



The Use of Terminology Regarding the Protection of Interior Designs as “Designs” under Industrial Property Rights: An Evaluation through the Stakeholders’ Perspectives

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Abstract

Throughout history, similar but different terms have been used for decoration/interior decoration, interior design, and interior architecture. The literature indicates that there are certain differences between the scope and outputs of the terminology in question. However, both in theory and in practice, it is observed that terms such as interior design and decoration/interior decoration are still frequently used, and their scope and outcomes are often confused. It is thought that the prejudices that have emerged in this process have led to the terminology of interior design, which is a discipline distinct from decoration/interior decoration, to be approached in a reductionist manner in terms of scope and outputs. In particular, in the “design” protection, the term “interior design” is not included in regulatory texts such as the Locarno Classification System and the Turkish Patent and Trademark Office (TÜRKPATENT) Design Examination Guide; instead, terms such as “presentation (get-up),” “interior layout,” and “interior arrangement” are used. This study addresses the problems created by the terminology used in regulatory texts regarding the protection of interior designs as “designs” under the Industrial Property Code No. 6769 (IPC) and the effects of these problems in practice. The study uses a qualitative research method; patent and trademark attorneys involved in design registration application processes, court experts involved in evaluation processes, judges currently serving or who have served at the Intellectual and Industrial Property Rights Court, and experts from the TÜRKPATENT Design Department and Copyright General Directorate. The data obtained through semi-structured interviews with a total of 32 participants was analyzed using content analysis, focusing on terminology usage, and the findings were grouped under three different themes. It was determined that the terminology used could lead to an incomplete or misleading perception of interior designs. In this context, alternatives and a systematic approach to terminology usage were proposed.

Keywords:

Design protection, Industrial property rights, Intellectual property law, Interior design

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INTRODUCTION

Interior design, positioned at the intersection of art and science, is not limited to pragmatic purposes or its products; it is a practice rooted in holistic knowledge production that emphasizes user experience and context” (Cross, 1982; Nelson & Stolterman, 2012). In the literature, “interior design” has been conceptualized as both a professional activity and its outputs, leading to various definitions within interior architecture. Historically, concepts such as “interior design” and “interior decoration/decoration” have overlapped significantly. However, from a contemporary perspective, it is asserted that the terminologies “interior design” and “interior decoration/decoration” differ in scope and output (Adams & Tancred 2000; Dedek, 2022; Gronberg, 1992; Havenhand, 2004; Sparke, 2008). Nevertheless, the term “interior design” is still sometimes equated with “interior decoration,” or even with mere “arrangement and placement” activities and their respective outputs. This reductionist approach fails to reflect the actual nature of interior design practice and its outcomes, potentially leading to a conceptual narrowing that goes beyond academic discussions. Such narrowing can overlook the relationship between the abstract and tangible components of interior design and may foster a misleading perspective that paves the way for various complications.

In this context, although interior designs may qualify for protection as “works” under Law No. 5846 on Intellectual and Artistic Works, the narrow interpretation of interior design practice and its outputs results in these products being either excluded from protection or granted only limited protection (Bezci & Elibol, 2021). Considering these issues within the domain of intellectual and artistic works one of the two main pillars of intellectual property rights similar problems may also arise under the other pillar, i.e., industrial property rights, in terms of protecting interior designs as “designs.” In particular, the current system under the Industrial Property Code No. 6769 (IPC), the Locarno Classification System, and the Turkish Patent and Trademark Office (TÜRKPATENT) Design Examination Guidelines use terms such as “interior layout,” “get-up,” and “interior arrangement” in relation to interior design. These terminological choices give rise to conceptual ambiguities. Although the definition of “design” under industrial property rights clearly outlines the scope of protection, the terminology used in the current system blurs the boundaries of what aspects of interior design are protected and what are excluded. Furthermore, such ambiguities may lead to conceptualization issues for stakeholders during practical processes, adversely affecting registration and post-registration procedures. Thus, this issue affects both professional practice and the protection of interior designs under the IPC.

This study investigates how the terminology used for “interior designs” within IPC-based design protection affects both registration and post-registration practices. Drawing on the literature and

regulatory texts, a conceptual framework is established and qualitative interview data from stakeholders are analyzed through content analysis to develop theory-informed, practice-oriented recommendations.

Positioned at the intersection of interior design and industrial property rights, this study aims to provide theory- and practice-based contributions to IPC design protection by addressing terminological issues, offering policy guidance, and strengthening the status of interior design within the intellectual property system.

CONCEPTUAL ANALYSIS

Since the 1700s, the term “decoration” has been used historically, with “interior decoration” becoming common in the U.S., Europe, and Turkey (Martin, 1998; Buldaç, 2015). While Rice (2007) traces its wide use to the early 1800s, Piotrowski (2001) notes its establishment in the early 20th century. A notable shift in its use occurred in the first half of the 20th century, especially by mid-century (Martin, 1998; Tate & Smith, 1986). Following World War II, the term “interior design” increasingly replaced “interior decoration,” marking a more systematic and definable field (Tate & Smith, 1986; Martin, 1998; Piotrowski, 2001). Meanwhile, with the profession’s institutionalization and the start of professional practices in the early 20th century in the U.S., the term “interior architecture” also gained recognition (Özsavaş, 2011; Rice, 2007).

The Turkish Language Association (TDK, n.d.) defines the term “iç mimarlık” (interior architecture) as “designing a structure in terms of use and aesthetics according to the physical and psychological characteristics of humans; interior architecture, decorating.” Özdamar (2019) describes interior architecture as a field fundamentally based on the activity of designing, while Hasol (2008) defines it as the profession and art of designing and implementing interior finishes and furniture work of a building. Kaçar (1998) defines the term as a professional field addressing interior spaces in terms of practical, aesthetic, and symbolic functions to meet user needs, producing designs suitable for human physical and psychological attributes and actions. The term is recognized not only in a historical context but also in national and international regulatory definitions. The Council for Interior Design Qualification (CIDQ) defines interior design as the planning and design of interior spaces, while the International Federation of Interior Architects/Designers (IFI) emphasizes it as a discipline aimed at enhancing human–space interaction and quality of life (CIDQ, 2019; IFI, 2011). The Chamber of Interior Architects within the Union of Chambers of Turkish Engineers and Architects (TMMOB), which joined TMMOB as its 18th chamber on May 7–8, 1976, also treats interior architecture as a specialized professional field (Chamber of Interior Architects, n.d.).

The scope of services and design activities related to the term “interior architecture,” as recognized by national and international authorities, was defined in the Regulation on the Practice, Registration, and Professional Supervision of Freelance Interior Architecture

Services, published in the Official Gazette No. 26999 on 16.09.2008 by the Chamber of Interior Architects (Türk Mühendis ve Mimar Odaları Birliği İçmimarlar Odası Serbest İçmimarlık Hizmetlerini Uygulama, Tescil ve Mesleki Denetim Yönetmeliği, 2008). Notably, the regulation distinguishes between the terms “decoration/interior decoration” and “interior design” as separate activities within the profession.

Havenhand (2004) distinguishes interior design from interior decoration, yet historically they have been conflated through the gendered bias that equates the interior with the feminine and the decorative. As Vanhee et al. (2021) show, this association rooted in pre-modern domestic practices continues to shape perceptions of interior design as secondary or inferior.

Supporting this argument, Moorman (2008) highlights how media, especially television shows labeled as “design,” misrepresent interior design as superficial decoration, obscuring its knowledge base. Similarly, Martin (1998) notes that interior architecture and by extension interior design is publicly perceived as closely tied to decoration. The terminological issues discussed in the literature persist today; however, while the terminologies of “decoration/interior decoration” and “interior design” share certain aspects, they differ in terms of scope and outputs. Accordingly, this study offers a conceptual analysis of these terminologies.

The term “interior decoration” denotes the aesthetic and functional arrangement of interior elements and surfaces through limited, reversible interventions such as furniture or fixture changes emphasizing material, color, and visual integrity (TDK, n.d.; Coates et al., 2009).

Interior decoration is defined as the conscious arrangement of superficial and complementary elements such as color, furniture, textures, and accessories within an existing interior shell, without altering the structural layout, in order to enhance the space’s aesthetic and visual value (McCorquodale, 1988). It emphasizes non-structural additions (e.g., wall coverings, movable furnishings) that can be easily integrated into the environment (Pile, 1995). In this sense, interior decoration is understood as a practice based on visual harmony among objects, focusing on ornamental and complementary aspects rather than structural interventions (Ramstedt, 2020; Travis & Anderson, 2024; Wood & Burbank, 2004).

Brooker and Stone (2007) state that the term “interior design” has traditionally been used to describe all kinds of interior arrangement activities, ranging from decoration to complete reconfiguration. Historically, it was often associated with arranging furniture and accessories within a specific space. However, Coates et al. (2009) emphasize that the term encompasses a broader scope beyond mere arrangement of furnishings.

According to CIDQ (2019), interior design prioritizes user health, safety, and well-being. It supports user experience by addressing

physical, mental, and emotional needs, while employing scientific and artistic methods grounded in human behavior research. Solutions are developed to be holistic, technical, creative, aesthetic, and contextually appropriate, with designs evaluated within cultural, demographic, and political contexts to ensure durability, sustainability, and adaptability.

Dodsworth and Anderson (2015), however, draw attention to the fact that the scope of the term interior design, in the context of any design problematic, may contain a certain meaning and interpretation that differs from interior decoration. The fundamental reason for this difference can be said to be the concept of “design” contained within the term and the scope of this concept. In the literature, “design” is defined from various perspectives: Archer (1968) sees it as problem-solving, Alexander (1964) as identifying correct physical components, and Owen (1993) as a creative activity using tools and language. Bilir (2013) emphasizes design as creating what does not exist, a process where concepts from experience are mentally transformed into objects, serving as a person-specific guide. Within this view, interior design is both a creative activity shaped by individual interpretation of concepts and its resulting product. Alawad et al. (2022) highlight these two dimensions of interior design. These dimensions are defined as the formal dimension that can be physically perceived and the implicit dimension that can be sensually felt. This distinction points to the multi-layered and multi-dimensional structure of the term “interior design.”

Bozdayı (1996) argues that what distinguishes interior design from other artistic creations is its ability to achieve aesthetic unity and atmosphere aligned with functions and requirements. Cordan (2017) adds that such atmosphere created through elements like surfaces, materials, light, color, furniture, textiles, landscape, and details can at times emerge from a single dominant feature, but more often from the holistic integration of all components, producing distinctive and memorable atmospheric spaces.

At this point, Kaptan (2001) presents an approach regarding how interior designs differentiate and acquire an original quality. According to this approach, the user’s needs, comfort expectations, habits, and aesthetic experience in an interior design are among the fundamental design inputs that determine the quality of the atmosphere the designer aims to create in that space and make the space livable. While the designer shapes the organization and composition of the space in accordance with these inputs, he/she can make his/her designs distinguishable from similar ones through original and creative approaches.

Dodsworth and Anderson (2015) state that the fundamental design input of interior design is the volumes defined and enclosed by structural components. This approach allows for an inference that the void in interior space is bounded and defined through the physical components of the architectural structure. In this context, Ching and Binggeli (2012) express floor, ceiling, wall, column, beam, window, door,

stair, furniture, and accessories as components of interior space, specific to the discipline of interior architecture. Although some of these mentioned components belong to the architectural structure, when considering interventions that can be made within the scope of interior design without interfering with the externally perceived identity and therefore character of the architectural structure, it is an undeniable fact that interior space may also have components that can be appropriated.

Based on these definitions by Ching and Binggeli, interior space components can be classified under five basic headings: surfaces, structural elements, fixtures, furniture, and accessories. According to this classification, surfaces can be addressed in two groups as horizontal and vertical; horizontal surfaces encompass the floor and ceiling, while vertical surfaces include partition walls. Structural elements can be defined as columns, beams, and load-bearing walls; fixtures include components such as windows, doors, and stairs located in an interior space. Furniture can be examined in two subgroups as movable and fixed. Finally, accessories, which are the fifth component of this classification, are also considered as complementary elements of interior space. However, in interior design, interior space components alone only define spatial elements and do not form a meaningful whole by themselves.

According to Gestalt theory, the whole is something other than the sum of its parts (components) (Koffka, 2013). Designers must transform these parts into meaningful wholes (spaces) by establishing original relationships between certain forming (design) principles, design elements, and interior space components in interior design practice. In this context, interior architects, in interior design practice, transform these parts into holistic, functional, and aesthetic spaces by establishing original and meaningful relationships between forming (design) principles (such as balance, harmony and unity, rhythm, emphasis and focus, contrast and variety, proportion and scale), design elements (point, line, surface, and volume, etc.) and the qualities of these elements (form, texture, color, light, material, etc.), and interior space components.

Based on the explanations made by theorists and authorities, a fundamental reading can be made regarding the scope of interior design terminology. Interior design can be understood as the outcome of a process where space components, design elements, and principles are transformed into a multi-layered physical and semantic structure. In this sense, the scopes and outputs of “interior decoration” and “interior design” differ within the profession of interior architecture.

THE USE OF TERMINOLOGY REGARDING INTERIOR DESIGNS IN DESIGN LEGISLATION

In the IPC, design is defined as “...the appearance of the whole or a part of a product or its ornamentation resulting from features such as lines, shapes, forms, colors, materials, or surface textures...” (IPC No.

6769, Art. 55/1). In this context, it can be said that in the IPC, design and product are not the same concepts; the product is considered an instrumental object to which design can be applied. Furthermore, it is understood that design can be applied not only to the entirety of a product but also to a specific part or surface of it. At this point, in the product definition made within the scope of the IPC, the products to which designs can be applied are explained as “...any object produced industrially or by hand, excluding computer programs; as well as composite products or their constituent parts, objects such as packaging, presentations of multiple objects perceived together, graphic symbols, and typographic characters...” (IPC No. 6769, Art. 55/2). Although there is no direct reference to the term “interior design” or interior space in the “design” and “product” definitions included within the scope of the IPC, when the scope of the product definition is examined, it is seen that it covers a quite broad area in terms of product diversity.

Although the law does not explicitly mention interior designs, regulatory instruments issued by competent authorities such as the Locarno Classification System and the TÜRKPATENT Design Examination Guide together with design registration records in the TÜRKPATENT Design Search Database indicate that interior designs are treated as protectable designs under industrial property law.

Established under the 1971 Locarno Agreement, the Locarno Classification System organizes the products to which industrial designs may be applied and is central to design registration practice. It comprises 32 main classes, 223 subclasses, and over 6,000 product categories, and is periodically updated by WIPO (Suluk, 2003; WIPO, n.d.-a).

In the 2025 version of the Locarno Classification System, referred to as “Loc15” by WIPO (n.d.-b), when looking at the terminology usage in line with the purpose and objectives of the study, it is seen that it is addressed under Class 32 under the heading “Graphic Symbols and Logos, Surface Patterns, Ornamentation, Arrangement of Interiors and Exteriors.” This class is divided into two subheadings: under code “32-01,” graphic symbols, surface patterns, and ornamentations; under code “32-02,” arrangements of interiors and exteriors. Regarding the subclass coded 32-02, noted as “interior and exterior arrangements involving the placement of fixed objects,” various spaces are defined through the expression “arrangement of...,” with examples including parks, sports fields, vehicle and boat interiors, educational facilities, offices, restaurants, shops, rooms, trains, and window displays (WIPO, n.d.-b).

In the previous version of the Locarno Classification System used by TÜRKPATENT (n.d.-a), Class 32 appears under the heading “Graphic Symbols and Logos, Surface Patterns, Ornamentation.” Under this class, all elements are presented as a list under code 32-00 without any sub-classification. The expressions included in this list are as follows: “Get-up (arrangement of boat interiors),” “Get-up (arrangement of restaurant

interiors),” “Get-up (arrangement of shop interiors),” “Get-up (arrangement of the interior of a room),” “Get-up (arrangement of train interiors),” “Get-up (arrangement of window displays),” “Graphic designs (two-dimensional),” “Graphic symbols,” “Graphic symbols (comic figures),” “Logos,” “Ornamentation,” and “(Surface patterns)”. Separate from WIPO’s current list regarding the Locarno Classification System, Class 32 is not divided into subclass codes, and both “...arrangement” expression and the “get-up” expression are used together. As Turkish equivalents, the terminology “sunum” and “... içi düzenlemesi” has been used.

Another regulatory text is the “Design Examination Guide” published by TÜRKPATENT. The Design Examination Guide contains both binding and advisory guidance information regarding the application, expressing the necessary requirements and points to be considered for applicants during the design registration application process. Although the IPC does not include interior design terminology and a clear explanation directly expressing interior design, the expression “...presentations of multiple objects perceived together...” in Article 55/2 of the IPC is stated in the Design Examination Guide to correspond to examples such as “interior spaces, stores, vehicle arrangements, etc.” (IPC No. 6769, Art. 55/2; TÜRKPATENT, 2025). In this way, a general framework is presented through an indirect expression to encompass interior designs as well. When the guide is examined in terms of terminology usage within the context of the study scope, it is seen that sometimes the expressions “interior space arrangement” and sometimes “interior design” are used. However, explanations regarding design applications related to interior space are placed under the heading where the term “interior space arrangement” is used (TÜRKPATENT, 2025). Another noteworthy point is the specification that for design registration applications to be made for interior spaces, the upper class coded 32-00 of the Locarno Classification System must be used. Furthermore, when specifying the product name during application, it is emphasized that instead of using the terminology “interior design (iç mekan tasarımı),” “design (dizayn),” or “concept (konsept),” examples such as “restaurant, store, room, train” should be given and the expression “arrangement of ... interior (... iç mekan yerleşimi)” should be added at the end (e.g., arrangement of kitchen interior (mutfak iç mekan yerleşimi), preferring usage in the form of “arrangement of ... interior” (TÜRKPATENT, 2025).

Another practical indicator is the TÜRKPATENT Design Search Database, which contains records of registered designs searchable by criteria such as designer, applicant, or Locarno class. A search of all records between 1996 and 2023 yields 204,454 registered designs, reflecting the scope of design protection under the IPC (TÜRKPATENT, n.d.-b).

In the research conducted by entering the upper-class code 32-00 related to interior spaces in the Locarno Classification System, it was

observed that 32,241 records were included within the class coded 32-00. However, since the upper class coded 32-00 in the Locarno Classification System used by TÜRKPATENT does not have a special class or subclass code defined specifically for interior spaces, all 32,241 records related to interior spaces that could fall within the scope of interior design activity were examined individually. In this examination, it is understood that commercial spaces such as perfumery, technology, glassware, food, restaurants, cafes, bars, beauty salons, markets, gas stations, entertainment centers, and spas are predominant; additionally, interior spaces used for various activities such as metro stations, wet areas (toilets, kitchens, bathrooms, etc.), hotels, vehicles, mosques, and fair stands have been subject to design registration (Chamber of Interior Architects, 2008; TÜRKPATENT, n.d.-b).

A noteworthy point in this examination is that, although the Design Examination Guide recommends the term “arrangement of the interior,” applicants and patent attorneys frequently use alternative and non-standard product designations such as “decor,” “decoration,” “design,” “concept,” “appearance,” and “exterior space arrangement” in design registration applications (TÜRKPATENT, n.d.-b).

In sum, the Locarno Classification, Design Examination Guide, and TÜRKPATENT Database indicate that designs encompassing interior spaces are protectable as industrial designs, even though “interior design” is not explicitly named. This protection extends not only to interior design works but also to spatial layouts and volumetric arrangements arising from decoration, arrangement, and placement practices.

METHOD

The findings presented in the research are based on the doctoral thesis study conducted by the first author under the supervision of the second author, and the data obtained during the research process carried out within this study, with the necessary permissions obtained in accordance with the decision numbered E-35853172-663.08-00002356461 taken at the meeting of Hacettepe University Senate Ethics Committee on August 9, 2022.

The qualitative research method (Yıldırım & Şimşek, 2021; Tanyaş, 2014), in which qualitative data collection techniques such as observation, interview, and document analysis are used and comprehensive and detailed data are obtained in terms of information diversity through a purposefully selected sample, is the basic approach adopted in this study. The “case study” method, one of the qualitative research approaches that can cover various subjects such as individuals, processes, groups, and places, and whose purpose is to describe, understand, predict, and/or control phenomena (Creswell, 2013; Yin, 2008; Woodside, 2010; Gerring, 2006; White & Cooper, 2022), was preferred. Among the cases addressed in accordance with the research approach and the design types determined based on their structure, a

holistic single-case design was used. Additionally, explanatory and descriptive research designs that allow for the detailed examination of a specific case within its real-life context and aim to examine how and why a phenomenon occurs in complex real-world situations (Yin, 2008; Yin, 2017) were utilized in the research.

In the conducted research, since sampling does not aim to represent the entire universe, non-probability sampling was preferred in determining participants in accordance with the research purpose. In the preferred sampling method, classifications were made using expert and criterion sampling methods to reach in-depth and meaningful data; the snowball sampling method was used to reach participants.

“Interview” was preferred as the data collection technique. In these interviews, a semi-structured question technique (Yıldırım, 1999; Merriam, 2009) consisting of open-ended questions was used around the research problematic axis to collect data.

The collected data were analyzed using the content analysis method. Within the scope of the study, the procedure related to content analysis was structured by adhering to the general framework in the literature.

The procedure followed in the content analysis process is as follows: classification of data, labeling of participants, transcription, immersion in data, coding, creating categories, and reaching themes (Rose, 2012; Merriam, 2009; Yıldırım & Şimşek, 2021).

Interviews were conducted face-to-face or online. The sample group of the research consists of Patent or Trademark Attorneys (referred to as “attorneys” in the text) who make registration applications on behalf of applicants wishing to obtain design registration, court experts involved in legal processes, judges who are serving or have previously served in intellectual and industrial property rights courts, and experts from TÜRKPATENT Design Department and General Directorate of Copyright. The criterion for court expert was determined as actively serving as court expert for at least 10 years. The criterion for attorneys was also determined as having at least 10 years of experience in the field. In the interviews, audio recordings were made with the permission of the participants.

Interviews were conducted with a total of 32 participants. The distribution of the 32 participants according to sample groups is given in Figure 1. A total of 20 hours, 3 minutes, and 23 seconds of audio recording data were obtained from the conducted interviews. The audio recordings obtained from participants were transcribed using an online transcription application. Unlike the doctoral thesis study from which the study data were obtained, the transcriptions were re-examined using the content analysis method in line with the purpose and objectives of this study, and four themes were reached.

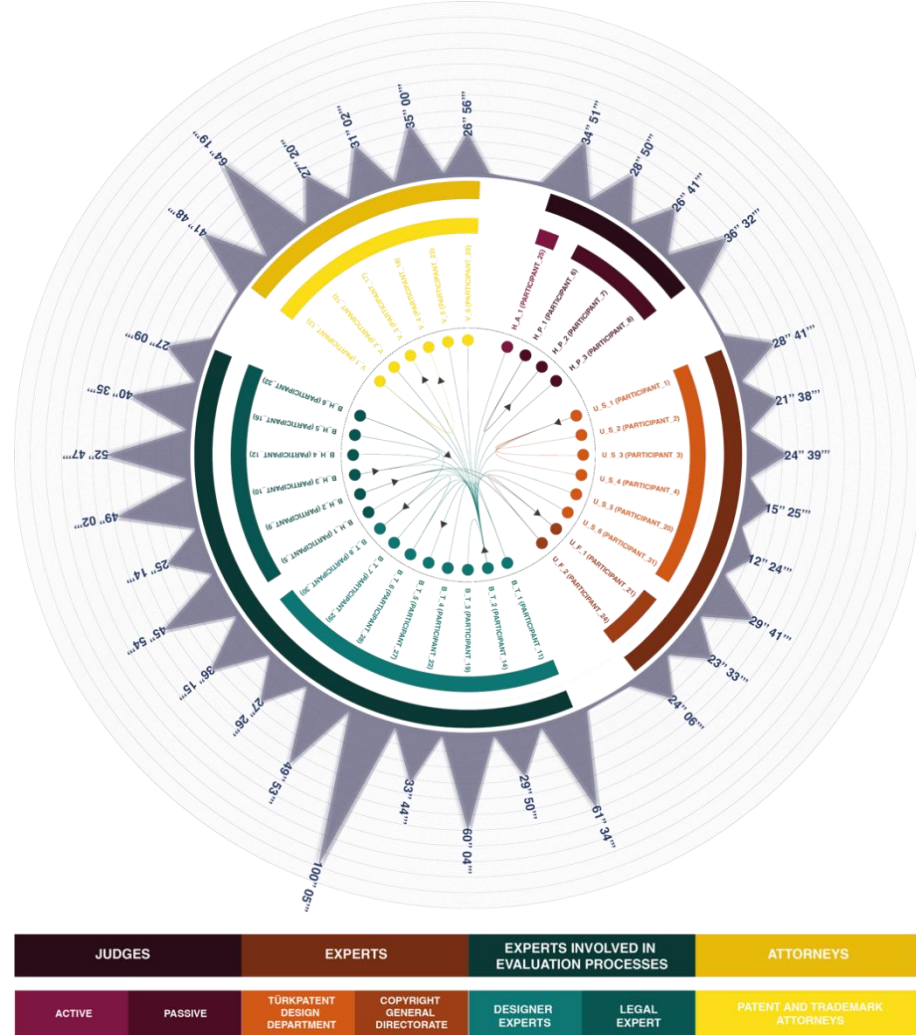


Figure 1. Labeling of participants and general reflection of indicators related to interview data.

FINDINGS

The audio recordings were transcribed using an online tool and reanalyzed through content analysis, yielding four themes, which are presented with their respective categories in the following sections.

Theme 1: Protection of Interior Designs as Designs Under the Industrial Property Code No. 6769

Industrial property experts stated that interior designs are expressed with terms such as “interior space arrangement,” “arrangement design,” “interior arrangement of a space,” and “get-up” within the scope of the IPC; that they are included in Class 32 of the Design Examination Guide and Locarno Classification System, and that they can receive protection as designs within this scope. Similarly, some court experts also stated that these designs are evaluated as “arrangement,” “organization,” and “design.”

Some participants attempted to explain what is protected in interior spaces that may be subject to design protection under the IPC in terms of the terminology used. While one judge stated that this legal protection is provided through “appearance,” he emphasized that to clarify the framework specifically for interior spaces, it is not the

appearance of the elements contained in an important interior space, but the appearance of the whole created by these elements coming together. With a similar view, a designer court expert also stated that within the scope of protection, the “general perception” created by the elements forming the interior design as a whole is protected. One expert and another judge emphasized that the appearance in an interior design stems not from the volume or elements in the space, but from the “ambiance” and “atmosphere” created by these elements coming together, and that within the scope of the IPC, interior designs can be protected when their appearance providing this “general ambiance” and “atmosphere” meets the conditions of “novelty” and “distinctive character.”

Theme 2: Problems Related to Terminology Usage in Legislation, Design Examination Guide, and Locarno Classification System

Participants generally noted that the terminology used in the IPC, the Design Examination Guide, and the Locarno Classification System gives rise to various practical and theoretical problems.

Some experts stated that there is no specific distinction for interior designs in the Locarno Classification System. Therefore, it was noted that applicants cannot easily determine whether designs similar to or identical to their own interior designs exist through the Official Design Bulletins and Design Search Database published by TÜRKPATENT at regular intervals. Similarly, some attorneys also emphasized that they experience difficulties due to the Locarno Classification System when researching interior designs in the design registration processes they conduct as representatives.

In addition to this situation, some participants noted that using different expressions such as “...interior arrangement” and “get-up” in the Locarno Classification System, and “...interior space arrangement” in the Design Examination Guide instead of “interior design” as the product name can cause problems for applicants in determining product names and can be reflected in the registration process in various ways. An expert who substantiated this situation stated that applicants generally use terms such as “concept,” “design,” and “decoration,” other than the names included in the Design Examination Guide.

Some attorneys stated that they experience difficulty in searches conducted by entering ‘product name’ to reach interior spaces that have been subject to design registration among all designs included in this class, particularly through the TÜRKPATENT Design Search Database used as a practical method in research, due to no distinction being made in Class 32. It was noted that this difficulty stems from applicants using different expressions than the terminology specified in the Design Examination Guide.

Participants stated that there are various problems in the legislation, the Locarno Classification System, and the Design Examination Guide regarding terminology usage. It was expressed that due to the lack of

explicit inclusion of the term “interior design,” the preference for different expressions instead, and the indirect nature of explanations, stakeholder perception regarding the subject is negatively affected, and this can lead to various problems. In this context, it was emphasized that the use of expressions such as “... interior space arrangement” used when determining product names in the Design Examination Guide, and “... interior arrangement” and “get-up” in the Locarno Classification System, without using the term “interior design,” can create a perception that interior spaces that are the output of activities other than design are being protected.

One expert stated that the use of terms “arrangement” and “organization” can lead to debates about what is the subject of protection in interior spaces and conceptual uncertainty for all stakeholders. A judge noted that the definition of “design” in the legislation is based solely on the “appearance” characteristics of design, and that considering this definition together with the expressions “arrangement” and “organization” used for interior designs in IPC practice can affect the perception of protection provided by the IPC. According to the participant, expressions such as “organization” and “arrangement” do not suggest evaluating an interior space as a design in terms of quality; they can only cause a false perception that it would be sufficient for an interior space created through such activities to meet the “novelty” and “distinctive character” conditions envisioned for designs. Similarly, a designer court expert also expressed that a perception is formed that only the appearance created by the differentiation of arrangement or organization related to an interior space is protected.

One participant stated that he/she evaluates the expression “...presentations of multiple objects perceived together...” in the product definition in the IPC as an explanation that includes interior designs within the scope of protection. However, he/she emphasized that this expression was difficult to understand even by TÜRKPATENT in the early years of work conducted within the scope of industrial property rights, and that attempts were made to clarify it through explanations made in the Design Examination Guide regarding protection during the process. In this context, another expert who stated that they experienced hesitation about what would be protected when the first interior design application came, expressed that it could not be understood whether fixtures or another element would be protected; at this point, they drew similarities with showcase designs and evaluated in this way. He/she stated that in showcase designs, the elements inside the showcase are generally not protected, and they look at “the ambiance created by the composition formed with those elements within that volume.” Although it may be perceived as “arrangement” or “organization,” he/she expressed that it should not be an “ordinary” arrangement and organization.

A designer court expert stated that due to the terminology and explanations used, the scope of protection is limited to the appearance of an interior space created solely on the axis of “organization” and “arrangement.” However, he/she drew attention to the fact that interior spaces designed with existing elements may differ, particularly in terms of “proportion” and “floor plan,” which can also affect appearance. Most participants also expressed from a similar perspective that in the act of creating a similar or identical interior design, that is, attempting to imitate a design, these designs can be perceived as different due to different floor plans. It was emphasized that the terms “arrangement” and “organization” are open to interpretation in design registration practice and therefore can lead to misdirection. In this context, one participant commented through a hypothetical example; he/she stated that, for example, he/she created a conference hall arrangement in a circular space and made an interior arrangement by placing seating elements with a specific arrangement logic, and that this met the design protection conditions under the IPC. However, he/she noted that if the same arrangement were applied to an area with a different floor plan, it would inevitably have a different appearance, and in this case, he/she thought that the interior design could not be protected.

Similarly, another court expert stated that, particularly due to differences in floor plans, interior spaces resulting from “arrangement” and “organization” activities carried out in interior spaces show similarity rather than being identical, and that this situation is frequently encountered. He/she expressed that these similarities may stem from existing elements used within the interior spaces in question, even if the floor plans are different; therefore, attention should be paid to both the overall impression and the elements used in evaluations. Another participant sharing the same view stated that the overall impressions created by compared interior designs on the informed user may differ, and the elements used play a determining role in the formation of this difference.

Another participant expressed that in the “distinctive character” evaluation made during the design comparison process, even if the floor plans are different, when viewed holistically, the overall impression created by the identified differences on the informed user is important. Within the scope of this evaluation, he/she noted that colors, materials, some furniture, and fixtures can be copied and used in an interior space with a different floor plan; despite differences in “floor plan” and “arrangement layout,” the “atmospheres” formed in the whole can be similar.

On the other hand, another view shared by participants is that due to the terms used in the current system, it is not clearly stated that the elements (furniture, fixtures, accessories, etc.) included in interior design must belong to the applicant, and this situation leaves room for interpretation. It was expressed that problems may be experienced due

to the elements it contains in a design registration application for an interior arrangement or organization structured in this way.

Experts stated that applicants or attorneys making applications on their behalf can use elements belonging to others or already existing elements in interior spaces that are the subject of design registration. While these elements may belong to a single person or only one company in some cases, it was stated that in some applications, numerous elements belonging to different persons or companies are seen together. Additionally, attention was drawn to situations where interior spaces subject to application can contain elements belonging both to the applicant and to different persons or companies together. It was expressed that this situation is thought to be dependent on the terminology used and the explanation of “interior space arrangement.”

Another court expert participant mentioned another dispute issue. He/she stated that furniture located in an interior space protected by design registration can have similar items used by third parties in commercial activities. In this context, he/she expressed that furniture included in an interior design can be furniture belonging to another person that is under protection by design registration. Therefore, he/she emphasized that a partial invalidity decision could be made for the registered interior design.

An expert and an attorney stated that when making design registration applications in the face of such situations, regarding the method they follow, they think that every element included in an interior space that will be subject to design registration should be designed specifically for that space. For this reason, they expressed that they request applicants to make applications by removing visual representations of elements such as tables, chairs, armchairs, and accessories that do not belong to them.

Other points where both participant groups meet on common ground were identified as: most interior designs subject to design registration do not have design characteristics, and applicants either have no knowledge about the subject or have very limited knowledge.

Experts and attorneys stated that applicants experience a significant knowledge gap regarding design registration. It was expressed that applicants can make applications without thinking about questions such as “What is a design?”, “How should it be?”, “Do I have an interior space that can be subject to design registration?”. Some participants related to the subject emphasized that the protection system is open to everyone; however, due to this knowledge gap, applications that contradict the basic logic of the IPC can also be made. Some experts and attorneys stated that applicants can even apply for design registration for the appearance they obtain by simply “placing” only a chair and a table within a volume with four walls in the most general terms.

Regarding the subject, an attorney stated that applicants may want to make design registration applications with interior designs consisting of elements not belonging to them.

Although the fundamental reason for the problems expressed in the responses given by participants was stated as the knowledge gap of applicants, some participants emphasized that this situation essentially stems from terminology usage.

Theme 3: Views and Recommendations Presented Regarding Legislation, Design Examination Guide, and Locarno Classification System

Many participants agreed that the absence of the term “interior design” in the legislation leads to interpretive differences and practical uncertainty.

One expert stated that he/she evaluates the expression “...presentations of multiple objects perceived together...” in the product definition in the IPC as an explanation that includes interior designs within the scope of protection. However, he/she expressed that this expression is difficult to understand, and that this issue was attempted to be clarified through explanations made in the Design Examination Guide regarding protection during the process. He/she still stated that the expression does not carry complete clarity and that the uncertainty should be eliminated by adding the expression “interior design” through an arrangement to be made.

Along with a similar view, some participants stated that although there are explanations that the expression “...presentations of multiple objects perceived together...” in the current legal text covers interior designs, both this expression and the explanations are insufficient, and the concept of “interior design” should be explicitly included.

Some participants with legal backgrounds stated that problems regarding terminology related to “interior designs” can be resolved not directly through the IPC, but through arrangements to be made specifically in the Design Examination Guide and Locarno Classification System. A legally trained court expert emphasized that law operates with general rules rather than a casuistic (case-based, detailed rule-based) method, and that arrangements made in this way would be contrary to the legal system.

Participants generally drew attention to the inadequacy of expressing interior designs, particularly as “arrangement.” It was expressed that this situation causes focus only on placement methods rather than the holistic effect of elements forming the interior space and therefore may produce erroneous results in the evaluation process. It was emphasized that the terminology needs to be reconsidered in this context.

Some participants stated that even when the same elements are used, interior spaces may differ in floor plans, arrangements, and organization. They noted that interior designs meeting the criteria of novelty and distinctive character can therefore be protected under the IPC. In this context, it was emphasized that dominant elements may determine the distinctive character of a design, and that another interior

created by copying or adding to these elements may produce a similar overall impression. Accordingly, although the terms “arrangement” and “organization” are used, differences in layout alone should not be decisive in evaluating interior designs.

Participants stated that due to the nature and structure of interior design, using some existing elements is a necessity. Indeed, in parallel with the views that this situation may also constitute a rights violation, they presented various recommendations regarding such interior spaces that will be subject to design registration.

Some participants expressed that it should be determined whether the elements used in an interior space belong to the applicant or not, and whether this affects the “overall impression” of the design in question. If this overall impression stems from elements not belonging to the applicant, it was stated that an interior space created only through “arrangement” and “organization” activities may not meet the protection conditions.

Some attorneys and experts stated that obtaining permission documents for the use of elements not belonging to the applicant in design registration applications could be a solution. However, it was also expressed that the practical applicability of this method is low.

Therefore, the absence of elements not belonging to the applicant in design applications was presented as an alternative recommendation. Thus, it was expressed that basing the evaluation to be made solely on the appearance belonging to the applicant would yield healthier results.

A designer court expert sharing a similar view stated that this method could both reduce the possible risk of rights violation and more clearly determine whether the remaining design elements have “novelty” and “distinctive character.”

Theme 4: Participants’ Conceptualization Problems Regarding “Interior Design” Terminology

Some participants made various explanations regarding interior design during the interviews conducted. These explanations present perspectives on how and in what way participants approach interior design.

Some participants’ statements during the interviews reveal how they approach and conceptualize interior design. Most participants defined interior design solely as bringing together and organizing existing elements. While some limited this process to furniture arrangement (armchair, sofa, bed, etc.), one participant expressed that new compositions are created by selecting different colors and materials from catalogs. A legal court expert stated that interior design is generally conducted with imitative approaches such as “combination,” “harmonization,” “collage,” and “patching.” A designer court expert emphasized that such activity and the production resulting from this activity cannot be design. With a similar perspective, some participants expressed that the concepts guiding interior design activity are

“fashion” and “trend,” that everything is shaped according to these concepts, and that the activity performed is not a design but rather a decoration activity performed solely to meet these concepts. In this context, another participant expressed from a different perspective that interior design activity is an activity that only seeks solutions to functional problems.

Some participants stated that interior spaces are arranged like mathematical operations through template plans and their derivatives are organized; another participant noted that “type projects,” which he/she referred to as “copy projects,” make interior designs non-original because they can be applied repeatedly; they are variations of each other or identical.

CONCLUSIONS AND RECOMMENDATIONS

In the theoretical framework established in the conceptual analysis section of the study, it can be said that there is a reductionist approach that leads to a conceptual narrowing in terms of the scope and outputs of “interior design” terminology due to transitions experienced in the historical process and prejudices accompanying these transitions. In the literature, it can be stated that these terminology-based problems also exist in the field of design protection provided under industrial property rights; the absence of “interior design” terminology in regulatory texts and the preference for expressions such as “get-up,” “arrangement,” and “placement” instead can cause conceptual uncertainties and practice-oriented problems in design registration processes.

In interviews conducted with court experts, experts, attorneys, and judges who have served or are serving in Intellectual and Industrial Property Rights Courts, it was determined that some of the participants generally view the term “interior design” as equivalent to decoration/interior decoration in terms of scope and outputs; they can even define interior design in some cases as “patching,” “harmonization,” “collage,” or “combination” made using existing elements.

Participants express that due to the nature and structure of interior design, floor plans will inevitably be different. It is thought that arrangements, organizations, and presentations located within different plans - even if existing elements are similar - can be evaluated as different; this situation may be subject to design protection. It is understood that, particularly the vast majority of applicants, with this perception, perceive the concept of “interior design” as an activity such as merely placing furniture and fixtures within a volume. The registered interior space examples in TÜRKPATENT Design Search Database records and the product naming preferences in these applications can also be accepted as concrete indicators of this perception break.

Regarding interior designs, a view emerges that “design” protection provided under industrial property rights should be granted only to interior spaces created with elements belonging to the applicant and

meeting the criteria of “novelty” and “distinctive character.” The basis of this view lies in some participants evaluating applications made using existing elements as decoration/interior decoration activities; and others viewing the inclusion of elements belonging to others (registered, unregistered, or in the public domain) in an interior space subject to registration as a violation of industrial property rights or a situation conflicting with the principles of these rights. It can be said that this perspective emerges from the evaluation of interior spaces intended to be subject to registration on the axis of the literal meanings of these terms, due to the use of terms such as “... interior space arrangement,” “... interior arrangement,” and “get-up” in interior design registrations. However, this approach does not align with the nature and structure of interior design. Because the use of existing elements is one of the natural reflexes of this design practice. The point to be noted here is that this usage should align with the scope and outputs of the “interior design” activity. That is, results emerging solely from arrangement and placement activities should not be evaluated as interior design by themselves.

The currently used terms “... interior space layout,” “... interior arrangement,” “get up” and “presentation” are inadequate in expressing what a multi-layered design practice like “interior design” entails and its output; these expressions also fail to correspond to certain perspectives adopted in “novelty” and “distinctive character” assessments. It is understood that the concept of “atmosphere” mentioned in the literature regarding the scope and outputs of interior design is also taken into consideration by experts and some court experts during the evaluation processes related to design registration. In this context, it is stated that in the current system where the same principles apply to all designs, within the framework of “novelty” and “distinctive character” evaluation, when interior designs contain elements that are not physically interconnected and existing elements are utilized, evaluators examine the resulting “ambiance” and “atmosphere” to perceive the design holistically. However, it is understood that the terms used in the current system are insufficient in reflecting the spaces created through the design action that lies at the core of interior design. The fact that the term “interior space layout” is particularly more associated with physical positioning indicates that the evaluation is conducted based on placement arrangement.

Another perspective involves the concern that the perception created by the terms “... interior space layout,” “... interior arrangement,” “get up” and “presentation” may weaken the protection of interior spaces subject to design registration. The foundation of this concern lies in the argument that interior spaces will inevitably differ due to variations in their floor plans; therefore, interior spaces formed within the framework of layout and arrangement terms will not be identical, and these differences may even be considered as distinctive characteristics, meaning that the overall impressions created by compared interior

spaces on informed users may differ. It is believed that this situation could undermine applicants' confidence in the protection provided by the IPC.

Another perspective is that the terms used in the regulatory texts of the current system reduce the scope and outputs of "interior design" activity to a certain level; moreover, the absence of a separate subclass definition in the Locarno Classification System further reinforces this perception. On the other hand, it is understood that inconsistencies among regulatory texts regarding terminology usage and the absence of subclasses in the Locarno Classification System can negatively affect design registration processes.

On the other hand, the interviews revealed that applications for interior designs are classified under the superclass coded 32-00; however, this class also encompasses products quite different from interior design, such as graphic symbols, logos, and surface patterns. This situation creates both conceptual and functional difficulties for individuals conducting research in databases and may also pose problems in terms of the perception it creates. At this point, it is recommended that the term "interior design" be added to this class through a regulatory amendment.

It is also suggested that an indicator be used by defining the field of activity and that the expression "interior design" be added thereafter.

Through these proposed arrangements, the "design" protection provided under industrial property rights specifically for interior spaces will begin to express a product that corresponds to the scope and outputs of interior design, beyond mere physical placement. This will ensure consistency between the perspectives adopted in the registration process and subsequent evaluations and the expressions in regulatory texts; conceptual ambiguities and implementation problems caused by terminology will be prevented. Moreover, with the proposed classification arrangements, it will be possible to classify applications specific to interior design more accurately, establishing a more equitable system for both applicants and evaluators. This approach aligns with the innovation-encouraging purpose of Industrial Property Code No. 6769 and enables the development of the protection system for interior designs.

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