

Infringement of Patent Rights with Doctrine of Equivalent for Turkey

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Abstract : Due to the doctrine of equivalent, the words in the claims' sentences are insufficient for the protection area provided by the patent registration. While this situation widens the boundaries of the protection area, it also obscures the boundaries of the protected area of patents. In addition, it creates distrust for third parties. Therefore, the doctrine of equivalent aims to establish a balance between the rights of patent owners and the legal security of third parties. The current legal system of Turkey has been tried to be created as a parallel judicial system to the widely applied regulations. Therefore, the regulations regarding the protection provided by patents in the current Turkish legal system are similar to many countries. However, infringement through equivalent is common by third parties. This study, it is aimed to explain that the protection provided by the patent is not only limited to the words of the claims but also the wide-ranging protection provided by the claims for the doctrine of equivalence. This study is important to determine the limits of the protection provided by the patent right holder and to indicate the importance of the equivalent elements of the protection granted to the patent right holder.

Keywords : patent, infringement, intellectual property, the doctrine of equivalent

Conference Title : ICIPRL 2022 : International Conference on Intellectual Property Rights and Law

Conference Location : London, United Kingdom

Conference Dates : November 18-19, 2022