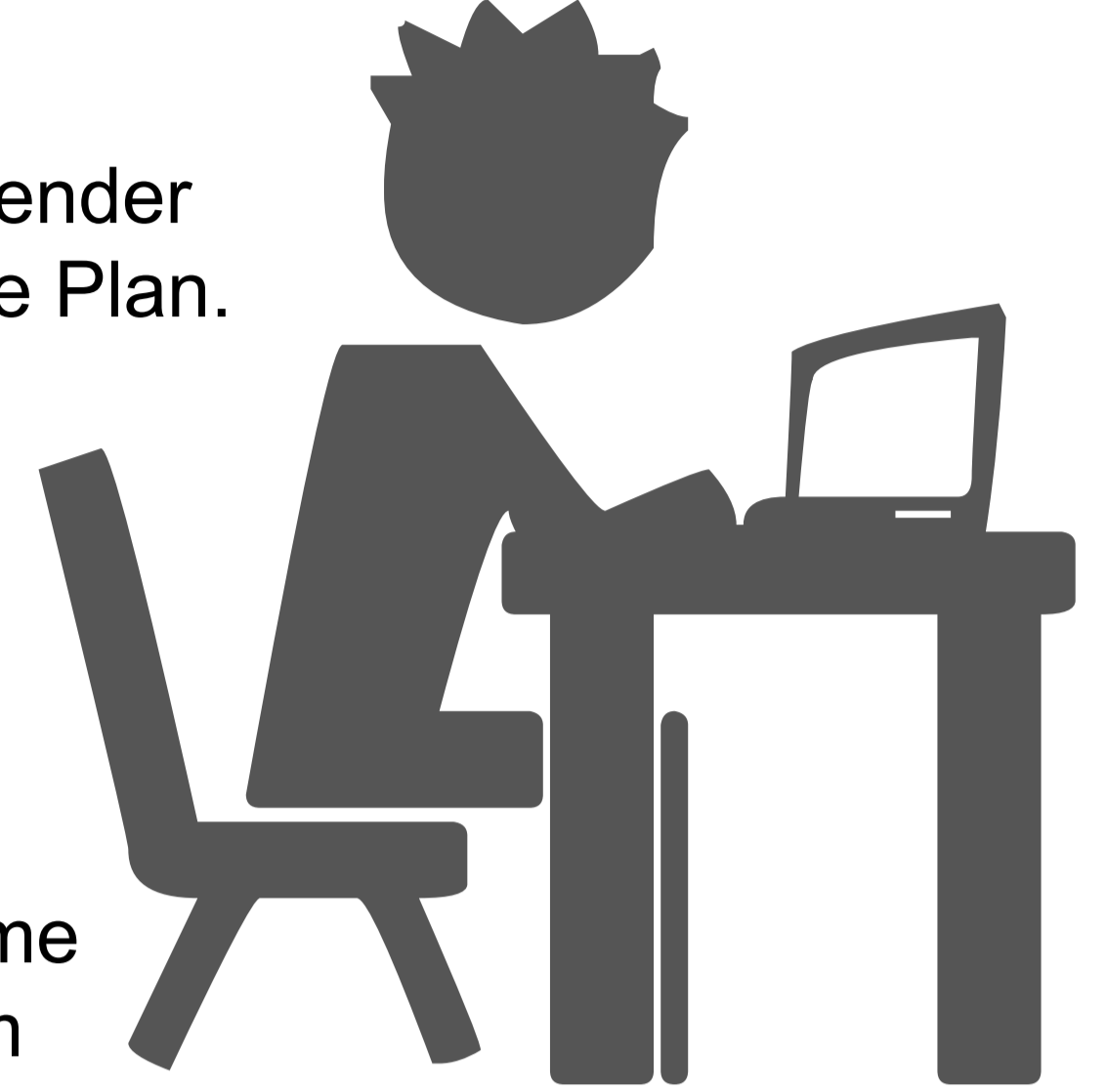
The Long-Awaited Industrial Property Law Entered Into Force

Industrial Property Law (**Law**) is published in the Official Gazette and came into force along with numerous provisions on 10 January 2017. The aim is to contribute on economic and technological developments and make progress in these areas. The Law gathers trademark, geographical indication, design, patent, utility model, traditional product names under one roof.

With The Law:

- The name of Turkish Patent Institute changed as Turkish Patent and Trademark Institution.
- Intellectual Property Academy is established in order to manage training, consulting and research activities on intellectual and industrial property rights.
- The appeal period of third party trademark registration applications is shortened to 2 months from 3 months. The appeal period of third party registrations on published designs is shortened to 2 months from 3 months.
- Voices are clearly counted as signs that may be trademarks.
- Patent system without examination is removed.
- The provisions on the inventions of employees shall be applied to the inventions as a result of scientific studies carried out at higher education institutions and at least one third of the income shall be given.
- Regarding the international registration of trademarks, examination procedures of applications made under the provisions of Madrid Agreement are regulated. It is accepted that an international application made in accordance with Madrid Agreement shall have the same results with the application brought before Turkish Patent and Trademark Authority.
- The Law gathers the right of geographical signs and the right of traditional product name under the same roof. Within this framework; opportunity of protection of traditional product name by registration aroused.
- Rules of code of practice and disciplinary provisions regarding trademark and patent are defined in order to provide discipline and Board of Discipline is established.
- The expression “industrial designs” in Decree Law no.554 and relevant legislation is changed to “Designs” in order to cover all designs.

Turkish language text of the Law can be found at the following link:
<http://www.resmigazete.gov.tr/eskiler/2017/01/20170110-9.pdf>



Answers. Not theories.

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About our firm

Gokce Yaralı Attorney Partnership is an Istanbul-based law firm offering legal services across a broad range of practice areas including mergers and acquisitions, joint ventures, private equity and venture capital transactions, banking and finance, capital markets, insurance, technology, media, telecoms and internet, e-commerce, data protection, intellectual property, regulatory, real property, and commercial litigation. Please visit our web site at www.gokce.av.tr for further information on our legal staff and expertise.

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