



16. ICC TÜRKİYE TAHKİM GÜNÜ

16th ICC TURKEY ARBITRATION DAY

17 – 18 Mart 2021
17 – 18 March 2021

ICC Türkiye Milli Komitesi

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16. ICC TÜRKİYE TAHKİM GÜNÜ

17 ve 18 Mart 2021, (14.00)

PROGRAM

17 Mart 2021

14.00 – 14.40 AÇILIŞ OTURUMU

- **M. Rifat HİSARCIKLIOĞLU**
TOBB Başkanı ve ICC Türkiye Milli Komitesi Yönetim Kurulu Başkanı
- **Alexis MOURRE**
ICC Milletlerarası Tahkim Divanı Başkanı

14.40 – 16.40 1. OTURUM: Türkiye’de Tahkime Yargının Yaklaşımı

Moderatör:

- **Prof. Dr. Korkut Özkorkut**, Profesör, Ankara Üniversitesi, Siyasal Bilgiler Fakültesi; ICC Türkiye Tahkim ve ADR Komisyonu Eş Başkanı, Ankara

Konuşmacılar:

- **Dr. Adem Aslan**, 11. Hukuk Dairesi Üyesi, Yargıtay, Ankara
- **Nevzat Boztaş**, 14. Hukuk Dairesi Başkanı, İstanbul Bölge Adliye Mahkemesi, İstanbul
- **Utku Coşar**, Ortak Avukat, Coşar Avukatlık Bürosu, İstanbul

18 Mart 2021

- 14.00 – 14.15** **2. OTURUM: ICC’de Son Güncellemeler**
– **Alexander G. Fessas**, ICC Milletlerarası Tahkim Divanı Genel Sekreteri, Paris

- 14.15 – 14.45** **3. OTURUM: ICC Milletlerarası Tahkim Divanının bir sonraki Başkanı Claudia Salomon ile tanışma**
Moderatörler:

- **Aslı Yılmaz**, Yönetici Hukuk Müşaviri, ICC Milletlerarası Tahkim Divanı – Doğu Akdeniz ve Orta Doğu Takımı, Paris
- **Bennar Aydoğdu**, Kurucu Avukat, BennArb Hukuk Bürosu; ICC Tahkim Divanı Üyesi, ICC Türkiye Tahkim ve ADR Komisyonu Eş Başkanı, Bursa

- 14.45 – 16.00** **4. OTURUM: Birleşme ve Devralma İşlemleri ve İlgili Uyuşmazlıklar Tahkim İçin Uygun mudur?**
Moderatör:

- **Prof. Dr. Ercüment Erdem**, Kıdemli Ortak Avukat, Erdem & Erdem Hukuk Bürosu; ICC Tahkim Divanı Üyesi, İstanbul

Konuşmacılar:

- **Eirini-Stella Leptourgou**, Hukuk Müşaviri, ICC Milletlerarası Tahkim Divanı, Paris
- **Demet Kaşarcıoğlu**, Kıdemli Avukat, Esin Avukatlık Ortaklığı, İstanbul
- **Prof. Dr. Tolga Ayoğlu**, Galatasaray Üniversitesi Hukuk Fakültesi, Ticaret Hukuku Anabilim Dalı, Öğretim Üyesi, İstanbul

- 16.00 – 16.15** **KAPANIŞ**
– **Sami Huerbi**, Direktör, ICC Doğu Akdeniz, Orta Doğu ve Afrika Bölgesi; Direktör, Kurucu Ortak Avukat, Huerbi Hukuk Bürosu, Tunus, Paris, Abu Dabi

16th ICC TURKEY ARBITRATION DAY

17 and 18 March 2021 (14.00)

PROGRAMME

17 March 2021

14.00 – 14.40 OPENING SESSION

- **M. Rifat HISARCIKLIOĞLU**
President of TOBB and Chair of the Board of ICC
Turkey National Committee
- **Alexis MOURRE**
President of the ICC International Court of Arbitration

14.40 – 16.40 **SESSION 1: The judiciary approach to arbitration in Turkey: An overview of the recent case law**

Moderator:

- **Prof. Dr. Korkut Özkorkut**, Professor, Ankara University Faculty of Political Sciences; Co-Chair of ICC Turkey Arbitration Commission, Ankara

Speakers:

- **HD. Judge Dr. Adem Aslan**, Member of the 11th Civil Chamber, Court of Cassation, Ankara
- **HD. Judge Nevzat Boztaş**, Chair of 14th Civil Chamber, İstanbul Regional Court of Justice, İstanbul
- **Utku Coşar**, Partner, Coşar Law Firm, İstanbul

18 March 2021

14.00 – 14.15 **SESSION 2: ICC Latest updates**

- **Alexander G. Fessas**, Secretary General, ICC International Court of Arbitration, Paris

14.15 – 14.45 **SESSION 3: Meet & Greet Claudia Salomon, selected as the next President of the ICC International Court of Arbitration**

Interviewers:

- **Aslı Yılmaz**, Managing Counsel, ICC Secretariat – Eastern Mediterranean and Middle East Team, Paris
- **Bennar Aydoğdu**, Founder, BennArb Law Firm; ICC Court Member; Co-Chair of ICC Turkey Arbitration Commission, Bursa

14.45 – 16.00 **SESSION 4: Are M&A transactions and related disputes suitable to arbitration?**

Moderator:

- **Prof. Dr. Ercüment Erdem**, Senior Partner, Erdem & Erdem Law Office; ICC Court Member, Istanbul

Speakers:

- **Eirini-Stella Leptourgou**, Counsel, ICC Secretariat – Eastern Mediterranean and Middle East Team, Paris
- **Demet Kaşarcıoğlu**, Senior Lawyer, Esin Attorney Partnership, Istanbul
- **Prof. Dr. Tolga Ayoğlu**, Galatasaray University Faculty of Law, Department of Commercial Law, Istanbul

16.00 – 16.15 **CLOSING SPEECH**

- **Sami Huerbi**, Director, ICC International Court of Arbitration, Eastern Mediterranean, Middle-East & Africa, Founding Partner, Huerbi Law Firm, Tunis, Paris, Abu Dhabi

SPEAKER BIOGRAPHIES

OPENING SESSION



M. Rifat Hisarcıklođlu

**President of TOBB and Chair of the Board of ICC
Turkey National Committee, Istanbul**

M. Rifat Hisarcıklođlu earned his B.A. degree in Economics and Management from Gazi University in Ankara. After completing his undergraduate degree, his career started in family business and currently he is the Chairman of Eskişehir Group of Companies, which operates in the fields of construction, construction materials, export and import, investments, land development, food industry and automotive sector.

After a one year vice-presidency period at The Union of Chambers and Commodity Exchanges of Turkey (TOBB), the largest non-profit business organization in Turkey, covering 365 Chambers and Commodity Exchanges and representing 1.5 million companies, Hisarcıklođlu was elected as the President of TOBB and was re-elected respectively in 2002, 2005, 2009 and 2013 and 2018.

Hisarcıklođlu holds many titles in various organizations, such as Chairman of ICC-Turkey, Vice President of EUROCHAMBRES, Vice President of the Islamic Chamber of Commerce, Industry and Agriculture and, President of the Turkic Chamber of Commerce and Industry, Board Member of the Association of Balkan Chambers, Board Member of ECO Chamber of Commerce and Industry, Co-President of the Turkish- African Chamber, Vice President of the Confederation of Asia-Pacific Chambers of Commerce and Industry, Co-President of the Turkish-Arab Chamber.

Hisarcıklođlu served as Board Member of the International Chamber of Commerce (ICC) in the terms between 2012-2018. Hisarcıklođlu has received the Legion of Honour by the French Republic, Gold Medal of Merit by the Austrian Republic, the 'Commendatore' from the Italian Republic, Spanish Order of Civil Merit with degree of Encomienda, the Medal of Inspiration from Mongolia, Medal for Development of Friendship and Cooperation from Kazakhstan and the Mediterranean Leadership Award by the John Hopkins University, USA.

Hisarcıklođlu was awarded with the Austrian Federal Economic Chamber Gold Medal, Medal of Honor from the Assembly of French Chambers of Commerce and Industry, Honorary Membership Award from the Chamber of Commerce and Industry of Romania, Medal of Honor by Ukrainian Chamber of Commerce and Industry, Honor Award from the Pakistan Federation of Chambers and

Commerce, Medal of Honor by Georgian Chamber of Commerce and Industry and the Gratitude Award from the Islamic Chamber of Commerce and Industry.



Alexis Mourre
President
ICC International Court of Arbitration, France

Alexis Mourre has served as parties' counsel, President of the Tribunal, Co-Arbitrator, Sole Arbitrator or Expert in more than 260 international arbitrations, both ad hoc and before most international arbitral institutions (ICC, ICSID, LCIA, ICDR, SIAC, SCC, DIAC, VIAC, etc.). He established his own arbitration practice in May 2015, after having founded Castaldi Mourre & Partners in 1996, now a 35 lawyer firm specializing in arbitration and dispute resolution.

He is the author of numerous books and publications in the field of International Business Law, Private International Law and Arbitration Law. He is founder and former editor in chief of *Les Cahiers de l'Arbitrage* – The Paris Journal of International Arbitration, a leading French publication in the field of Arbitration.

Since July 1st 2015, Alexis Mourre has been the President of the ICC International Court of Arbitration, and was Vice-President of the Court from 2009 to 2015. He was Vice President of the ICC Institute of World Business Law from 2011 to 2015. Formerly, he had served as co-chair of the IBA Arbitration Committee (2012-2013), LCIA Court member (2012-2015) and Council member of the Milan International Chamber of Arbitration (2006-2014). He is a member of a large number of scientific and professional institutions dedicated to Arbitration and Private International Law. He is the founder and former president of *Paris Place d'Arbitrage/Paris the Home of International Arbitration*.

He is fluent in French, English, Italian and Spanish, and has a working knowledge of Portuguese.

SESSION 1: The judiciary approach to arbitration in Turkey: An overview of the recent case law



Korkut Özkorkut
Professor, Ankara University Faculty of Political Sciences; Co-Chair of ICC Turkey Arbitration Commission, Istanbul

Korkut Özkorkut is a professor and head of Commercial Law Division in Department of Business Administration at Faculty of Political Sciences, Ankara University. He is also the co-chair of ICC Turkey Arbitration Commission.

He is simultaneously working as an editor in chief of Banking and Commercial Law Journal published by the Research Institute of Banking and Commercial Law, which is a foundation of Türkiye İş Bankası. For a while he was involved in the administration of the Institute as the deputy director.

He is also the President's adviser of the Union of Chambers of Certified Public Accountants of Turkey (TURMOB).

Mr. Özkorkut is a registered lawyer of Ankara Bar. The main fields of his legal expertise and practice include mainly; Corporate Law, Law of Obligations, Capital Markets Law, Finance and Banking Law, Arbitration and Construction Law. His working languages are English and Turkish.

Korkut Özkorkut acts as chairman and sole or party-appointed arbitrator under adhoc and various domestic and international arbitration institutions.



HD. Judge Adem Aslan
**Member of the 11th Civil Chamber,
Court of Cassation**

Dr. Adem ASLAN; He graduated from Istanbul University Faculty of Law. He started his career as a judge in 1993. He was elected to membership of the Court of Cassation in 2014. Prior to that, he has served as a judge at the IP Court and he currently serves as a member of the 11th Civil Chamber of the Court of Cassation which is dealing with whole kind of commercial matters.

Dr. ASLAN holds his master's degree in EU Law from Istanbul University and PhD in Private Law from Gazi University. He has a published book titled with "Exhaustion of Intellectual Property Rights in Turkish and EU Law". He also served for a while as a lecturer at the Justice Academy Turkey in the past. He presented many lectures related to IP Law, Company Law, Maritime Law, Insurance Law, Procedural Law and Company Law in many events. His working languages are Turkish, English and German.



HD. Judge Nevzat Boztaş
Chair of 14th Civil Chamber,
İstanbul Regional Court of Justice

He was born in Kayseri Pınarbaşı district in 1964. After finishing high school in 1982 he started to study at İstanbul University Faculty of Law and graduated in 1986. He worked as a judge in different regions of Turkey. While he was serving as the chair of the first commercial court in the İstanbul Anatolian Court, in 2016 he was appointed as the Head of the 14th Legal Department of the İstanbul Regional Court. He still carries out this task. He is married and has three children. He is a student of private law doctorate program at Medipol University Institute of Social Sciences, and he is at the level of thesis.



Utku Coşar,
Partner, Coşar Law Firm, İstanbul

Utku Cosar specializes in commercial and investment arbitration as both counsel and arbitrator, and has extensive experience involving energy, construction, shareholders and post-M&A/joint venture-related disputes and investment law. Ms Cosar serves on the editorial boards of the ICC Dispute Resolution Bulletin, Dispute Resolution International, the journal of the dispute resolution section of the International Bar Association (IBA), and on the ICCA Publications Advisory Board. She regularly speaks at conferences on international arbitration and authors multiple publications on the topic. Among her most recent publications is Fraudulent Evidence: Investment Arbitration, Max Planck Encyclopedia of International Procedural Law, published by Oxford University Press.

Ms Cosar has been ranked in the top tier and first band for dispute resolution lawyers in Turkey by The Legal 500 and Chambers for the past 13 consecutive years.

Ms Cosar is a graduate of Georgetown University, with two LLM degrees in law and international legal studies, and is admitted to practise in New York and Turkey.

Chambers: "Utku Coşar is praised by clients for being 'simply first-rate: extremely intelligent, strategic, rigorous and always well prepared.' She is also said to have a 'long record of winning cases, in large part because she leaves no stone unturned in representing her clients.'"

Legal 500: "Utku Coşar is 'a talented, experienced, first-class arbitration practitioner.'"

WWL: "She has impressed me with her enthusiasm and hard-working attitude" "She is very smart and result oriented."

SESSION 2: ICC Latest updates



Alexander G. Fessas
Secretary General of the ICC International Court of Arbitration, Paris

Alexander G. Fessas is the Secretary General of the ICC International Court of Arbitration.

As Secretary General, he is responsible for the operational management and coordination of the ICC Court's Secretariat and other dispute resolution services in Paris, Hong Kong, New York, Sao Paulo and Singapore.

He joined the Secretariat in late 2011 and held consecutive positions in three case management teams, of which two as counsel. Prior to his appointment as Secretary General, he was the Secretariat's Managing Counsel over a three-year term.

He read law at the University of Athens, Greece having specialized in international commercial transactions and conflict of laws.

Prior to joining the ICC Court, he practised as counsel out of Athens where he established a sole practice in 2008. He was previously an associate at an Athens-based law firm. During the same period, he was also the editor-in-chief of the *Revue hellénique de droit international*.

He is admitted to the Athens Bar and speaks English, French and Greek.

SESSION 3: Meet & Greet Claudia Salomon, selected as the next President of the ICC Court of Arbitration





Claudia T. Salomon

Claudia Salomon is an independent arbitrator, specializing in international, investor-state and complex commercial disputes. She is widely recognized as one of the leading arbitration practitioners of her generation. She is known for her sound judgment, effective case management and ability to quickly reach the crux of an issue.

Claudia has been recommended for election as President of the International Chamber of Commerce (ICC) International Court of Arbitration, effective July 1, 2021, putting her on a path to becoming the first woman President of the ICC Court in its almost 100-year history.

Claudia was formerly Partner and Global Co-Chair of Latham & Watkins' International Arbitration Practice, where she was engaged in some of the most complex, high value and significant disputes. She has acted as arbitrator and counsel in arbitrations around the globe, under all of the major arbitral rules, governed by common law and civil law.

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| | <p>Claudia is a Fellow of the Chartered Institute of Arbitrators. She is a sought after speaker and writer on international arbitration and is the co-editor of <i>Choice of Venue in International Arbitration</i>, published by Oxford University Press.</p> <p>Claudia is a member of the New York Bar and a solicitor in England and Wales. She graduated from Harvard Law School, <i>cum laude</i>, and Brandeis University, <i>summa cum laude</i> with honors. She also studied at Somerville College, Oxford University.</p> |
|  | <p>Aslı Yılmaz Managing Counsel ICC International Court of Arbitration</p> <p>Ms. Aslı Yılmaz is the Managing Counsel of the Eastern Mediterranean and Middle East Team at the ICC Secretariat.</p> <p>During her time at the ICC as both deputy counsel and counsel, Ms Yılmaz has administered hundreds of arbitration cases from multiple regions including Europe, Northern Africa and the Middle East region.</p> <p>Prior to joining the ICC, she worked as an arbitration lawyer at international law firms in Istanbul, Paris and New York.</p> <p>Ms. Yılmaz received her law degree from Warwick University and also holds an LL.M. in International Law from London School of Economics.</p> <p>She is admitted to practice in the State of New York and Istanbul.</p> <p>Her working languages are English, Turkish and German.</p> |
|  | <p>Bennar Aydoğdu Founder, BennArb Law Firm; ICC Court Member; Co-Chair of ICC Turkey Arbitration Commission, Istanbul</p> <p>Bennar Aydoğdu is the founder of BennArb Law Firm in Turkey. She has 21 years' experience in the field of international arbitration and international trade, and has served as counsel, president of the tribunal, co-arbitrator and sole arbitrator in almost 90 international arbitrations under the rules of the ICC, Swiss Chambers, LCIA, LMAA, HKIAC, ISTAC, as well as ad hoc arbitrations under the UNCITRAL Rules. She is also an accredited mediator and a lecturer on arbitration at Uludağ University, Alternative Dispute Resolution Masters Programme.</p> <p>Bennar holds the following positions:</p> <ul style="list-style-type: none"> ▪ Member, ICC Court of International Arbitration ▪ Co-chair, ICC Turkey Arbitration Commission |

- Member, ICC Commission on Arbitration and ADR
- Member, Board of Management, Chartered Institute of Arbitrators (CIArb)
- Chair, CIArb Education and Membership Committee
- Member, CIArb Examinations Board
- Vice-chair, Bursa Chamber of Commerce and Industry Arbitration and Mediation Center (BTSOTAM)
- Vice-chair, Board of Management, Istanbul Arbitration Association
- Lecturer, Uludağ University, Institute of Social Sciences, Alternative Dispute Resolution Department, ADR Masters Programme

Bennar has served as the first regional coordinating committee member of ICC YAF Turkey, Middle East and Africa Section, global advisory board member of ICDR Y&I, chair of Bursa Bar Association Arbitration Commission, vice-chair of the Union of Turkish Bar Associations Arbitration Center and chair of CIArb European Branch.

She is the author of publications in the field of international arbitration and holds degrees from Marmara University, The Hague Academy of International Law, Istanbul Commerce University, the College of Law of England and Wales and Istanbul Aydın University on law, private international law, law of international commerce and European Union, international arbitration, mergers and acquisitions, mediation. She is also a CIArb approved faculty member and a tutor on international arbitration both in Turkey and abroad.



SESSION 4: Are M&A transactions and related disputes suitable to arbitration?



Prof. Dr. H. Ercüment Erdem
Senior Partner, Erdem & Erdem Law Office; ICC Court Member, Istanbul


Prof. Dr. H. Ercüment Erdem is the Founder and Senior Partner of Erdem&Erdem Law Office. He has more than 35 year experience in arbitration, international commercial law, competition and antitrust law, mergers and acquisitions, privatizations and corporate finance. He serves international and national clients in a variety of industries including energy, construction, finance, retail, real estate, aerospace, healthcare and insurance.

He has acted as chairman and sole or party-appointed arbitrator in many international and national arbitrations under different rules including International Chamber of Commerce (ICC) Arbitration, Swiss Arbitration, Moscow Arbitration, United Nations Commission on International Trade Law (UNCITRAL) Arbitration, Tehran Arbitration, and

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| | <p>ad hoc arbitrations and is, furthermore, distinguished in this field.</p> <p>He is a commercial law professor lectured in leading universities such as Galatasaray University in Turkey and Fribourg University in Switzerland. He has over 35 year experience as a scholar and his research contains arbitration, international commercial law, competition and antitrust, M&A, corporate law etc.</p> <p>Prof. Erdem is a member of International Bar Association, Istanbul Bar Association, Chair of ICC CLP Commission and member of ICC Arbitration Commission, ICC Court of Arbitration, ICC Institute Counsel, ICC Turkish National Committee Arbitration, Istanbul Arbitration Centre (ISTAC) and Association Suisse de l'Arbitrage (ASA).</p> <p>He has been selected as one of the leading individuals in dispute resolution by Legal 500.</p> |
|  | <p>Eirini-Stella Leptourgou, Counsel ICC International Court of Arbitration</p> <p>Stella is the Counsel of the Eastern Mediterranean and Middle East team of the Secretariat of the ICC Court. She is a dual qualified lawyer in Paris and Athens.</p> <p>She pursued her legal studies at the National and Kapodistrian University of Athens, and thereafter she obtained an LLM degree in International Business Law (Droit des Affaires Internationales) from the University Paris II-Assas.</p> <p>Prior to joining the ICC, Stella completed internships in the arbitration practice of international law firms (Shearman&Sterling, ThreeCrowns, DLA Piper, Leboulanger).</p> |
|  | <p>Demet Kaşarcıoğlu Senior Lawyer, Esin Attorney Partnership, Turkey</p> <p>Demet Kaşarcıoğlu graduated from Marmara University Faculty of Law in 2009 and admitted to Istanbul Bar in 2010. She completed her LL.M degree at Newcastle University in 2011. She joined Esin Attorney Partnership in February 2012 and since then she has practiced M&A and arbitration. She focuses her practice on the resolution of construction disputes and commercial disputes, especially the ones arising out of M&A transactions, through arbitration. She represents leading Turkish and international companies before arbitral tribunals and all levels of domestic courts and she also acts as arbitrator. Demet is a member of the London</p> |

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| | <p>Court of International Arbitration Young International Arbitration Group, the International Chamber of Commerce Young Arbitrators Forum, Young ISTAC (Istanbul Arbitration Center) and ASA Young Arbitration Practitioners Group.</p> |
|  | <p>Prof. Dr. Tolga Ayoğlu, Galatasaray University Faculty of Law, Department of Commercial Law</p> <p>Prof. Dr. Tolga Ayoğlu completed his Ph.D. in Galatasaray University Social Sciences Institute with his thesis on “Initial Public Offerings and Underwriting Agreements” in 2006.</p> <p>He became an associate professor in 2012 with his thesis of expertise (thèse d’habilitation) on International Commercial Contract Law, “Lex Mercatoria: General Principles of International Contract Law, Substantive A-National Rules of Law and Trade Usages & Practices”.</p> <p>He has been promoted to professorship in April 2018 with his thesis of expertise on “Resolving Intra- Corporate Disputes Through Arbitration”.</p> <p>He acted as court appointed legal expert before Turkish Commercial Courts in excessive number of commercial litigations with international and domestic character. He is currently acting as arbitrator, counsel or legal expert in various arbitration proceedings.</p> <p>Prof. Dr. Tolga Ayoğlu is currently the dean of the Galatasaray University Law Faculty, Istanbul.</p> |

CLOSING SESSION

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|  | <p>Sami Houerbi Director, ICC International Court of Arbitration, Eastern Mediterranean, Middle-East & Africa; Founding Partner, Houerbi Law Firm, Tunis, Paris, Abu Dhabi</p> <p>Sami Houerbi is the Director of the ICC Eastern Mediterranean, Middle-East and Africa ICC Dispute Resolution Services, where he is in charge of raising awareness about Alternative Dispute Resolution mechanisms throughout the region and promoting ICC Arbitration and ADR Rules.</p> <p>Prior to that, he was member of the Secretariat of the International Court of Arbitration in Paris, where he was directly involved in the administration and managing ICC arbitration proceedings.</p> <p>Mr Houerbi is a registered lawyer of the Tunis Bar Association and the Managing Partner of Houerbi Law firm,</p> |
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| | <p>which areas of practice include mainly: Corporate Law, Arbitration and Litigation.</p> <p>Sami Houerbi acts regularly as arbitrator under ad hoc and various international arbitration institutions.</p> <p>He holds a post-graduate degree in international law from the University of Paris II and an LL.M in German Law from the Ludwig-Maximilian University in Munich.</p> <p>His working languages are Arabic, English, French and German.</p> |
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