

## NATIONAL AI STRATEGIES

1. Does your country have a national/regional AI strategy in place?

- No
- Yes
- Draft/proposed only
- Do not know

2. If so, does the AI strategy identified in Q1 consider IP?

- No
- Yes
- Draft/proposed only
- Do not know

3. Please provide details of the AI strategy identified in Q1 (name, short description, year, URL, responsible organization name and, if relevant, its relation to IP).

Preliminary studies have been initiated recently in order to prepare national AI strategy. A preliminary report document has just been released in February 2020, however, it is not publicly available yet. The preliminary report is an internal document submitted to the opinion of the relevant institutions. The Presidency's Digital Transformation Office, which is the commanding force behind Turkey's national AI strategy, recently brought together people from various sectors and fields as part of the last stage of a series of projects that have been ongoing for more than two years, to answer the following questions: What do you think our strategy should be? What should we look out for? How can you contribute?

In this regard, an artificial intelligence ecosystem will be created for sustainable and production based environment, researches on AI will be enhanced through defining the data accessibility and sharing framework, the use of AI will be made more available firstly at public institutions for increasing efficiency, relevant human resources will be created and improved and finally ethical issues will be discussed surrounding AI and relevant frameworks will be prepared.

Short Description: Turkey would plan to create an AI ecosystem (Building AI infrastructure, gaining AI technology competitiveness, implementing bold regulatory reform and policy maintenance, etc.). Moreover, Turkey would become a nation that thoroughly utilizes AI (Fostering AI talent and AI education for citizens, utilizing AI across industries)

Year: -

Responsible Organization: The Presidency's Digital Transformation Office

Relation to IP: Since it's not officially announced, what this strategy would encompass cannot be shared. But, Turkey maintains her efforts to develop national AI data strategy and system. We need to protect our AI models and the algorithms created with our national data as well as understand the governance aimed at generating value from such data.

## AI AND IP LEGISLATIVE MEASURES

4. Does your country have any measures/provisions in its IP framework that were specifically enacted for AI (an example would be a modification of copyright law for computer generated works)?

- No
- Yes
- Draft/proposed only
- Do not know

5. Please provide details of the relevant legislative measures/provisions identified in Q4 (name, section, short description, year and URL).

N/A

6. Is there any case law relevant to AI and IP in your country/region?

- No
- Yes
- Do not know

7. Please provide details of the decision(s) relating to Q6 (name, short description of subject matter, year and URL).

N/A

## EXAMINATION GUIDELINES

8. Has your country's IP office (or other IP registration body) amended its examination guidelines and procedures due to AI-related inventions or works?

- No
- Yes
- Draft/proposed only
- Do not know

9. Please provide details of the relevant guidelines and sections identified in Q8 (name, short description, year and URL)

N/A

## DATA RIGHTS

10. Does your country/region have any legislative measures/provisions for database rights?

- No
- Yes - enacted law
- Draft/proposed law only
- Do not know

11. Please provide details of the relevant legislative measures/provisions identified in Q10 (name, short description, year and URL).

**Name:** Law no. 5846 on Intellectual and Artistic Works

**Short Description:**

In Turkey, legal protection has been granted to the databases through the changes introduced to the Law no. 5846 on Intellectual and Artistic Works in the years 1995 and 2004. In line with the EU Directive 96/9/EC on the legal protection of databases, dual protection mechanism has been developed for the protection of original and sui generis databases.

If you have created a database that is accessible by electronic or other means, you can protect the content and structure of your database either through a **copyright** or a **sui generis database right** according to the characteristics of the databases.

According to the Law no. 5846, databases obtained by the selection and compilation of data and materials according to a specific purpose and a specific plan, which are in a form that can be read by a device or in any other form, shall be protected as such by copyright. (This protection can not be extended to the data and materials contained in the database.)

The maker of a database who has made qualitatively and/or quantitatively substantial investment in either creation, verification or presentation of the contents shall have the right of permitting or prohibiting;

- a) Permanent or temporary transfer to another medium by any means and in any form,
- b) Distribution or sale, rental or communication to the public in any way,

of all or a substantial part of the content of the database contents with the exceptions specified in this Law and required by purposes of public security and administrative and judicial procedures.

This *sui generis* database right **protects the content of database**. You or the maker of the database can prevent the extraction and/or reuse of the whole or a substantial part of the database's content. When you create the database and it meets the requirements for the *sui generis* protection, you are automatically granted this protection for **15 years**, starting either from the creation date or from when the database was first made publicly available.

**Year:** Law No. 5846 of 5.12.1951 amended by:

Law No. 2936 of 1.11.1983;

Law No. 4110 of 7.6.1995;

Law No. 4630 of 21.2.2001;

Law No. 5101 of 3.3.2004;

Law No. 5217 of 14.7.2004;

Law No. 5571 of 28.12.2006;

Law No. 5728 of 23.01.2008

Law No. 6279 of 29.02.2012

Law No. 6552 of 10.09.2014

**URL:**

<http://www.telihaklari.gov.tr/resources/uploads/2015/10/26/Law%20on%20Intellectual%20and%20Artistic%20Works%20No.5846.pdf>

**Responsible Organization:** Ministry of Culture and Tourism

12. Does your country recognize any rights or ownership in data?

- No
- Yes
- Draft/proposed only
- Do not know

13. Please provide details of the relevant legislative measures/provisions identified in Q12 (name, short description, year and URL).

14. Does any AI strategy identified in Q1 or other strategy consider data and any creation of a *sui generis* right for data and/or databases?

- No
- Yes
- Draft/proposed only
- Do not know

15. Please provide details of the data strategy identified in Q14 (name, short description, year, URL and responsible organization name).

Our national AI strategy is a draft study and has not yet officially published. In order to standardize data, ensure data security and develop anonymization-privacy technologies in data sharing, scientific research and product development activities will be carried out and basic skills will be gained.

Presidency's Digital Transformation Office has highlighted that public institutions will have a data-sharing standard and Turkey will provide an open-door policy for data usage, and Turkey would develop national data strategy. Legal framework will be developed.

#### OTHER AI AND IP RELATED INFORMATION

16. Please provide details of any other related processes related to AI/data and IP undertaken in your county/region, for example, public consultation processes, guidance notes for legislative interpretation, policy guidance, communications, working groups, etc. (name, short description, year and URL).

Artificial Intelligence (AI) has become a strategic priority for Turkey as many governments across the globe. In addition, data are a critical component of AI since AI applications rely upon machine learning techniques that use data for training and validation. According to the report "Artificial Intelligence in the Middle East and Africa, 2019", Turkey, which is a leading country in its region in terms of investments carried out, awareness, areas of usage and strategic importance, has come to the forefront as a country that has made the highest investment in artificial intelligence in its region.

Under the auspices of the Presidency's The Science, Technology and Innovation Policies Council, The Scientific and Technological Research Council of Turkey (TUBİTAK) has initiated for national AI roadmap. Meanwhile, prioritization studies are carried out with the target suggestions from all stakeholders of universities, private and public sectors, and NGOs.

Apart from this national strategy and roadmap initiatives which is ongoing, the Ministry of Industry and Technology has been restructured. Two new Directorates have been established which are both

tackling issues directly relevant to AI among other emerging technological issues. The “National Technology Directorate General” will be focusing on the implementation of the national AI strategy under the coordination of the Presidency's Digital Transformation Office and in line with the national technological initiative. The other newly established Directorate will be more research focused and will undertake researches on the newly emerging technologies including AI.

#### TELL US WHO YOU ARE

|   |  |
|---|--|
| Country/ Region                           | Turkey   |
| Name of the person completing this survey | Zafer Uygun, Serkan ÖZKAN, Ceren BORA ORÇUN  |
| Organization                              | Ministry of Industry and Technology<br>DG for EU and Foreign Affairs<br>Turkish Patent and Trademark Office  |
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#### YOUR COUNTRY'S CONTACT OFFICE FOR AI (IF ANY)

|                |   |
|----------------|---|
| Organization   | The Presidency's Digital Transformation Office            |
| Unit           | AI  |
| Website        | <a href="https://cbddo.gov.tr/">https://cbddo.gov.tr/</a> |
| Phone          | 0090 312 403 6400   |
| E-mail         | dijitaliletisim@cbddo.gov.tr                              |
| Contact person |   |