

Comparative Advertising Is Postponed In Turkey

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The effective date of the regulation, subject to our update published on November 16, 2015 titled “*Turkey Green-Lights Comparative Advertising*”, which will allow using components related to competitors’ goods, trademarks, trade name and services in the advertisements in Turkey is postponed to the end of 2016. The provision was expected to enter into force on January 10, 2016, but an amendment to the regulation was published in the Official Gazette of December 25, 2015 with the number 29573 and postponed the effective date of this provision to December 31, 2016.

The adventure of this regulation dates back to the beginning of 2015, when the Turkish Ministry of Customs and Trade issued a new regulation on the principles and procedures pertaining to advertising and abrogated and replaced the outdated regulation of 2003. The regulation was a candidate to end the prohibition for comparative advertising in Turkey and included a provision allowing it. However the effective date of the provision was postponed to January 10, 2016. Now the entry into force of this provision is postponed for the second time, just sixteen (16) days before it was expected to be entering into force.

Therefore we may expect the comparative advertising through indicating the competitors’ names, trademarks, logos and titles to be legal in Turkey by the end of 2016, if no further amendments are made on its effective date. Advertisers should now hold off their preparations for this new era and leave over their marketing plans for 2017.

You may find a detailed analysis of the provision and its possible legal consequences in our previous update “*Turkey Green-Lights Comparative Advertising*” available at <http://www.mondaq.com/article.asp?articleid=444016>.

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(First published in Mondaq on December 29, 2015)