1. Basic Information

1.1. Title
Support to Turkey’s efforts in the full alignment and enforcement in the field of intellectual property rights with a focus on fight against piracy

1.2. Sector
Internal Market

1.3. Location
Turkey

1.4. Duration
Overall: 22 months (duration of activities: 20 months)

2. Objectives

2.1. Overall Objective(s)

The overall objective is to support the Turkish government in its efforts towards strengthening the capacity in legal, institutional, technical and investment matters related to intellectual rights protection (copyright, related rights, sui generis data base rights, etc.) in line with relevant EU Acquis, with specific focus on fight against piracy.

2.2. Project Purpose

The project purposes are as follows:

- To improve the existing legal environment by assessing and contributing to its further alignment.
- To strengthen the legal, administrative and institutional capacity of the Ministry of Culture and Tourism (MoCT) /Directorate General Copyright and Cinema (DGCC) and its services to comply with the rules and practices of EU intellectual property rights system.
- To improve the technical capacity of the Ministry and its services and ensure their effective operation and monitoring intellectual property related activities by upgrading the technical infrastructure.
- To improve the coordination between the bodies engaged in administrative protection of IPR and enforcement of IPR legislation.
• To promote protection of intellectual property through developing a well structured strategy for awareness raising activities together with collecting societies, national police, the customs and users.

• To develop and implement an Information Network System through establishment of a web-site for making the data available to the specialised IPR courts and relevant sections of the Customs, the National Police, National Security bodies, Provincial Directorates and Collecting Societies.

2.3. Accession Partnership and NPAA priority

■ Reference to AP:

□ Short-term priorities: “Complete alignment with the acquis on intellectual and industrial property rights and strengthen the fight against piracy and counterfeiting.”

□ Medium term priorities: “Ensure the effective application of the aligned industrial and intellectual property legislation through the strengthening of the enforcement structures and mechanisms including the judiciary.”

■ Reference to NPAA:

Under “Priority 5.2 Intellectual Property Rights” of the National Programme for the Adoption of the Acquis (NPAA) 2003; Restructuring of the Directorate General for Copyrights and Cinema, establishing a computer network between the Ministry of Culture and Tourism, the Undersecretariat for Customs, and the courts, setting up an IT network between central units and local offices of the Ministry, ensuring access to registered products in a virtual environment, giving seminars and conferences for public awareness are stated as medium term priorities (2004-2005). It is also stated that, within their job definition, police, municipal police, and the staff of the Ministry of Finance and the Undersecretariat of Customs will receive continuous training in order to specialize in intellectual property rights.

The related parts of the NPAA are available in Annex V.

2.4. Contribution to National Development Plan

Not applicable.

2.5. Cross Border Impact

Not applicable.

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1 In Turkish law, collecting societies is defined as ‘societies established according to the(Association) provisions of the Law and By-laws in order to protect the common interests of the authors of intellectual and artistic works and related rightholders, and to collect and to distribute the fees to the rightholders’.
3. Description

3.1. Background and justification

The conclusions of the Helsinki European Council in December 1999 recognised Turkey as a candidate for membership to the European Union. As a candidate country, Turkey has to approximate the whole body of EU legislation known as the *acquis communautaire*. Intellectual, industrial and commercial property rights (IPR) are also included under the body of the legislation that needs to be adopted and implemented by Turkey.

However, for the approximation of the legislation concerning IPR, Turkey has a head start due to the existence, since 1995, of the Customs Union between Turkey and the EU. According to the Decision 1/95 of the EC- Turkey Association Council (hereinafter the Decision), completing the Customs Union, Turkey had to gradually finalise, by 1.1.1999, the harmonisation of its IPR legislation in areas of direct relevance to the Customs Union. In this context, Article 31 and Annex 8 of the Decision listed the obligations of Turkey to align its legislation to that of the EU. Under the Article 31, Turkey promised to ensure adequate and effective protection and enforcement of intellectual, industrial and commercial property rights.

Turkey, before the entry into force of the Decision 1/95, adopted a serial of Decree-Laws for the protection of industrial property rights. Regarding copyrights and related rights, the amended version of the Law No. 5846 on Intellectual and Artistic Works came into the force on 21.2.2001. Another amendments package to the various laws including the Law No. 5846 on Intellectual and Artistic Works has very recently adopted on 3.3.2004 by the Law No. 5101 to strengthen the fight against piracy and to solve the problems among collecting societies. Following previous amendments’ entry into force in 2002, inspection and anti-piracy commissions in all 81 provinces of Turkey have been established.

Currently, the Directorate General for Copyrights and Cinema of the Ministry of Culture and Tourism is responsible for implementing the above-mentioned law. The Directorate General implements all related rules on IPR and administratively and financially scrutinizes Collecting Societies. It regulates the relationship between the Collecting Societies. Also, it conducts and controls banderolling of intellectual and artistic works and archives and makes them publicly available to be improved. Apart from these duties, the DGCC implements other related rules on IPR. 2

The general security bodies conduct raids upon the instruction of prosecutors or *ex officio*. In addition, the customs administration is responsible for making random checks to prevent imports and exports of IPR infringed goods and seizures *ex officio* upon the request of right holders on the borders.

The Collecting societies on the other hand are established with an aim to ensure protection and observation of copyright and related rights. Furthermore, they are under supervision

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2 In Turkish law banderole mean ‘a holographic security sticker, which is affixed on the copies of the intellectual and artistic works and non-periodical publications, destroyed when pulled up with a security band, which changes the characteristic of the material on which it is affixed, in order to prevent the unauthorized copying and imitation of intellectual and artistic works’.
of the MoCT. Firm involvement of these organisations in this project helps to strengthen civil society and encourages the public to participate in decision-making process.

For this reason to strengthen the Directorate General’s capacity and experience, the expertise and good practice of the EU member states’ similar bodies is necessary for the reorganization of the DG.

Even though, Turkey has made significant progress to harmonise its IPR legislation with the acquis since 1995, the fight against piracy is still not sufficiently effective and remains a matter of concern. As stated in the Regular Report 2002, with the new arrangements in the context of combating piracy, more capacity –building and training is needed and more inter-institutional co-operation among the Directorate General for Copyrights and Cinema of the Ministry of Culture, The Undersecretariat for customs, the Ministry of Interior and the Ministry of Justice (MoJustice) is required.

Currently, there does not exist a network between the MoCT and the other enforcement bodies. So, the supply component of this project foresees:

a) a database tailored for the specific needs of the MoCT to contribute in effective collective rights management

b) a central IT system based on the Internet technology, combining the collecting societies, the Customs and the National Police, National Security Bodies the Courts and the DGCC,

c) a website dedicated to the IPR in order to disseminate all relevant information.

The 2002 Regular Report encourages the establishment of an Intellectual Property Rights Institute similar to the Turkish Patent Institute to draft necessary legal rules in the field of intellectual property rights, establish a registry system, provide the information to the related milieu including the establishment of a copyright information centre, take measures to combat piracy and other infringements and represent the country in international fora.

In the Regular Report of 2003, the need for effective fight against piracy by means of legislative and enforcement measures is underlined. It also stressed the importance of strengthening administrative capacity, with training and more inter-institutional co-operation between the police, customs offices and the judiciary, as well as increasing public awareness.

As the Copyright Legislation law has recently amended in Turkey and in general the IPR legislation including enforcement rules represent a complicated nature regulated by various legal instruments, the staff of the responsible Directorate General need training on their specialisation areas including legal training for drafting legislative proposals.

Seen the importance of the effective enforcement of harmonised IPR legislation, staff of enforcement related institutions particularly the relevant officials of the National Police, the Municipalities, the Customs, the Judiciary and members of collecting societies need indepth training.
The most effective way of achieving the above mentioned goals is assistance and guidance provided by the long term expert, who would assess the existing situation, set the goals, elaborate methodology, prepare training activities and guidelines for the involved institutions, as well as co-ordinate first steps of overall co-operation.

Raising Awareness

As a matter of fact, the biggest obstacle in the current efforts to reach the European standards are deeply rooted attitudes of a large proportion of the public which cannot accept or refuses to accept the notion that the use of a copyright work must be paid for like any other product. Therefore, to raise awareness in the general public about the illegality of the piracy and counterfeiting is required.

Moreover, as producers of pirate products, actual or potential offenders of these crimes and torts must be made aware of the results of their actions namely civil and criminal sanctions such as damages, fines, imprisonment, confiscations etc.

Last but not least, the actual and/or potential creators of the works protected under IPR legislation and/or their representatives, professional organisations in the form of unions, associations and collecting societies must be further educated on how to effectively defend their rights against infringements and on civil, criminal and administrative remedies to be claimed before the competent authorities.

3.2. Results

3.2.1. Component 1: Twinning

3.2.1.1. Purpose

To strengthen the legal, institutional and technical capacity of the Ministry of Culture and Tourism /Directorate General for Copyright and Cinema and its services to transpose the rules and practices of EU IPR Legislation, to promote effective protection through developing a well structured strategy for cooperation among IPR related bodies and awareness raising activities.

3.2.1.2. Results

The expected results in the framework of this twinning component are:

- National and EU legislation concerning intellectual property rights is analysed, Turkish legislation revised and necessary amendments (including drafting a single Copyright Code) drafted.
- Institutional structure reorganised and administrative capacity of the Directorate General for Copyright and Cinema strengthened for effective implementation and absorbing new developments in the field of IPR and a policy paper drafted.
- The related staff of the MoCT are competent in their respective areas of specialisations.
• Enforcement capacity of the National Police, Municipalities, the Customs, the Judiciary are promoted.
• An enhanced cooperation among the related institutions is structured.
• Awareness raising activities performed for the public (right holders, pirate traders and users…etc). Efforts of various actors including collecting societies on the IPR are integrated.

3.2.2. Component 2: Supply

3.2.2.1. Purpose

To improve administrative capacity of the DGCC and monitor effective implementation of IPR through upgrading the technical infrastructure and establishing information network among the other enforcement bodies.

3.2.2.2. Results

• A database is developed to contribute to effective collective rights management (gathering the related data from the right-holders and collecting societies, receiving applications electronically, keeping and making available the collected data provided that the previously agreed rules obeyed and security interests ensured).
• Training in use of equipment is provided.
• Accurate statistics are produced by the Directorate General to support national IPR policy.
• Continuous exchange of information is secured between the MoCT and other enforcement bodies.
• Website is developed to support the legal predictability and general awareness.

3.3 Activities (including means)

3.3.1. Component 1 – Twinning

- Revision of the national and EU legislation and drafting of necessary amendments concerning IPR Acquis.
- Elaboration of reorganisation of the DGCC taking into account the “best practice” of EU Member States in this field.
- Development of the training packages for the staff of the MoCT including preparing guidelines and implementation charts of the procedures.
- Development of tailor made specific training packages including preparing guidelines and implementation charts of the procedures for the related staff of enforcement bodies namely the National Police, Konak (İzmir), Çankaya (Ankara), Beyoğlu and
Kadıköy (Istanbul) municipalities, the Customs, the MoJustice and collecting societies.

- Development of a constructive communication strategy including the establishment of a Consultative IPR Board and drafting of a policy paper agreed by all stakeholders.
- Developing public awareness campaigns.

**Means**

**Project Leader (PL)**

The Project Leader should be a high ranking official with broad knowledge of all processes in the area of intellectual property rights that the project deals with, who will continue to work at his/her Member State administration but devotes some of his/her time to conceive, supervise and co-ordinate the overall thrust of the Twinning project.

- Broad long-term knowledge of all processes in the area of acquis that the project is dealing with,
- High-ranking official, commensurate with an operational dialogue at vice-ministerial level,
- Overall appreciation of the problems and solutions in the sector,
- Capable of unblocking any problems at highest level,
- Good leadership skills.

**Tasks**

- Overall project co-ordination,
- Co-chairing with the Turkish PL, the regular project implementation steering committee meetings,
- Mobilising short-medium term experts,
- Executing administrative issues (i.e. signing reports, administrative orders etc.)

**Long-term twinning expert: senior adviser to the Directorate General for Copyright and Cinema (RTA) 20 m/m (The implementation duration will be 19 m/m plus 1 month for the orientation and settling down of the RTA)**

- Minimum five years experience in the organisation dealing with the implementation of the relevant EU Directives at managerial/expert level;
- A solid international background relating to institutional capacity building, institutional change and regulatory issues an advantage, a strong track record of proven management skills of complex projects;
- Good knowledge of the European institutional environment related to the implementation and enforcement of EU legislation on intellectual property;
- Network of functional contacts with related EU and Member State institutions (proven functional contacts at the EU level are considered an asset);
- Good understanding of the main issues regarding EU accession;
- Experience in carrying out strategic and organisational analyses;
- International advisory experience an asset;
- Practical experience in the determination of training needs, preparation and implementation of training packages including co-ordination of establishment of operational rules and methods;
- Practical experience in co-operation with other stakeholders.

Tasks
- To design a work plan for the implementation of the project and to assist the process of drawing up a twinning contract,
- Assist in the preparation of all strategic project documents (quarterly monitoring reports, final project report, training manuals etc.)
- To ensure continuity of implementation through the execution of the day to day management; working on a daily basis with the Turkish staff to implement the project,
- To plan, coordinate and to ensure proper quality of outputs,
- Together with the Project Leader, to nominate, mobilise and supervise the short term and medium term experts,
- To coordinate and organise training activities, workshops and public awareness activities.

Short-term experts
The RTA will be assisted on horizontal issues related to the project by EU institutional and technical experts who will be in principle deployed on a short-term basis. The short-term experts should have substantial experience in the relevant subject matter fields. It is envisaged that all of the project’s experts should possess minimum 3 years of past experience and knowledge on IPR policy in the EU Member States. In particular the short-term experts should have an appropriate mix of the following expertise:

- Expertise on legal acts for assisting the Turkish legislator for the necessary amendments or for the elaboration of new legal acts.
- Expertise on enforcement mechanisms in other EU member states.
- Adequate experience in training of the staff of the enforcement bodies and collecting societies, etc.
- Good communication skills.

Tasks
- To contribute to the project with specialist knowledge in the area of revision and drafting laws and regulations in the field of IPR,
- To prepare a proposal of reorganisation of the DGCC taking into account the “best practice” of EU Member States in this field,
- To develop training packages for the staff of the MoCT,
- To develop tailor made specific training packages for the enforcement bodies and collecting societies.
- To develop a constructive communication strategy including the establishment of a Consultative IPR Board and drafting of a policy paper agreed by all stakeholders.
- To develop public awareness campaigns.
Any other relevant information on Twinning Activities

**Trainings**

*a. Study Tours*

Limited number study tours to similar bodies in selected EU Member State(s)/acceding states will be organised for related staff of the MoCT within the limit of the budget specified in consultation with the RTA.

One of the tailor-made study visits will be particularly organised for the judges and prosecutors (including reporter judges) who are the members of the 7th Criminal Circuit and the 11th Civil Circuit of the Turkish Supreme Court (Yargıtay) **on condition that** these judges and prosecutors will have participated in the specific seminar or workshop which will be organised in Ankara on the Turkish and EU intellectual property legislation (copyright, related rights, sui generic database rights…) and the EU Enforcement Directive.

*b. Internships*

c. **Organisation of Workshops/Seminars**

To train the related staff of the MoCT particularly and the related staff of the National Police, Konak (İzmir), Çankaya (Ankara), Beyoğlu and Kadıköy (Istanbul) municipalities (and others if required), the Customs, the MoJustice and collecting societies, general IPR and tailor-made IPR training seminars and/or workshops can be repeated periodically in particular on the EU acquis and best implementation (monitoring, examination etc.) and enforcement practices (investigations, seizures, raids etc). Furthermore, it is expected to have a training of trainers scheme for the related MoCT staff. In addition, seminars and public conferences can be held for a wide range of related university students and academics (law students, art faculty students etc.), right holders, policy makers, representatives of the media and private sector entities on the new Intellectual Property Rules and its implementation.

3.3.2 **Component 2 – Supply of IT Hardware and Software**

This component involves the development of a web-based database gathering the related data from the right-holders and collecting societies, receiving applications electronically, keeping and making available the collected data provided that the previously agreed rules obeyed and security interests ensured, provision of hardware and software and training on the use of equipment and software. It will be implemented in the form of two contracts.

**Contract 1: IT feasibility Study (Service)**

Preparation of technical specifications of a tailor-made software and updating of technical specifications for hardware. This will be started outside the scope of this project through Turkey’s “Project preparation facility”.

**Contract 2: Provision of Hardware and Software (Supply)** in accordance with the IT feasibility study submitted under Contract 1.

3.4 **Linked Activities**
The EC is currently financing a technical assistance project in the area, entitled “Effective Enforcement of Intellectual Property Rights”. The project has started in 2000 and will be finished on 31 December 2005. The aim of this project is to fulfil the remaining commitments stemming from the Customs Union and to ensure effective and prompt implementation of the legislation by the courts. 7 specialized courts are set up, 7 judges and 1 public prosecutor were trained both in Turkey and abroad. Furthermore, with the implementation of the said project, completion of the computer network infrastructure of the courts and the installation of an IT network between the courts, the Turkish Patent Institute, the Under-Secretariat for Customs and the Ankara University Intellectual Rights Research Centre will also be reached. Under the same programme, the establishment of the first reference library in Turkey and holding an international symposium (May 2004) are also foreseen.

3.5 Lessons Learned
The abovementioned project has taken into account in designing this project. Eventhough a substantial assistance has been provided to Turkey by programme DG IA-D/MEDTQ/02-99 related to intellectual and industrial property, the previously implemented project the scope of the project was very limited as the Directorate General for Copyrights and Cinema of the MoCT was not included in this project. Furthermore, the participation of the Undersecretariat for Customs and the National Police of the Ministry of Interior remained very limited in the mentioned project. This programme has brought several changes in the way piracy and counterfeiting is viewed by the authorities; eventhough, it was a kick-off project in the field of intellectual and industrial property rights. However, it has to be followed by an assistance specifically related to intellectual property.

4. Institutional Framework
The beneficiary and the leading institution of this project will be the Directorate General for Copyrights and Cinema of the Ministry of Culture and Tourism of the Republic of Turkey. In addition, the project will be carried out with the close co-operation of the judiciary, the national police, customs, municipalities and collecting societies.

The Ministry of Culture and Tourism will be responsible for the provision of the necessary physical resources including office space to enable the RTA to function properly. In addition to providing the twinning partner with adequate staff and other resources to operate effectively, the senior management of the beneficiary institution will be involved in the development and implementation of policies and making institutional changes required to deliver the project results.

A Project Steering Committee (PSC) will be set up. At quarterly intervals or whenever deemed necessary by its members, the Project Leaders, the RTA and RTA counterpart and where applicable, representatives of the CFCU and the EC Delegation will meet to discuss the progress of the project, verify the achievement of the outputs and mandatory results and discuss actions to be undertaken in the following quarter. The Project Steering Committee will also discuss the draft of the quarterly report submitted to it beforehand, recommend corrections.

The responsibility for the organisation of the PSC meeting lies with both Project Leaders, who will co-chair. The PSC meetings will take place in Ankara.
In addition to the PSC, project coordination group meetings with the participation of the MoCT/DGCC, representatives of the judiciary, the national police, customs, municipalities and collecting societies will be held every three months for the implementation duration of the project.

5. Detailed Budget

<table>
<thead>
<tr>
<th>Year 1</th>
<th>EU Support</th>
<th>National Co-financing*</th>
<th>IFI*</th>
<th>TOTAL</th>
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<tr>
<td></td>
<td>Investment Support</td>
<td>Institution Building</td>
<td>Total EU (=I+IB)</td>
<td>Co-financing*</td>
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<tr>
<td>Twinning</td>
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<td>1,600,000</td>
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<td>1,600,000</td>
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<tr>
<td>Contract (supply)</td>
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<td>855,500</td>
<td>287,500</td>
<td>1,143,000</td>
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<td>TOTAL</td>
<td>855,500</td>
<td>1,600,000</td>
<td>2,455,500</td>
<td>287,500</td>
</tr>
</tbody>
</table>

*In cases of co-financing only

The Government of Turkey will provide 25 % co-financing in cash for the investment component of the project. The national co-financing will be covered from the national budget, and will include IT equipments. All running costs and maintenance of the equipment purchased under this project will be provided by the beneficiary. The same applies to software licences.

Turkey’s contribution to the project to fulfil the Twinning co-financing requirements will cover provision of adequate office space and equipment for the Resident Twinning Advisor (RTA), organisational costs of trainings, seminars and workshops (rental fees for training and seminar venues, interpretation equipment, catering as well as international travel of trainees in the framework of study visits and traineeships) and other costs non-eligible for pre-accession funding, as specified in the “2004 Reference Manual on Twinning Projects.

If the total cost of the project is greater than the amount envisaged in the Project Fiche, the extra support required will be provided by additional national co-financing.
6. Implementation Arrangements

6.1 Implementing Agency

The CFCU will be the implementing agency and will be responsible for all procedural aspects of the tendering process, contracting matters and financial management, including payment of project activities.

Mr. Ercan TORTOP
PAO – CFCU Director
Central Finance and Contracts Unit
Ehlibeyit Mahallesi 6. Sokak Ekşioğlu İşMerkezi
No:18/8 Balgat / ANKARA

6.2 Twinning

The Twinning Team will be located at the MoCT / Directorate General for Copyrights and Cinema. Contact person is:

Ms. Günay GÖRMEZ
Deputy Director General
Ministry of Culture and Tourism
Directorate General for Copyrights and Cinema
Anafartalar Cad. Eski Adliye Binası
06520 Ulus- ANKARA
Tel: +90 312 3090787
Fax: +90 312 3090779
E-mail gunay.gormez@kultur.gov.tr
ozlem.abacioglu@kultur.gov.tr
aysu.ozgur@kultur.gov.tr

In case of an absence of a suitable twinning proposal, the twinning component of the Project will be implemented through conventional technical assistance.

6.3 Non-standard aspects

None.

6.4 Contracts

There will be a selection procedure for the twinning; one service contract and one supply tender will be launched. A total of 3 contracts are envisaged as follows:

- Twinning (1.600.000 €)
- IT Feasibility Study (7,500 €)
- Supply (1.142.500 €)
7. Implementation Schedule

The following implementation schedule is estimated:

**Twinning**

Circulation of project fiches  
July 2004  
Selections of Twinning partners  
September-October 2004  
Start of negotiations of the Twinning Contract  
November 2004  
Contracting  
June- July 2005  
Start of Project Activity  
September 2005  
Project Completion  
July 2007 (including execution period)

**IT Feasibility Study**

Start of Tendering  
October 2004  
Start of Project Activity  
January 2005  
Project Completion  
February 2005

**Supply**

Start of Tendering  
February 2005  
Start of Project Activity  
November 2005  
Project Completion  
June 2006
8. Equal Opportunity

Participation in this project will be open to both males and females involved in the sector. Records of professionals’ participation in all project related activities will reflect this and will be kept with the project documentation.

9. Environment
Not applicable.

10. Rates of return
Not applicable.

11. Investment criteria
11.1 Catalytic effect
The project will serve the priorities highlighted both in the AP and NPAA which is to align with EU Directives regarding intellectual property protection, improve the institutional capacity of the related institutions and cooperation among these bodies, together with raising public awareness, as well as the effective implementation of this legislation.

11.2 Co-financing
As described in section 5 above the Government of Turkey will provide 25% co-financing in cash for the investment component of the project. The national co-financing will be covered from the national budget, and will include IT equipments. All running costs and maintenance of the equipment purchased under this project will be provided by the beneficiary. The same applies to software licences.

Turkey’s contribution to the project to fulfil the Twinning co-financing requirements will cover provision of adequate office space and equipment for the Resident Twinning Advisor (RTA), organisational costs of trainings, seminars and workshops (rental fees for training and seminar venues, interpretation equipment, catering as well as international travel of trainees in the framework of study visits and traineeships) and other costs non-eligible for pre-accession funding, as specified in the “2004 Reference Manual on Twinning Projects.

If the total cost of the project is greater than the amount envisaged in the Project Fiche, the extra support required will be provided by additional national co-financing.

11.3 Additionality
Not applicable.

11.4 Project readiness and size
Preliminary assessment report concerning the current situation of IPR in Turkey is available. The relevant document is provided in Annex IV.

11.5 Sustainability
The institution building project is targeted to the main actors of the IPR enforcement in Turkey. The strengthened legal, institutional and administrative capacity of the MoCT and enhanced cooperation with the stakeholders will facilitate the effective implementation of IPR policy in the country. Well structured trainings and campaigns will increase the awareness in the society.

11.6 Compliance with state aid provisions
Not applicable.

11.7 Contribution to NDP or Structural Funds Development Plan/SDP
Not applicable.

12. Conditionality and sequencing
Prior to signing contracts the following have to be fulfilled:

- Co-financing is available as described in section 5 above and under 11.2.
- Ministry makes available adequate number of staff fluent in English for running and coordination of the Twinning Component.

- The MoCT will assign at least one of its staff member having legal background, preferably specialised in Intellectual Property Law, on a permanent basis to work together with the project management team within the Ministry.

- There is a technical expertise and capacity within the Ministry of Culture and Tourism to maintain the Information System.

- Formal cooperation agreements (explicit memorandum(s) of understanding) will be concluded by the Ministry of Culture and Tourism and the other enforcement bodies (Ministry of Interior, the Under-Secretariat for Customs, Ministry of Justice, Konak (İzmir), Çankaya (Ankara), Beyoğlu and Kadıköy (İstanbul) municipalities), and intellectual property right holders or their representatives (Authors union, Collecting societies, etc) detailing the procedures to be put in place, etc.

The project will be sequenced as shown in the Detailed Implementation Chart.

ANNEXES TO PROJECT FICHE
I-Logical Framework matrix in standard format
II-Detailed implementation chart
III-Contracting and disbursement schedule, for full duration of project (including disbursement period)
IV-Reference list of feasibility studies-Available
V-Reference list of relevant law and regulations
VI-Reference list of relevant strategic plans and studies – Not Applicable.
VII- Indicative List of Supply
### Annex I

<table>
<thead>
<tr>
<th>1.1 LOGFRAME PLANNING MATRIX FOR SUPPORTING TURKEY’S EFFORTS IN THE FULL ALIGNMENT, AND ENFORCEMENT IN THE FIELD OF INTELLECTUAL PROPERTY RIGHTS (IPR) WITH A FOCUS ON FIGHT AGAINST PIRACY</th>
<th>Contracting period expires July 2005</th>
<th>Disbursement period expires July 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overall objective</strong></td>
<td><strong>Objectively verifiable indicators</strong></td>
<td><strong>Sources of Verification</strong></td>
</tr>
</tbody>
</table>
| To support the Turkish government in its efforts towards strengthening the capacity in legal, institutional, technical and investment matters related to intellectual rights protection (copyright, related rights, *sui generis* data base rights, etc.) in Turkey in line with relevant EU Acquis, with specific focus on fight against piracy. | 3 % decrease in level of piracy every year over 5 years. | - Annual statistics of right holder organisations  
- Annual statistics and reports of the MoCT and other enforcement bodies  
- EC Regular Reports. |
| **Project purpose** | **Objectively verifiable indicators** | **Sources of Verification** | **Assumptions** |
| - To improve the existing legal environment by assessing and contributing to its further alignment with the EU legislation.  
- To strengthen the legal, administrative and institutional capacity of the Ministry of Culture and Tourism (MoCT) /Directorate General Copyright and Cinema (DGCC) and its services to comply with the rules and practices of EU intellectual property rights system. | - EU IPR protection legislation transposed into Turkish legislation at the end of the project.  
- The central implementation (Directorate General for Copyright and Cinema) is reorganised in order to ensure effective enforcement.  
- Related staff of the DG and other enforcement bodies and collective societies is trained within their area of specialisation.  
- A common web-based database is established integrating the main | - Turkish Official Journal  
- EC Regular Reports  
- Organisation chart of Directorate General for Copyright and Cinema and job descriptions  
- Annual reports of the Directorate General for Copyright and Cinema  
- Project reports.  
- Annual Action Plans  
- Awareness Raising Activities reflected in the Media  
- Documents prepared such as guidelines, brochures | - Continued Government commitment to the process of reform in the pre-accession period. |
- To improve the technical capacity of the Ministry and its services and ensure their effective operation and monitoring intellectual property related activities by upgrading the technical infrastructure.

- To improve the coordination between the bodies engaged in administrative protection of IPR and enforcement of IPR legislation.

- To promote protection of intellectual property through developing a well structured strategy for awareness raising activities together with collecting societies, national police, the customs and users.

- To develop and implement an Information Network System through establishment of a web-site for making the data available to the specialised IPR courts and relevant sections of the Customs, the National Police, National Security bodies, Provincial Directorates and Collective Societies.

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>- National and EU legislation concerning intellectual property rights is analysed. Turkish legislation revised and necessary amendments (including drafting a single Copyright Code) drafted. - Institutional structure reorganised and administrative capacity of the Directorate General for Copyright and Cinema strengthened for effective implementation and. absorbing new developments in the field of IPR and a policy paper drafted. - The related staff of the MoCT are beneficiary and other enforcement bodies and collective societies - Efforts of various actors on IPR protection are integrated.</td>
<td>- The developed new IP legislation and regulations are well known by the enforcement authorities after receiving training - 90 % of surveyed staff able to successfully answer a questionnaire on legal, administrative and technical aspects of IPR protection.</td>
<td>- Turkish Official Journal - Collection of the documentations disseminated - Sample survey on the impact of training - Attendee lists of interim and final evaluation reports - Annual reports - EC Regular Reports - Minutes of steering committees meetings - Statistics obtained from the DG,</td>
<td>Staff remain stable and new staff recruited in line with the needs of the MoCT/DGCC Equipment delivered on time.</td>
</tr>
</tbody>
</table>
competent in their respective areas of specialisations.
- Enforcement capacity of the National Police, Municipalities, the Customs, the Judiciary are promoted.
- An enhanced cooperation among the related institutions is structured.
- Awareness raising activities performed for the public (right holders, pirate traders and users...etc). Efforts of various actors including collective societies on the IPR are integrated.

- A database is developed to contribute in effective collective rights management (gathering the related data from the right-holders and collective societies, receiving applications electronically, keeping and making available the collected data provided that the previously agreed rules obeyed and security interests ensured).
- Training in use of equipment is provided.
- Accurate statistics are produced by the Directorate General to support national IPR policy.
- Continuous exchange of information is secured between the MoCT and other enforcement bodies.
- Website is developed to support the legal predictability and general awareness.

| Job descriptions are available for all staff and the assigned staff members meet the job requirements of the job descriptions. |
| Effective coordination among the DG, enforcement bodies and collective societies is ensured. |
| Increased number of joint events and initiatives among IPR related institutions. |
| The relative level of copyright payments increase 5% during the lifetime of the project (ratio copyright payments/GNP). |
| Increase of copyright infringement complaints, seizures and cases and more efficient handling by courts. |
| Increasing awareness of the general public on IPR. |
| Demand for pirate goods is decreased. |
| Fully operational website. |

- List of activities being performed together with the central government and the collective societies.
<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Source of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| - Revision of the national and EU legislation and drafting of necessary amendments concerning IPR Acquis.  
- Elaboration of reorganisation of the DGCC taking into account the “best practice” of EU Member States in this field.  
- Development of the training packages for the staff of the MoCT including preparing guidelines and implementation charts of the procedures.  
- Development of tailor made specific training packages including preparing guidelines and implementation charts of the procedures for the related staff of enforcement bodies namely the National Police, Konak (İzmir), Çankaya (Ankara), Beyoğlu and Kadıköy (İstanbul) municipalities, the Customs, the MoJustice and collective societies.  
- Development of a constructive communication strategy including the establishment of a Consultative IPR Board and drafting of a policy paper agreed by all stakeholders. Developing public awareness campaigns | - 1 Twinning arrangement for long term: senior adviser to the Directorate General for Copyright and Cinema (RTA) 19m/m and short term experts training and advice.  
- 1 Supply contract  
- Office space | - Local co-finance available when required  
- Adequate staff recruited.  
- Twinning partners available.  
- Successful start and smooth implementation of the project.
Pre-conditions

- Co-financing is available as described in section 5 above and under 11.2 of the PF.
- Ministry makes available adequate number of staff fluent in English for running and coordination of the Twinning Component.
- The MoCT will assign at least one of its staff member having legal background, preferably specialised in Intellectual Property Law, on a permanent basis to work together with the project management team within the Ministry.
- There is a technical expertise and capacity within the Ministry of Culture and Tourism to maintain the Information System.
- Formal cooperation agreements (explicit memorandum(s) of understanding) will be concluded by the Ministry of Culture and Tourism and the other enforcement bodies (Ministry of Interior, the Under-Secretariat for Customs, Ministry of Justice, Konak (İzmir), Çankaya (Ankara), Beyoğlu and Kadıköy (İstanbul) municipalities), and intellectual property right holders or their representatives (Authors union, Collective societies, etc) detailing the procedures to be put in place, etc.
Detailed Implementation Chart for the Project

**Support to Turkey’s efforts in the full alignment, and enforcement in the field of intellectual property rights**

*with a focus on fight against piracy*

<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Month</td>
<td>7  8  9  10  11  12</td>
<td>1  2  3  4  5  6  7  8  9  10  11  12</td>
<td>1  2  3  4  5  6  7  8  9  10  11  12</td>
<td>1  2  3  4  5  6  7  8</td>
</tr>
<tr>
<td>Twinning</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supply</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract 1 (feasibility)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supply</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract 2 (Procurement)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Negotiation and contracting of Twinning Contract*

*Tendering*

*Implementation*
Annex III

CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE (EU Contribution only)

Support to Turkey’s efforts in the full alignment, and enforcement in the field of intellectual property rights
with a focus on fight against piracy
INDICATIVE

<table>
<thead>
<tr>
<th>1,000 Euros</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2004</td>
</tr>
<tr>
<td></td>
<td>II/Q</td>
</tr>
<tr>
<td><strong>Contracting</strong></td>
<td></td>
</tr>
<tr>
<td>• Twinning</td>
<td></td>
</tr>
<tr>
<td>• Supply Contract 1</td>
<td>7.5</td>
</tr>
<tr>
<td>• Supply Contract 2</td>
<td></td>
</tr>
<tr>
<td><strong>Total contracting</strong> (cumulative)</td>
<td>7.5</td>
</tr>
<tr>
<td><strong>Disbursement</strong></td>
<td></td>
</tr>
<tr>
<td>• Twinning</td>
<td>698</td>
</tr>
<tr>
<td>• Supply Contract 1</td>
<td>7.5</td>
</tr>
<tr>
<td>• Supply Contract 2</td>
<td></td>
</tr>
<tr>
<td><strong>Total disbursement</strong> (cumulative)</td>
<td>7.5</td>
</tr>
</tbody>
</table>
REFERENCE LIST OF FEASIBILITY STUDIES

Support to Turkey’s efforts in the full alignment, and enforcement in the field of intellectual property rights with a focus on fight against piracy

<table>
<thead>
<tr>
<th>Reference No</th>
<th>Description</th>
<th>Performed by</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>FWC-Letter of Contract no.ETORTOP/007/NPAFAP/TR/AEIPRL</td>
<td>Assessment of Enforcement of Intellectual Property Rights Legislation for the Ministry of Culture and Tourism including the assessment of legislation, practices and institutional enforcement structure, the definition of needs for technical assistance and IT infrastructure, the preparation of project fiche, terms of reference for technical assistance and technical specifications related to the IT equipment and human resources.</td>
<td>Mr. Daniel Lachat Mr. Dan Moisescu Mrs. Salome Steinbruechel</td>
<td>February 25, 2004 (Amended on April 6, 2004)</td>
</tr>
</tbody>
</table>
Support to Turkey’s efforts in the full alignment, and enforcement in the field of intellectual property rights
with a focus on fight against piracy

ANNEX 5.1 NPAA

PRIORITY 5.2 Intellectual Property Rights

1. Priority Description

With Law No. 5846 on Intellectual and Artistic Works and Law No: 4630 amending Law No. 5846, considerable alignment with the EU acquis on intellectual property rights has been accomplished. Nonetheless, efforts proceed for full harmonization concerning resale rights, copyright and related rights in the information society, which are in general terms already in conformity with the relevant Community legislation. Accordingly, legislative drafting continues for the legal protection of databases and the rights of their producers.

For effective implementation of the arrangements on intellectual property rights, combating piracy has significant importance. To this end, Law No: 4630 introduced significant changes, including effective mechanisms to prevent piracy, which is recognized as an organized crime. These amendments can be summarized as follows:

- Establishment of a compulsory and voluntary registration system in order to prevent the infringement of the rights of owners of the work and related rights, simplifying the procedure for proving ownership and monitoring the authorisations issued for benefits from financial rights.
- Increasing fines and imprisonment in case of infringements
- Concerning non-periodicals, cinema and music works, where unauthorised duplication is most popular, bringing new measures regarding the obligation to use holograms, and establishing monitoring commissions
- Preventing the entry of pirated goods at customs
- Introducing measures for closing places making unauthorised copies

Along with the preceding activities, with a view to removing the conflicts within national legislation, a draft law was prepared to re arrange fines and imprisonment in Law No. 3257 on Cinema, Video and Music Works according to the provisions of Law No. 5846.
Further, having scrutinized the Proposal for a directive of the European Parliament and of the Council on measures and procedures to ensure the enforcement of intellectual property rights (30 January 2003), a Draft Communiqué on The Rules To Be Obeyed By Recording Facilities Reproducing Intellectual and Artistic Works and Facilities Producing Empty Carrying Materials was prepared as the first attempt to incorporate the provisions of Article 22 of the Proposal. With this Communiqué, it will be mandatory to fix international codes on CD, VCD and DVDs, using implementations such as SID (Source Identification Code), ISRC (International Standard Recording Code). Thus production and recording facilities will be regulated.

Concerning international agreements, Turkey will become a party to the WIPO Copyrights Agreement and the WIPO Performances and Phonograms Agreement and will also finalize procedures for accession to the Rome Convention on the Protection of Performing Artists, Phonogram Producers and Broadcasting Enterprises1), and the Bern Convention Concerning the Protection of Literary and Artistic Works, in the short term.2)

In addition, there is an ongoing project in the field of intellectual and industrial property rights. The aim of the project is to fulfil the remaining commitments stemming from the Customs Union and to ensure effective and prompt implementation of the legislation by the courts. In this respect, within the framework of the MEDA Programme 2.289.450 Euros have been allocated to the project titled “Effective Implementation of Intellectual Property Rights” (Ref. No. DG1A-D/MEDTQ/02.99). Accordingly, it is envisaged to set up 7 specialized courts, and to train 7 judges and 1 public prosecutor both in Turkey and abroad. Furthermore, with the implementation of the said project, completion of the computer network infrastructure of the courts and the installation of an IT network between the courts, the Turkish Patent Institute, the Undersecretariat for Customs and the Ankara University Intellectual Rights Research Centre will be also maintained. Under the same programme, the establishment of the first reference library in Turkey and holding an international symposium are also envisaged.

2- Schedule of Necessary Legislative Changes

Table 5.2.1

<table>
<thead>
<tr>
<th>No</th>
<th>Title and Number of EU Legislation</th>
<th>Title of Draft Turkish Legislation</th>
<th>Responsible Institution</th>
<th>Proposed Date of the Approval of the Board / Minister / Council of Ministers</th>
<th>Proposed Date of 1- Adoption by the Parliament 2- Entry into force</th>
</tr>
</thead>
</table>

1) Law No: 4116 on the Approval of Turkey’s Accession to Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. (Official Gazette No: 22341 of 12.07.1995)

2) Law no 4117 on the Approval of Turkey’s accession to Paris Act (1979) that amends the Berne Convention for the protection of Literary and Artistic Works (Official Gazette No: 22341 of 12.07.1995)
<table>
<thead>
<tr>
<th>No</th>
<th>Title and Number of EU Legislation</th>
<th>Title of Draft Turkish Legislation</th>
<th>Responsible Institution</th>
<th>Proposed Date of the Approval of the Board / Minister / Council of Ministers</th>
<th>Proposed Date of 1- Adoption by the Parliament 2- Entry into force</th>
</tr>
</thead>
</table>

\(^a\) Law No. 5846 on Intellectual and Artistic Works is in line with the Directive 96/9/EEC in general terms, following the amendments made by Law No: 4630. Accordingly, all authorization concerning financial and moral rights granted to the owner of the work, the fines and imprisonment in case of an infringement of rights are also valid for the databases. Yet, the Law does not include provisions for sui generis protection of databases. So, studies continue for incorporating this issue into Law. In this respect, the new arrangement will provide protection for the content of the databases and the rights of the producers.

\(^b\) Article22, paragraph 1 (b) of the Proposal for a directive of the European Parliament and of the Council on measures and procedures to ensure the enforcement of intellectual property rights (30 January 2003)
<table>
<thead>
<tr>
<th>No</th>
<th>Title and Number of EU Legislation</th>
<th>Title of Draft Turkish Legislation</th>
<th>Responsible Institution</th>
<th>Proposed Date of the Approval of the Board / Minister / Council of Ministers</th>
<th>Proposed Date of 1- Adoption by the Parliament 2- Entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>WIPO Copyright Agreement.</td>
<td>Law approving the Ratification of Turkey’s Accession to WIPO Copyright Agreement Council of Ministers Decree on the Accession</td>
<td>Ministry of Foreign Affairs Ministry of Culture and Tourism</td>
<td>October 2003</td>
<td>1- December 2003</td>
</tr>
<tr>
<td>4</td>
<td>WIPO Performances and Phonograms Agreement</td>
<td>Law approving the Ratification of Turkey’s Accession to WIPO Performances and Phonograms Agreement Council of Ministers Decree on Accession</td>
<td>Ministry of Foreign Affairs Ministry of Culture and Tourism</td>
<td>October 2003</td>
<td>1- December 2003</td>
</tr>
</tbody>
</table>

29
### 3- Schedule of Necessary Institutional Changes

**Table 5.2.3**

<table>
<thead>
<tr>
<th>No</th>
<th>Necessary Institutional Changes – (Ministry of Culture and Tourism)</th>
<th>Period of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Restructuring of the Directorate General for Copyrights and Cinema</td>
<td>2004 - 2005</td>
</tr>
<tr>
<td>2</td>
<td>Training of staff on EU implementations</td>
<td>2003 - 2005</td>
</tr>
</tbody>
</table>

**Table 5.2.3 (Continued)**

<table>
<thead>
<tr>
<th>No</th>
<th>Necessary Institutional Changes – (Ministry of Culture and Tourism)</th>
<th>Period of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Organising “Training of the Trainers” seminars</td>
<td>2004 - 2005</td>
</tr>
<tr>
<td>4</td>
<td>Setting up an electronic archive for intellectual property products</td>
<td>2004 - 2005</td>
</tr>
<tr>
<td>5</td>
<td>Establishing computer network between the Ministry of Culture and Tourism, the Undersecretariat for Customs, and the courts</td>
<td>2004 - 2005</td>
</tr>
<tr>
<td>6</td>
<td>Establishing an IT network between central units and local offices of the Ministry</td>
<td>2004 - 2005</td>
</tr>
<tr>
<td>7</td>
<td>Ensuring accession to registered products in a virtual environment</td>
<td>2004 - 2005</td>
</tr>
<tr>
<td>8</td>
<td>Strengthening the technical and administrative infrastructure of collective societies</td>
<td>2004 - 2005</td>
</tr>
<tr>
<td>9</td>
<td>Giving seminars and conferences for the provision of information to the public and raising awareness</td>
<td>2003 - 2004</td>
</tr>
<tr>
<td>10</td>
<td>Translation of the transposed Turkish legislation and the remaining EU legislation</td>
<td>2003 - 2004</td>
</tr>
</tbody>
</table>

**Table 5.2.4**

<table>
<thead>
<tr>
<th>No</th>
<th>Necessary Institutional Changes – (Ministry of Justice)</th>
<th>Period of Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>In addition to the Istanbul Civil and Criminal Court on Intellectual and Industrial Rights, completing the establishment of other specialised courts</td>
<td>2003 – 2005</td>
</tr>
<tr>
<td>2</td>
<td>Training of judges and public prosecutors on judicial applications</td>
<td>2003 -</td>
</tr>
</tbody>
</table>

Further, within their job definition, police, municipal police, and the staff of Ministry of Finance and the Undersecretariat of Customs will receive continuous training in order to specialize in intellectual property rights.
### 4- Financing Requirements and Sources of Financing

#### Table 5.2.5

<table>
<thead>
<tr>
<th>Requirements – (Ministry of Culture and Tourism)</th>
<th>Year</th>
<th>National Budget</th>
<th>EU Resources</th>
<th>Other Resources</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I- Investment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004-2005</td>
<td></td>
<td>1,250,000</td>
<td>3,750,000</td>
<td></td>
<td>5,000,000</td>
</tr>
<tr>
<td><strong>II- Harmonisation with the EU Legislation and Implementation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel b)</td>
<td>2004 -2005</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within the context of restructuring of the Directorate General for Copyrights and Cinema, recruitment of 50 personnel to be trained as experts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Training</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A series of training for personnel on EU implementations (6 seminars, each lasting for 3 days)</td>
<td>2003-2005</td>
<td></td>
<td>21,000</td>
<td></td>
<td>21,000</td>
</tr>
<tr>
<td>Organising “Training of the Trainers” seminars (3 seminars, each lasting for 5 days)</td>
<td>2004-2005</td>
<td></td>
<td>15,000</td>
<td></td>
<td>15,000</td>
</tr>
<tr>
<td><strong>Consultancy</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultant support in order to prepare a project fiche for setting up an electronic archive for intellectual property products, strengthening the infrastructure of collective societies, accessing registered products in a virtual environment, and establishing a computer network between central and local offices of the Ministry and related institutions</td>
<td>2003-2004</td>
<td></td>
<td>100,000</td>
<td></td>
<td>100,000</td>
</tr>
<tr>
<td>Twinning to support the implementations concerning electronical archive and access to registered products in virtual environment (twinning light)</td>
<td>2005</td>
<td></td>
<td>500,000</td>
<td></td>
<td>500,000</td>
</tr>
</tbody>
</table>
a) It is envisaged to submit a project to the 2004 Programming Pre-accession Financial Assistance.

b) At this stage detailed financial needs for recruitment could not be determined.

Annex 5.1

Secondary Legislation promulgated after the publication of the Council Decision of 8 March 2001 on the Accession Partnership with the Republic of Turkey

<table>
<thead>
<tr>
<th>No</th>
<th>Title of the EU Legislation</th>
<th>Corresponding Turkish Legislation</th>
<th>Responsible Institution</th>
<th>Date and Number of the Official Gazette</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Second Council Directive 77/91/EEC of 13 December 1976 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent</td>
<td>Communiqué on Principles Regarding Dividend and Interim Dividend Payments of Corporations Subject to Capital Market Law</td>
<td>Capital Markets Board</td>
<td>13 November 2001, No. 24582</td>
</tr>
</tbody>
</table>
ANNEX 5.2.

LEGAL ARRANGEMENTS PROMULGATED BY THE MINISTRY OF CULTURE AND TOURISM CONCERNING INTELLECTUAL PROPERTY RIGHTS

LAWS:

Law on Intellectual and Artistic Works

- Law No. 5846 on Intellectual and Artistic Works
  ♦ Date of approval: 5.12.1951
  ♦ Date and Number of Official Gazette: 13.12.1951/7931

- Law on the Amendment of Some Articles of the Law on Intellectual and Artistic Works
  ♦ Date and number of Approval: 1.11.1983 / 2936
  ♦ Date and Number of Official Gazette: 3.11.1983/18210

- Law on the Amendment of Some Articles of the Law on Intellectual and Artistic Works
  ♦ Date and number of Approval: 7.6.1995/4110
  ♦ Date and Number of Official Gazette: 12.6.1995/22311

- Law on the Amendment of Some Articles of Law on Intellectual and Artistic Works
  ♦ Date and number of Approval: 21.2.2001/4630
  ♦ Date and Number of Official Gazette: 3.3.2001//24335

- Law on the Amendment of Some Articles of Law on Intellectual and Artistic Works
  ♦ Date and number of Approval: 3 March 2004/5101
  ♦ Date and Number of Official Gazette: 12 March 2004/25400

- Law approving the Ratification of Turkey’s Accession to Bern Convention for the Protection of Literary and Artistic Works
  ♦ Date of Number of the Official Gazette: 12.07.1995/22341

- Law approving the Ratification of Turkey’s Accession to Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
  ♦ Date of Number of the Official Gazette: 12.07.1995/22341

DECISION OF THE COUNCIL OF MINISTERS

- Law Decree on the Determination of the Deduction Made on the Manufacturing and Importing of any kind of Technical Material Used for Reproduction of Intellectual and Artistic Works and Carrying Materials such as any kind of empty Video Cassette, Sound Recordings, Floppy Discs, CDs and DVDs.
  ♦ Date and number of Approval: 2.5.2002 – 2002/4101
  ♦ Date and Number of Official Gazette: 24.5.2002 / 24764
• Council of Ministers Decree on the Ratification of Turkey’s Accession to Bern Convention for the Protection of Literary and Artistic Works
  ♦ Decision number: 2003/6170
  ♦ Date and Number of Official Gazette: 21.10.2003/25266

• Council of Ministers Decree on the Ratification of Turkey’s Accession to Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
  ♦ Decision Number 2003/6170
  ♦ Date and Number of Official Gazette: 21.10.2003/25266

STATUTE
• Statute on the Collecting Societies of the Authors of Intellectual and Artistic Works and Rightholders of the Related Rights
  ♦ Date and Number of Decision of Council of Ministers: 10/03/1999 – 99/12574.
  ♦ Date and Number of Official Gazette: 1.4.1999 / 23653

• Statute on the Amendments of Statute on the Collecting Societies of the Authors of Intellectual and Artistic Works and Rightholders of the Related Rights
  ♦ Date and Number of Decision of Council of Ministers: 13/8/2002 - 2002/4683
  ♦ Date and Number of Official Gazette: 24.9.2002 tarih ve 24886 sayılı

SUB-STATUTES
• Sub-statute on the Authors of Intellectual and Artistic Works and Collecting Societies of Related Rights
  ♦ Date and Number of Official Gazette: 30.01.2003 / 25009

REGULATIONS
• Regulation on the Neighboring Rights of the Rights of the Author.
  ♦ Date and Number of Official Gazette: 16.11.1997 - 23172

• Regulation on the Marking of Intellectual and Artistic Works
  ♦ Date and Number of Official Gazette: 16.11.1997 - 23172

• Regulation on the Amendments of the Regulation on the Marking of Intellectual and Artistic Works
  ♦ Date and Number of Official Gazette: 10.03.1998 - 23282

• Regulation on the Amendments of the Regulation on the Marking of Intellectual and Artistic Works
  ♦ Date and Number of Official Gazette: 30.06.1998 - 23388

  ♦ Date and Number of Official Gazette: 15.09.2001 - 24524

• Regulation on the Principles and Procedures of the Implementation of Bandroles.
  ♦ Date and Number of Official Gazette: 08.11.2001 - 24577

• Regulation on the Principles and Procedures of the carrying materials containing Intellectual and Artistic Works and the Reproduction of these Works.
• Date and Number of Official Gazette: 13.03.2002 - 24964

• Regulation on the Principles and Procedures of Registration.
  • Date and Number of Official Gazette: 14.11.2002 – 24936

• Regulation on Principles and Procedures of the Usage of the Revenues Obtained within the Framework of the Law No.3257 by the Ministry of Culture
  • Date and Number of Official Gazette: 17.02.2003/ 25023

• Regulation on Principles and Procedures of the Usage of the Revenues Obtained within the Framework of the Law No.3984 by the Ministry of Culture
  • Date and Number of Official Gazette: 17.02.2003/ 25023

• The Announcement on the Principles and Procedures of the Works of the Commissions which will be established in relevance with the Bandrole Implementation.

RELEVANT EU DIRECTIVES


• Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property


THE INTERNATIONAL AGREEMENTS TO WHICH TURKEY BECAME PARTY

• Bern Convention for the Protection of Literary and Artistic Works (Published in the Official Gazette on 12.07.1995 with the number of 22341)
  • Decision number:2003/6170
  • Date and Number of Official Gazette: 21.10.2003/25266

• Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Publicised in the Official Gazette on 12.07.1995 with the number of 22341)
  • Decision Number 2003/6170
  • Date and Number of Official Gazette: 21.10.2003/25266

THE INTERNATIONAL AGREEMENTS TO WHICH TURKEY IS AIMING TO BECOME PARTY
• WIPO Copyright Treaty (adopted by the Diplomatic Conference on December 20, 1996)
• WIPO Performers and Phonograms Treaty (adopted by the Diplomatic Conference on December 20, 1996)

THE SUB-LEGISLATION ARRANGEMENTS TO BE REALISED

• Regulations concerning the implementation of the articles 41 and 43 of the amended Law 5846 including the principles and procedures for the transmission and/or usage of the intellectual and artistic works by broadcasting institutions or by establishments

• Regulation concerning the certification and pricing according to the article 44 of the Law no:5846

• Regulation concerning the databases according to the additional article 9 which was affixed to the Law no: 5846

• Regulation concerning the annihilation of the copies which are confiscated by the prosecutors, related with the article 75 of the Law no:5846

• The Decision of the Council of Ministers concerning the Principles and Procedures of resale according to the article 45 of the Law no: 5846

• Regulation concerning the implementation defined in the additional article 4 of the Law no: 5846

• Regulation that shall be subtracted by the Ministry by taking comments of the Ministry of Finance concerning the Principles and Procedures of the usage of the revenue that are registered in the special appropriation fund according to the Law no:5846

• Amendment of the regulation determining the principles and procedures related to the investigation council and sub-commissions within the framework of the changes that are made in the article 6 of the Law number 3257 titled as Cinema, Video and Musical Works.

• Regulation concerning the Principles and Procedures of Registration shall be amended within the framework of the changes that are made in the article 13 of the Law no: 5846

• Regulation concerning the Principles and Procedures of the Usage of Bandroles shall be amended within the framework of the changes that are made in the article 81 of the Law no: 5846

• Parallelly to the amendment of the Regulation of Bandroles, changes shall also be made in the Circular concerning the Principles and Procedures for the Working of Inspection Commissions

• Amendment of the Regulation concerning the existing Certificate of Authority and the current Circular concerning the Foundation and Duties of the Collecting Societies related to the article 42 and 42/A, 42/B of the Law no: 5846

• Parallelly to the amendment of the Sub-Statute, changes shall also be made in the current Statute concerning the Collecting Societies.
Annex VII

**INDICATIVE LIST OF SUPPLY**

Support to Turkey’s efforts in the full alignment, and enforcement in the field of intellectual property rights with a focus on fight against piracy

<table>
<thead>
<tr>
<th>HARDWARE</th>
<th>Item</th>
<th>Description</th>
<th>Environment</th>
<th>Minimum requirements</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>CLUSTERED DATABASE SERVER</td>
<td>Copyright and Cinema General Directorate Ankara</td>
<td>- Rack Mounted, Maximum 4U  - 4 x Intel Xeon MP 3.0 GHz Processor with 4 MB Level 3 Cache (Must support upto 8 Processor)  - 8 GB Memory (Max : 64 GB support)  - Dual channel Ultra320 RAID Controller with RAID-1 (Mirror) support  - 2 x 3.5&quot; SL Hot-Swap Hard Disk Drive Bay  - Minimum 6 PCI slot ( 64 Bit 66 MHz PCI-X (hot-plug))  - Integrated Video Controller  - Dual 10/100/1000 Ethernet Controller for LAN Connection  - Dual 10/100 Ethernet Controller for Cluster Communication  - Floppy Disk Drive  - DVDROM Drive  - Hot Plug Redundant Power Supply (Min : 2 Power Supply)  - Hot Plug Redundant Fan  - 2 x 73.4GB 10K-rpm Ultra320 SCSI Hot-Swap SL HDD  - Dual/Redundant Fibre Channel Controller (2Gbps)  - MS Windows server 2003 enterprise (Ankara) Lic/SA OLP</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>LOAD BALANCING APPLICATION/ WEB SERVER</td>
<td>Copyright and Cinema General Directorate Ankara</td>
<td>- Rack Mounted, 1U  - 2 x Intel Xeon DP processor 3.2 GHz or higher speed, 512KB L2, 2MB L3 Cache  - 2 GB ECC DDR SDRAM RDIMM Memory. Must support upto 8 GB memory</td>
<td>5</td>
</tr>
<tr>
<td>Domain Controller Server</td>
<td>Description</td>
<td>Configuration</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>--------------------------</td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **3** DOMAIN CONTROLLER SERVER | Copyright and Cinema General Directorate Ankara | - Rack Mounted, Max 5U  
- 2xIntel XeonDP 3.2 GHz 512 KB L2, 2MB L3 Cache  
- 1 GB DDR SDRAM RDIMM Memory. Must support up to 12 GB memory  
- 2 x 73.4GB 10K-rpm Ultra320 SCSI Hot-Swap SL HDD  
- Dual RAID Controller with RAID-1 (Mirror) Support  
- Dual 10/100/1000 Ethernet Controller  
- Redundant and Hot-swap Power Supply and Fans  
- MS Windows server 2003 enterprise (Ankara) Lic/SA OLP |
| **4** DOMAIN CONTROLLER SERVER | Copyright and Cinema Directorate Istanbul and Archive Department | - Rack Mounted, Max 5U  
- 2xIntel XeonDP 3.2 GHz 512 KB L2, 2MB L3 Cache  
- 1 GB DDR SDRAM RDIMM Memory. Must support up to 12 GB memory  
- 2 x 73.4GB 10K-rpm Ultra320 SCSI Hot-Swap SL HDD  
- Dual RAID Controller with RAID-1 (Mirror) Support  
- Dual 10/100/1000 Ethernet Controller  
- Redundant and Hot-swap Power Supply and Fans  
- MS Windows server 2003 standard (Archive) Lic/SA OLP |
| **5** BACKUP SERVER | Copyright and Cinema Directorate Istanbul and Archive Department | - Rack Mounted, Max 5U  
- 2xIntel XeonDP 3.2 GHz 512 KB L2, 2MB L3 Cache  
- 2 GB DDR SDRAM RDIMM Memory. Must support up to 12 GB memory  
- 6 x 146GB 10K-rpm Ultra320 SCSI Hot-Swap SL HDD  
- Dual RAID Controller with RAID-0,1,5,10 Support and 128MB Cache  
- Dual 10/100/1000 Ethernet Controller  
- Dual/Redundant Fibre Channel Controller (2Gbps)  
- 100/200 GB LTO Local Tape Drive  
- Redundant and Hot-swap Power Supply and Fans |
<p>| | | |</p>
<table>
<thead>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>
| **6** | **ANTIVIRUS SERVER** | - Rack Mounted, Max 5U  
- 2xIntel XeonDP 3.2 GHz 512 KB L2, 2MB L3 Cache  
- 1 GB DDR SDRAM RDIMM Memory. Must support upto 12 GB memory  
- 2 x 73.4GB 10K-rpm Ultra320 SCSI Hot-Swap SL HDD  
- Dual RAID Controller with RAID-1 (Mirror) Support  
- Dual 10/100/1000 Ethernet Controller  
- Redundant and Hot-swap Power Supply and Fans  
- MS Windows server 2003 enterprise (Ankara) Lic/SA OLP |
| **7** | **FIREWALL SERVER** | - Rack Mounted, Max 5U  
- 2xIntel XeonDP 3.2 GHz 512 KB L2, 2MB L3 Cache  
- 1 GB DDR SDRAM RDIMM Memory. Must support upto 12 GB memory  
- 2 x 73.4GB 10K-rpm Ultra320 SCSI Hot-Swap SL HDD  
- Dual RAID Controller with RAID-1 (Mirror) Support  
- 3 10/100/1000 Ethernet Controller with redundant interfaces (Total 6 interface)  
- Redundant and Hot-swap Power Supply and Fans  
- MS Windows server 2003 enterprise (Ankara) Lic/SA OLP |
| **8** | **PORTAL SERVER** | - Rack Mounted, Max 5U  
- 2xIntel XeonDP 3.2 GHz 512 KB L2, 2MB L3 Cache  
- 2 GB DDR SDRAM RDIMM Memory. Must support upto 12 GB memory  
- 2 x 73.4GB 10K-rpm Ultra320 SCSI Hot-Swap SL HDD  
- Dual RAID Controller with RAID-1 (Mirror) Support  
- Dual 10/100/1000 Ethernet Controller  
- Redundant and Hot-swap Power Supply and Fans  
- MS Windows server 2003 enterprise (Ankara) Lic/SA OLP |
| 9  | SAN STORAGE (DISKARRAY) | Copyright and Cinema General Directorate Ankara | - Storage will connect to clustered database servers, backup server and tape library.  
- Has 2x8 Port switch (2Gbps)  
- All connections are redundant  
- Disk array must have dual active-active RAID controllers.  
- Raid controllers can be configured disk units as RAID 0,1,5,10 protection levels at the same unit with mixed.  
- It has minimum of 4 host ports for SAN Switch or Direct Fiber connectivity and 2 ports for FC drive connectivity.  
- All connections (Hard disk drive host or disk array communication interfaces) must be redundant and 2 GB fiber interfaces.  
- Disk array has write and read cache.  
- Cache size: Minimum 1GB per controller  
- Cache must support battery backup  
- It will configure with RAID 5.  
- Total disk size: 2 TB (14x146GB FC Disk)  
- Upgradeable to 98 FC Disk | 1 |
| 10 | TAPE LIBRARY | Copyright and Cinema General Directorate Ankara | - Rack Mount  
- Will be connected to SAN switch  
- Used by Backup Server  
- Has 2Gbps FC interface  
- Has SCSI interface  
- Has 200/400 GB LTO Tape Drive, can be installed second drive  
- Can carry 30 LTO Cartridge  
- 30 200/400 LTO Cartridge | 1 |
| 11 | BACKUP SOFTWARE | Copyright and Cinema General Directorate Ankara | MS Windows 2003 Server Compatible  
Covered Modules:  
- 2 SQL Server LAN Free and Online Backup  
- All other servers: LAN Backup  
- Disaster Recovery for All Servers | 1 |
|   | RACK | Copyright and Cinema General Directorate Ankara | - Rack must be 42U high  
- Servers, SAN Storage, SAN Tape Unit and Racks must be same Vendor brand.  
**It must deploy with:**  
- Perforated front door, rear door and side panels  
- 2U Flat Panel Monitor Console Kit (includes 15” monitor) and keyboard/mouse  
- Console Switch - 16 servers can be connected  
- Rack PDU  
- Hi-volt Power Cable (required for server, monitor, console switch, devices)  
- Blanking Plate sets  
- 10 KVA UPS (Rack Mountable)  
- All other required cables and tools for installation and setup | 2 |
|---|---|---|---|---|
| 13 | UPS | Copyright and Cinema General Directorate Ankara | - Rack Mount  
- Minimum of 1400VA  
- 220Volts  
- For other requirements | 1 |
| 14 | SDH CABINET | Copyright and Cinema General Directorate Ankara | The equivalent material or the material carries the same features with the sdh cabinet in the Ministry will be provided. All the connection settings and link equipment will be provided by the firm | 1 |
| 15 | LASER PRINTERS | Copyright and Cinema General Directorate Ankara, Archive Department, Istanbul | Print Speed Black : 45 ppm  
Paper Input Capacity St/Max : 1100 / 2600  
Paper Size : A4 or Letter  
Memory St/Max : 80 MB / 416 MB | 10 |
| 16 | SCANNER | Copyright and Cinema General Directorate Ankara | Up to 5000 documents  
Duplex Flatbed  
Up to 60 pages/min  
Automatic  
600 dpi or higher | 3 |
| 17 | PERSONAL COMPUTERS | Copyright and Cinema Directorate Provincial Departments | minimum Intel Pentium 4 2.8 GHz Processor with Hyper-Threading Technology
Intel 865G Chipset – 800 MHz Front Side Bus
512 MB PC2700 DDR SDRAM (max : 4 GB)
80 GB Ultra ATA 100 HDD
3.5” 1.44MB Floppy Drive
16X DVD-ROM Drive
Integrated Sound Card
Intel Extreme Graphics 2
Integrated 10/100/1000 Mbit Ethernet Controller
Microsoft XP Professional Operating System
Microsoft Office 2003 Professional OLP Turkish Modem | 50 |
### Item 18

<table>
<thead>
<tr>
<th>Type of instrument</th>
<th>Router</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application area</td>
<td>Copyright and Cinema General Directorate in Ankara</td>
</tr>
<tr>
<td>Number of units needed</td>
<td>1 (one per location)</td>
</tr>
</tbody>
</table>

#### Specifications

<table>
<thead>
<tr>
<th>Type</th>
<th>Rack Mountable Router</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flash Memory</td>
<td>32 Mb or higher</td>
</tr>
<tr>
<td>System Memory (DRAM)</td>
<td>128 to 256 Mb</td>
</tr>
<tr>
<td>Wan Interface card slots</td>
<td>3</td>
</tr>
<tr>
<td>AIM slot</td>
<td>1</td>
</tr>
<tr>
<td>Network Module slot</td>
<td>2</td>
</tr>
<tr>
<td>Access modules</td>
<td>1 port E3 ATM</td>
</tr>
<tr>
<td>Ethernet ports</td>
<td>2 10/100 ethernet ports</td>
</tr>
</tbody>
</table>

#### Warranty requirements

3 years onsite warranty

#### Other requirements

Should bear CE marking symbolizing conformity with all applicable Community provisions and directives.

### Item 19

<table>
<thead>
<tr>
<th>Type of instrument</th>
<th>Router</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application area</td>
<td>Copyright and Cinema Directorate in Istanbul, Archive Department in Ankara</td>
</tr>
<tr>
<td>Number of units needed</td>
<td>2 (one per location)</td>
</tr>
</tbody>
</table>

#### Specifications

<table>
<thead>
<tr>
<th>Type</th>
<th>Rack Mountable Router</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flash Memory</td>
<td>16 Mb or higher</td>
</tr>
<tr>
<td>System Memory (DRAM)</td>
<td>32 Mb or higher</td>
</tr>
<tr>
<td>Wan Interface card slots</td>
<td>4</td>
</tr>
<tr>
<td>Access modules</td>
<td>1 serial port, supporting 2 mbps, V.35 / V.24 / X.21 interface, must support up to 4 x 2 mbps port. 1 10/100 ethernet port</td>
</tr>
<tr>
<td>Ethernet Port</td>
<td></td>
</tr>
</tbody>
</table>

#### Modem Requirements

Supplier shall also provide 2 ea. 64kbps - 2mbps modems, compliant with Turkish Telecom regulations and local infrastructure.

#### Warranty requirements

3 years onsite warranty

#### Other requirements

Should bear CE marking symbolizing conformity with all applicable Community provisions and directives.
| Item 20 |
|------------------|------------------|
| **Type of instrument** | Layer 2 / 4 Switch |
| **Application area** | Copyright and Cinema Directorate in Istanbul and Archive Department in Ankara |
| **Number of units needed** | 2 (one per location) |

### Specifications

<table>
<thead>
<tr>
<th>Type</th>
<th>Ports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rack mountable</td>
<td>Layer 2, Layer 4 switching</td>
</tr>
<tr>
<td>Clustering capable</td>
<td>Min 24 10/100 Base-T ports and 2 10/100/1000 Base-T ports</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Management</th>
<th>Protocols supported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Web based management</td>
<td>IGMP snooping</td>
</tr>
<tr>
<td>DTP and PagP</td>
<td>802.3ad</td>
</tr>
<tr>
<td>IGMP snooping</td>
<td>Spanning Tree protocol</td>
</tr>
<tr>
<td>Layer 2 load balancing (PVST)</td>
<td>Layer 3 load balancing (ECR)</td>
</tr>
<tr>
<td>802.1 s/w</td>
<td>802.1 x based VLAN assignment</td>
</tr>
<tr>
<td>802.1 x based ACL assignment</td>
<td>SNMP v3</td>
</tr>
<tr>
<td>CPs based on layer 2-4</td>
<td>Spanning Tree Root Guard</td>
</tr>
<tr>
<td>Trusted Boundary</td>
<td>Aggressive UDLD</td>
</tr>
<tr>
<td>Port Security</td>
<td>Port Security w/aging</td>
</tr>
<tr>
<td>DHCP Interface tracker</td>
<td>MAC address notification</td>
</tr>
<tr>
<td>MAC address notification</td>
<td>TACACS+ and RADIUS authentication</td>
</tr>
<tr>
<td>TACACS+ and RADIUS authentication</td>
<td>Multilevel security an console access</td>
</tr>
<tr>
<td>Multilevel security an console access</td>
<td>Dynamic VLANs</td>
</tr>
<tr>
<td>Dynamic VLANs</td>
<td>QoS Policy Manager (QPM)</td>
</tr>
<tr>
<td>QoS Policy Manager (QPM)</td>
<td>SPAN, RSPAN (traffic mirroring for IDS)</td>
</tr>
<tr>
<td>SPAN, RSPAN (traffic mirroring for IDS)</td>
<td>Minimum 8,000 MAC addreses</td>
</tr>
<tr>
<td>Minimum 8,000 MAC addreses</td>
<td>Minimum 8.8 Gbps</td>
</tr>
<tr>
<td>Minimum 8.8 Gbps</td>
<td>Minimum 6.6 Mpps</td>
</tr>
<tr>
<td>Minimum 6.6 Mpps</td>
<td>Must be supported on all ports, Layer 2 and Layer 4 lookups must be supported.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Warranty requirements</th>
<th>3 years onsite warranty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other requirements</td>
<td>Should bear CE marking symbolizing conformity with all applicable Community provisions and directives.</td>
</tr>
<tr>
<td>Item 21</td>
<td></td>
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<tr>
<td>---------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Type of instrument</td>
<td>Layer 2 / 4 Switch</td>
</tr>
<tr>
<td>Application area</td>
<td>Copyright and Cinema General Directorate in Ankara,</td>
</tr>
<tr>
<td>Number of units needed</td>
<td>5 (1x24 port switch and 4x48 port switches)</td>
</tr>
<tr>
<td>Specifications</td>
<td></td>
</tr>
<tr>
<td><strong>Type</strong></td>
<td>Rack mountable</td>
</tr>
<tr>
<td><strong>Ports</strong></td>
<td>Layer 2 / 4 switching</td>
</tr>
<tr>
<td></td>
<td>Stackable up to 9 Switches</td>
</tr>
<tr>
<td></td>
<td>Min. 24 or 48 10/100 Base-T ports and 2 1000BaseX ports, populated with 1 1000BaseSX or 1 1000BaseT port.</td>
</tr>
<tr>
<td><strong>Management</strong></td>
<td>Web based management</td>
</tr>
<tr>
<td><strong>Protocols supported</strong></td>
<td>IGMP snooping</td>
</tr>
<tr>
<td></td>
<td>DTP and PagP</td>
</tr>
<tr>
<td></td>
<td>802.3ad</td>
</tr>
<tr>
<td></td>
<td>IGMP snooping</td>
</tr>
<tr>
<td></td>
<td>Spanning Tree protocol</td>
</tr>
<tr>
<td></td>
<td>Layer 2 load balancing (PVST)</td>
</tr>
<tr>
<td></td>
<td>Layer 3 load balancing (ECR)</td>
</tr>
<tr>
<td></td>
<td>802.1 s/w</td>
</tr>
<tr>
<td><strong>Security features</strong></td>
<td>802.1 x based VLAN assignment</td>
</tr>
<tr>
<td></td>
<td>802.1 x based ACL assignment</td>
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<tr>
<td></td>
<td>SNMP v3</td>
</tr>
<tr>
<td></td>
<td>CPs based on layer 2-4</td>
</tr>
<tr>
<td></td>
<td>Spanning Tree Root Guard</td>
</tr>
<tr>
<td></td>
<td>Trusted Boundary</td>
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<tr>
<td></td>
<td>Aggressive UDLD</td>
</tr>
<tr>
<td></td>
<td>Port Security</td>
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<td></td>
<td>Port Security w/aging</td>
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<td></td>
<td>DHCP Interface tracker</td>
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<td>TACACS+ and RADIUS authentication</td>
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<td></td>
<td>Dynamic VLANs</td>
</tr>
<tr>
<td></td>
<td>QoS Policy Manager (QPM)</td>
</tr>
<tr>
<td></td>
<td>SPAN, RSPAN (traffic mirroring for IDS)</td>
</tr>
<tr>
<td><strong>MAC Address table</strong></td>
<td>Minimum 8,000 MAC adresses</td>
</tr>
<tr>
<td><strong>Backplane</strong></td>
<td>Minimum 8.8 Gbps</td>
</tr>
<tr>
<td><strong>Switching performance</strong></td>
<td>Minimum 6.6 Mpps</td>
</tr>
<tr>
<td><strong>Rate Limiting</strong></td>
<td>Must be supported on all ports, Layer 2 and Layer 4 lookups must be supported.</td>
</tr>
<tr>
<td><strong>Warranty requirements</strong></td>
<td>3 years onsite warranty</td>
</tr>
<tr>
<td><strong>Other requirements</strong></td>
<td>Should bear CE marking symbolizing conformity with all applicable Community provisions and directives.</td>
</tr>
<tr>
<td>Item 22</td>
<td>Layer 3 Switch</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Type of instrument</td>
<td>Layer 3 Switch</td>
</tr>
<tr>
<td>Application area</td>
<td>IT environment, Copyright and Cinema General Directorate in Ankara,</td>
</tr>
<tr>
<td>Number of units needed</td>
<td>1</td>
</tr>
<tr>
<td>Specifications</td>
<td>Specifications</td>
</tr>
<tr>
<td>Type</td>
<td>Rack mountable chassis, minimum 7 slots.</td>
</tr>
<tr>
<td>Ports</td>
<td>26 nonblocking GBIC ports, support for SX, LX, ZX and T modules</td>
</tr>
<tr>
<td></td>
<td>24 x 10/100/1000 Base-T ports, RJ45 interface, upgradeable to 240 10/100 Base-TX or 10/100/1000 Base-T ports or 240 1000 Base-X ports.</td>
</tr>
<tr>
<td>Supervisors (CPU)</td>
<td>2 Supervisors, redundant</td>
</tr>
<tr>
<td>Layer 2/3/4 performance</td>
<td>48 Mpps minimum, to support 32 Gigabit ethernet ports</td>
</tr>
<tr>
<td>Backplane</td>
<td>64 Gbps minimum, to support 32 Gigabit ethernet ports</td>
</tr>
<tr>
<td>Management</td>
<td>Web based management</td>
</tr>
<tr>
<td>Power Supply</td>
<td>Dual AC, redundant</td>
</tr>
<tr>
<td>Protocols supported</td>
<td>IP Unicast Routing</td>
</tr>
<tr>
<td></td>
<td>Static RIP v1/v2,</td>
</tr>
<tr>
<td></td>
<td>IP Multicast Routing</td>
</tr>
<tr>
<td></td>
<td>PIM, DVMRP tunnelling</td>
</tr>
<tr>
<td></td>
<td>DTP and PagP</td>
</tr>
<tr>
<td></td>
<td>IGMP snooping</td>
</tr>
<tr>
<td></td>
<td>Gigabit EtherChannel</td>
</tr>
<tr>
<td></td>
<td>HSRP or VRRP</td>
</tr>
<tr>
<td></td>
<td>802.3ad</td>
</tr>
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<td></td>
<td>Dynamic VLANs</td>
</tr>
<tr>
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</tr>
<tr>
<td></td>
<td>802.1 s/w</td>
</tr>
<tr>
<td>Warranty requirements</td>
<td>3 years onsite warranty</td>
</tr>
<tr>
<td>Other requirements</td>
<td>Should bear CE marking symbolizing conformity with all applicable Community provisions and directives.</td>
</tr>
</tbody>
</table>
SOFTWARE

1. THE MAIN SOFTWARE COMPONENTS MUST BE USED AS DESCRIBED BELOW:

The software components are chosen based on the existing systems within the Ministry (Ministry of Culture and Tourism) and the General Directorate (General Directorate of Copyrights and Cinema) Data Centers in order to have 100% compatibility, interoperability and integration with the existing systems and investments. Operational efficiency and cost advantages will be achieved both in the installation and maintenance phases by utilizing existing know-how and investments within the Ministry.

1.1 Relational Data Base Management System:

The current RDDMS within the Ministry and General Directorate is MS SQL Server Enterprise. Therefore for 100% compatibility, interoperability, integration and utilizing existing know-how and investments, MS SQL Server Enterprise shall be used.

8 (eight) Units of MS SQL Server Enterprise Edition CPU License Lic/SA OLP shall be delivered by the contractor with the application software.

1.2 Operating System Software with application and web server services

The current Operating System within the Ministry and Directorate is MS Windows Server 2003. Therefore for 100% compatibility, interoperability, integration and utilizing existing know-how and investments, MS Windows 2003 Server Standard and Enterprise shall be used.

14 (Fourteen) Units of Windows Server 2003 Enterprise Lic/SA OLP and 4 (Four) Units of Windows Server 2003 Standard Lic/SA OLP and 2 (Two) Units of Windows 2003 Server External Connector Lic/SA OLP and 50 (Fifty) Units of Windows Server 2003 CAL Lic/SA OLP shall be delivered by the contractor with the application software, this software shall be used for application server and web server purposes.

1.3 Application and Web Server Software

The current application and web server software within the Ministry and Directorate is .Net Platform (.Net Framework). Therefore for 100% compatibility, interoperability, integration and utilizing existing know-how and investments, .Net Framework and IIS shall be used.

There will be no need for purchasing separate application server software and web server software as .Net Framework and IIS are built-in, free services within Windows Server 2003. All the software shall be developed with multi-tier architecture (data, application and presentation) based on XML for maximum interoperability. The development environment shall be Visual Studio.Net Enterprise Architect.

2 (Two) Units of Microsoft Visual Studio.Net Enterprise Architect license with 2 years MSDN Universal Subscription License shall be delivered by the contractor with the application software.
1.4 Domain Infrastructure and User Authentication/Authorization

The current Domain Infrastructure within the Ministry and Directorate is MS Windows Active Directory. Therefore for 100% compatibility, interoperability, integration and utilizing existing know-how and investments, MS Windows Active Directory Services shall be used.

1.5 Intranet Portal, Collaboration and Document Management

The current Portal, Collaboration and Document Management within the Ministry and Directorate is MS Sharepoint Portal Server and MS Office. Therefore for 100% compatibility, interoperability, integration and utilizing existing know-how and investments, MS Sharepoint Portal Server and MS Office shall be used. The application software’s documents must be accessible and usable by the Sharepoint Portal Server and MS Office. Share Portal Server will index, search, categorize and label these digitized documents which is generated by the application software.

2(Two) Units of MS Sharepoint Portal Server Lic/SA OLP and 50 (Fifty) Units of Sharepoint Portal Server CAL (Client Access Licence) Lic/SA OLP and 50 (fifty) Units of MS Office Professional 2003 Lic/SA OLP shall be delivered by the contractor with the applications software; this software shall be an integral part of the application software.

2.THE APPLICATION SOFTWARE MUST CONSIST OF THE FOLLOWING MODULES

2.1. Logging and authorisation module based on Active Directory;
2.2. Archiving and back up module;
2.3. Mandatory and on-demand registration (musical works’, cinema works’, fine arts works’, phonogram’, computer software works’ registration)
2.4. Banderole (cinema works’, musical works’ and books’ bandoerles)
2.5. Exploitation Certificates (cinema works’, musical works’ and video works’ exploitation certificate)
2.6. Exploitation Certificate for Producers (candidate and transitory) (Musical work producers’ and cinema work producers’ exploitation certificate)
2.7. Code Production (Producers’, computer software producers’ code production)
2.8. Exploitation for certificate (printing house, reproduction centers, selling units and the others)
2.9. Investigation Commissions Report
2.10. Accounting Exploitations (Registration, banderole, stoppage, tax revenues etc..)
2.11. Information about works and owner of the works, right distribution (cinema works, musical works, scientific and literary works, fine art works)In house bibliographic search;
2.12. In house management of the some registries to be created
2.13. Internet based public searchable catalogue for these registries;
2.14. Import and export modules for connection with Collector societies (in the case of the first two iterations);
2.15. XML based data interchange module with other governmental bodies (Police, Customs, etc) or Courts; based on XML Web Services standards such as WSDL, UDDI, SOAP and XML.

2.16. XML based data interchange module with other private companies (mainly with Radio and TV companies); based on XML Web Services standards such as WSDL, UDDI, SOAP and XML.

2.17. XML based data interchange module with private companies (Collecting Societies in the first two iterations) in order to update owners’ rights database; based on XML Web Services standards such as WSDL, UDDI, SOAP and XML.

3. THE DEVELOPMENT OF THE SOFTWARE APPLICATION WILL HAVE TO FOLLOW UP THE FOLLOWING STEPS

3.1. Inception Phase:
   3.1.1. System specifications
   3.1.2. Functional detailed PQP (Project Quality Plan) including plans for design, production, training, testing, as well as implementation and maintenance plans.

3.2. Elaboration Phase:
   3.2.1. Detailed analysis
   3.2.2. Technical design
   3.2.3. Risk assessment
   3.2.4. Model of the system behaviour including system context and scenarios
   3.2.5. Revised risk assessment
   3.2.6. Development plan by iterations
   3.2.7. Preliminary User manual

3.3. Construction Phase:
   3.3.1. Software development (program production)
   3.3.2. Software iterations
   3.3.3. System integration
   3.3.4. Quality Assurance results of the follow up
   3.3.5. System and user documentation
   3.3.6. Deployment plan
   3.3.7. Evaluation criteria for each iteration

3.4. Transition Phase:
   3.4.1. System testing and training including environment preparation, data loads, documentation, training of the trainers and support staff
   3.4.2. Acceptance testing (Site acceptance tests)
   3.4.3. Updated system and user documentation
   3.4.4. Roll out activities
4. EXISTING DOCUMENTS MUST BE TRANSFERRED to THE NEW DATABASE

“Registration”, “Banderoles”, “Coding (producer, publisher etc.) “certification” and all related existing documents of the General Directorate, İstanbul Branch and Archive Department will be transferred to the new database and the annexes of all these documents will be scanned.

- There are approximately 250,000 (in A4 Format) documents that will be added to the database.
- There are approximately 3 Million document and their annexes ( in A4 Format) that will be scanned. The scanning can be made by any photo format such as .jpeg, .tiff. etc.

5. THE EXISTING DATABASE MUST BE TRANSFERRED and TRANSFORMED to THE NEW DATABASE

The existing Database within the General Directorate, İstanbul Branch, Archive Department and the information made available by Collective Society will be transferred and transformed to the new database system.

6. PUBLIC WEB SITE MUST BE PREPARED

A dynamic public web site for providing information about the Directorate, anti-piracy, public announcements and news will be prepared:

- Users should be empowered to create, publish, and manage their own web content by means the existing tools like Internet browser and word processors to increase the adoption of the solution and employee productivity. This enables users to realize the full potential of the information by using them as tools for communication and provides a simplified process for users to publish documents and Web pages by using systems they are already using, without any hassle.

- Being able to manage standards-based XML content and being able to expose that content as Web services offers the interoperability. Support for XML Web services is required to achieve seamless interoperability as well as increased support for XML includes support for XML Schema and the ability to apply XML transformations.

- With a native support for managing standards-based XML content and exposing content and functionality as XML Web services helps Ministry of Culture and Tourism to be easily integrated into heterogeneous environments and connects with existing systems.

- Flexibility and interoperability with any required system, regardless of their choice of application, platform, or transport should be ensured by industry-leading support for standards XML and SOAP.
• Standards-based interoperability is capitalized by the authentication, caching, events, multilingual support, security, XML Web services, and XML. The system should have a XML place holder to make it very easy for users to incorporate XML-based services and applications into Web content.

• The infrastructure of the Web Site will be prepared parallely with the existing structure of the General Directorate (by taking into account the structure of the database, the operating system etc). For the infrastructure of the software, performance proven lanuages that can create and manage a dynamic content such as PHP, ASP will be used.

• Editor interfaces will be used in order to update the information by the users that do not have a very good computer knowledge. These interfaces will be prepared rapidly without interfering the visual design and source code.

• Improved Scalability and Reliability are essential aspects of the system. The system architecture should be enabled to scale up and scale out to meet the needs of even the largest requirements. The system should support an unlimited number of Web servers, processors, sites, and applications.

• Media files such as audio and video files could be stored as attachments in resource galleries. Site images and attachments are stored in the same manner as the site content in resource galleries on the computers running database server.

• The system should provide a security model to assign permissions and create roles and rights groups. This model should be able to restrict different users and different groups of users from accessing different parts of a site.

• Web author should be able to provide options for content contributors to specify publishing schedules for pages. These schedules define a start and expiration date for when the content is displayed. A page is not viewable until after the start date, and cannot be viewed after the expiration date.

• The system should be a part of source code management system for Web site code.

• The system controls' drag-and-drop capabilities enable developers to more quickly assemble Web sites.

• The system should take full advantage of current skill set of Ministry of Culture and Tourism and lower the cost of ownership through a fully integrated and interoperable support with the existing licenses for operating systems and database servers through a fully integrated and interoperable solution.

• The Web Site will be prepared in two languages (English, Turkish). The translations will be realised by the Ministry.
• The web-site should include interactive services like polls, forum, etc. Site usage statistics will be available on the web-site.

• Strong search capabilities should be integrated within the web-site.

7. SECURITY : Firewall Software Needs

It must provide security methods with packet-level, circuit-level, and application-level traffic screening.

• It should examine data crossing the firewall in the context of its protocol and the state of the connection.
• It must open ports only when necessary and close the opened ports when there is not user or application using them.
• It should work transparently with major Internet applications using secure network address translation (SecureNAT), predefined protocols, and application filters.
• It should provide standards-based, secure remote access with the integrated virtual private networking (VPN) services integrated with the proposed operation system.
• It should provide a method to lock down underlying operation system using pre-defined templates.
• It must identify and respond (such as execute a script, launch a program, send a mail) to common network attacks such as port scanning, WinNuke, and Ping of Death.
• It must analyze and control application-specific traffic with application-aware filters that inspect the actual data. Built-in intelligent filtering of Hypertext Transfer Protocol (HTTP), File Transfer Protocol (FTP), Simple Mail Transfer Protocol (SMTP), e-mail, H.323 conferencing, streaming media, RPC, and such.
• It must provide extensible, transparent firewall protection for all Internet Protocol (IP) clients using SecureNAT, with no client software required.
• It must protect Web servers, e-mail servers, and e-commerce applications published behind the firewall from external attacks, allowing only authorized traffic.
• It must prevent unauthorized access to mail servers and stop unacceptable e-mail at the gateway using keywords, domain filters, SMTP commands, and such.
• It must provide end-to-end security with Secure Sockets Layer (SSL) bridging, inspecting the encrypted SSL traffic.

Caching

• It must accelerate users Web access and save network bandwidth.
• It must be possible to scale up the cache by grouping multiple servers in the array.
• It must provide a way for administrators to configure the network to place caches closest to users or in chained configurations, with multiple and backup routes.
• It must optimize bandwidth usage with proactive refreshing of popular content.
• It must distribute content and pre-load the cache on a defined schedule, ensuring efficient use of the network, consistent mirrored servers, and offline availability.
• It must transparently support popular media formats. It must support live media streams on the gateway.
• It must be possible to load or delete cached objects programmatically with a caching application programming interface.
Management

- It must be possible for the administrators to enforce Internet usage policy by controlling access by user, group, application, destination, schedule, and content type.
- It must be integrated with the underlying operating system’s management tools allowing administrators to manage users, configuration, and rules with the proposed LDAP service.
- It must be possible to administer the firewall, Web cache, and proxy services with a consistent set of tools and rules, including access control, reporting, alerting, and monitoring.
- It must be possible to create multi level policies for centralized or local enforcement.
- It should record all firewall and cache activity in standard data formats such as World Wide Web Consortium (W3C) and ODBC.
- It must provide graphical summary reports showing application usage, security events, and network activity.
- It must track real-time session and performance monitoring data. It must be possible to define alerts to notify an administrator, stop a service, or execute a script in response to important system events.
- It should provide a way to set bandwidth priorities to optimize resource allocation, prioritizing bandwidth by user, group, application, destination site, or content type.
- It must be possible to manage an array of servers as a single logical unit providing easy management across the enterprise.

8. TRAINING

The contractor shall train the end users and IT staff of Ministry of Culture and Tourism and external end users (Collective Societies, Government bodies like Police department and Customs Officers, and Judicial system like judges and prosecutors)