Türkiye Legal Update

October 2019

Turkish Color of the Month

Born in Elazığ on the east of Türkiye, Saim Dursun, depicts, with the warm liveliness of light and color on his spatula, the true Anatolian picture uncovering the strong willpower of Turkish people and their joy of life despite hardship. Painter Saim Dursun passed away in August 13, 2021 at the age of 62.

By Saim Dursun ©

Can One Arbitrate With a Turkish Party Based on a Contract in a Language Other Than Turkish?

Dispute Management

By Pelin Baysal and Bilge Kağan Çevik

Law No. 805 opens a door for those who want to renounce their earlier decisions. Although Turkish courts circumvent the application of Law No 805 as far as possible, their hands are tied when it comes to the arbitration clauses.

News and Events

Structural Reforms Summit, Ankara

The summit held by Better Justice Association, of which we are a founder, and TURKONFED will be in Ankara on 24th Oct."

PTMG 99th Conference, Berlin

Barış Kalaycı spoke on "Fighting Counterfeit and Diverted Medicines in and from Turkey" at Pharmaceutical Trade Marks Group 99th conference in Berlin.

TÜSİAD SD2 Program Meeting

Hande Hançar and Begüm Okumuş shared their experiences on collaborations within the scope of digital transformation of industries at the meeting.

Survival of Parties' Will for Penalty Clauses in Employment Contracts

Employment

By Beril Yayla Sapan and Asena Aytuğ Keser

Penalty clauses agreed for unjust termination of a fixed term employment contract before its expiry are valid and enforceable even if the contract is deemed as an indefinite term employment contract by law due to lack of conditions required to conclude fixed term contracts.

Having Business in the Same Sector is Sufficient for Proving "Legal Interest"

Intellectual Property , Trademarks and Designs

By Uğur Aktekin and Berrin Dinçer Özbey

General Assembly of Civil Chambers of the Court of Cassation concluded that having business activity in the same sector of both the plaintiff and the defendant is sufficient to accept presence of legal interest in actions with a revocation request of a trademark based on non–use.

Determination of Non-Infringement Action Is To Be Rejected If Marketing Authorisation Is Not Granted Yet

Intellectual Property , Patents and Utility Models

By Selin Sinem Erciyas

The CoA explained that the "Legal Interest" condition is one of the backbones of Turkish law and it is superior both to the protection of patent rights and to providing Gx clearance on non-infringement of patent.

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