



Current Research on Turkish Law

Monday, 28 March 2022 – 2:00 p.m. (CEST)

Virtual lecture via Zoom

"International *Lis Pendens* as a Contemporary Problem of Turkish Law"

Assoc. Prof. Dr. Gülüm Bayraktaroğlu-Özçelik

Bilkent University Ankara

The virtual lecture will be held as a video conference via Zoom.

Please register for the lecture no later than Friday, 25 March 2022 using
this [LINK](#). You will receive the login details on Friday afternoon.

Biset Sena Güneş

(Max Planck Institute for Comparative and International Private Law, Hamburg)



About the Speaker:

Assoc. Prof. Dr. Gülüm Bayraktaroğlu-Özçelik holds a bachelor's degree in law from Ankara University, a MA Degree (International Relations) from Middle East Technical University and an LL.M. degree from University of Exeter. She obtained her PhD degree with her thesis "Bills of Lading in the Conflict of Laws" from Ankara University. Dr. Bayraktaroğlu-Özçelik is currently an associate professor of private international law at Bilkent University Faculty of Law. Her main areas of research are conflict of laws, international civil jurisdiction, international arbitration, and migration law.

About the Topic:

Lis pendens can be regarded as one of the most important aspects of international parallel litigation, where the courts of more than one country having jurisdiction are seized to try the same dispute simultaneously. In Turkish law – with the exception of bilateral and multilateral conventions to which Turkey is a party – international *lis pendens* has not been subject to express rules in legislation. A lack of provisions has led to controversy both in literature and in court practice over the years. The traditional view (which constituted the majority opinion) has advocated rejection of international *lis pendens* with two exceptions: First under Article 41 Turkish Act on International Private Law and Civil Procedure of (APIL) 2007 that provides rules on international jurisdiction of Turkish courts in actions arising from the personal status of Turkish nationals, and second under Article 47/I APIL on the foreign choice of court agreements. In this regard, this presentation aims to answer two questions in Turkish Law: (i) whether it is possible to generally accept the objection of international *lis pendens* before the Turkish courts notwithstanding that it is not subject to express rules and (ii) whether it should be possible to raise an objection of international *lis pendens* in the application of Articles 41 and 47/I of APIL.

About the Seminar Series:

The new seminar series "Current Research on Turkish Law" regularly invites outstanding scholars and practitioners working on different topics of Turkish private law to present and discuss their findings. The seminar series particularly aims to create a platform where both international researchers interested in Turkish law and Turkish researchers working on comparative law can come together and exchange scholarly ideas.