

Güeryüz

Jargon

The Handbook of Legal Terms &
Definitions for Practitioners

Table of Contents

■ Book 1 : Arbitration	6
■ Book 2 : Mergers & Acquisition	108
■ Book 3: Banking & Finance and Project Financing	208
■ Book 4: Competition Law	324

Foreword

Dear Reader,

We are delighted to share with you, Lingo, an area-specific English and Turkish polyglot legal dictionary prepared by Güleriyüz Partners.

This dictionary consists of entries from four practice areas: (i) arbitration, (ii) mergers & acquisitions, (iii) competition, and (iv) banking & finance. Each term is provided with their definition as allocated to them under Turkish law or Turkish legal practice. Therefore, some legal terms may vary in meaning, or have alternative meanings, in different jurisdictions based on the applicable law and customary legal practice.

The handbook aims to provide a useful resource and guidance to the legal audience from different branches including academics, law students, general counsels, in-house counsels, other practicing lawyers, and businesspeople who are interested in law or whose work relates to the law.

The definitions and information contained herein should not be construed as legal advice and are provided for information purposes only which derive from our specific know-how from our day-to-day legal advice and respective research. For specific questions, legal advice should be sought from a qualified lawyer in the applicable jurisdiction.

Yours Sincerely,

Güleriyüz Partners

A photograph of a chess set on a checkered board, heavily tinted with a blue color. The pieces are arranged in their starting positions. The lighting is dramatic, with strong highlights and deep shadows, creating a sense of depth and focus on the pieces. The background is blurred, showing what appears to be a bookshelf.

BOOK 1

**AR
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AAA

Acronym for American Arbitration Association.

AAA

Kısaca Amerikan Tahkim Derneği.

AAA Rules

Arbitration Rules drafted by the American Arbitration Association (AAA). A variety of AAA rules for different types of disputes exist, such as the Commercial Arbitration Rules, Employment Arbitration Rules and International Rules.

AAA Tahkim Kuralları

Amerikan Tahkim Derneği tarafından hazırlanan Tahkim Kuralları. Ticari Tahkim Kuralları, İş Tahkimi Kuralları ve Uluslararası Kurallar gibi farklı uyuşmazlık türleri için çeşitli AAA Tahkim Kuralları mevcuttur.

Abandonment

When a party to an arbitration agreement acts or fails to act in a way that indicates that they no longer intend to be bound by the agreement. This can happen if a party commences court proceedings in breach of the arbitration agreement, submits a dispute within the scope of the arbitration agreement to the jurisdiction of a court, fails to participate in the arbitration process or takes other actions that show that they no longer want to resolve the dispute through arbitration.

Tahkim Sözleşmesinden Dönme

Bir Tahkim Sözleşmesinin taraflarından birinin artık tahkim sözleşmesi ile bağlı olmak istemediğini gösterecek şekilde davranması veya belli bir davranışı sergilemeyerek bu yönde iradesini belli etmesi. Bu durum, taraflardan birinin Tahkim Sözleşmesini ihlal ederek mahkeme işlemlerini başlatması, Tahkim Sözleşmesi kapsamındaki bir uyuşmazlığı bir mahkemenin Yargı Yetkisine sunması, tahkim sürecine katılmaması veya uyuşmazlığı artık tahkim yoluyla çözmek istemediğini gösteren başka eylemlerde bulunması halinde gerçekleşebilir.

Abeyance

Abeyance is the temporary suspension of arbitration proceedings. When arbitration proceedings are in abeyance, the parties are not allowed to take any further action in the arbitration, such as filing motions or taking depositions. However, the arbitration agreement remains in effect and the parties are still bound by its terms.

Tahkimin Askıya Alınması

Tahkim işlemlerinin geçici olarak askıya alınması. Tahkim yargılamaları askıya alındığında, tarafların tahkimde dilekçe vermek veya ifade almak gibi başka bir işlem yapmasına izin verilmez. Ancak, Tahkim Sözleşmesi yürürlüktedir ve taraflar hala anlaşmanın şartlarına bağlıdır.

Abuse of Power

Misuse of a power or authority for a purpose in violation of the word or spirit of the arbitration agreement or the applicable arbitration rules.

Yetkinin Kötüye Kullanılması

Tahkim Sözleşmesinin veya geçerli tahkim kurallarının sözüne veya ruhuna aykırı bir amaç için bir gücün veya yetkinin kötüye kullanılması.

Abuse of Process

Misuse of the arbitration proceedings in a way differing from their intended and proper use.

Usulün Kötüye Kullanılması

Tahkim yargılamasının hedefinin ve uygun işlevinin ötesinde bir şekilde kötüye kullanılması.

Abuse of Rights

Misuse of legal rights in a way differing from their intended purpose.

Hakkın Kötüye Kullanılması

Hakların amacından farklı bir şekilde kötüye kullanılması.

Accession

The act of a sovereign state to become a party to a treaty already negotiated and signed by other states, usually occurring after the treaty has already entered into force.

(UA Anlaşmalara) Katılma

Egemen bir devletin, diğer devletler tarafından halihazırda müzakere edilmiş ve imzalanmış bir Anlaşmaya taraf olma eylemi, genellikle Anlaşma yürürlüğe girdikten sonra gerçekleşir.

Ad Hoc Arbitration

An arbitration proceeding that is not administered by an Arbitral Institution and independent of any institutional arbitration rules. Parties independently determine the procedure and the rules in an ad-hoc arbitration.

Ad Hoc Tahkim

Bir Tahkim Kuruluşu tarafından yönetilmeyen ve herhangi bir Kurumsal Tahkim kuralından bağımsız bir tahkim yargılamasıdır. Ad-Hoc Tahkimde taraflar prosedürü ve kuralları bağımsız olarak belirler.

Ad Hoc Committee

In ICSID Arbitration, the 3-member committee tasked with deciding upon requests for annulment in accordance with Article 52(1) of the ICSID Convention.

Ad Hoc Komite

ICSID Tahkiminde, ICSID Sözleşmesinin 52(1) Maddesi uyarınca iptal talepleri hakkında karar vermekle görevli 3 üyeli komite.

Additional Award

An award rendered by the Arbitral Tribunal, deciding upon a matter which was referred to arbitration but not dealt with in the Final Award.

Ek Karar

Hakem Heyeti tarafından verilen, tahkimin konusu olan ancak Nihai Kararda ele alınmayan bir konu hakkında verilen karardır.

Additional Party

A party that later joined the arbitral proceedings but was not a part of the initial reference.

Sonraki Taraf

Tahkim yargılamasına sonradan katılan ancak ilk başvurunun bir parçası olmayan taraf.

Administrative Fees

In Institutional Arbitration, the costs charged by the institution administering the process.

Tahkim Ücretleri

Kurumsal Tahkimde, süreci yöneten kurum tarafından tahsil edilen masraflar.

Admissibility

The question of whether a matter be allowed into the Arbitration proceedings or if it may be taken into account by the Arbitral Tribunal.

Kabul Edilebilirlik

Bir meselenin Tahkim yargılamasına dahil edilip edilmeyeceği veya Hakem Heyeti tarafından dikkate alınıp alınmayacağı konusu.

Admissibility of Evidence

The question of whether a piece of evidence can be admitted and used in the Arbitration proceedings or if it may be taken into account by the Arbitral Tribunal.

Delilin Kabul Edilebilirliği

Bir delilin Tahkim yargılamasında kabul edilip edilemeyeceği ve kullanılıp kullanılmayacağı veya Hakem Heyeti tarafından dikkate alınıp alınmayacağı konusu.

Admission

The acknowledgement of a truth by or on behalf of a party. Admission may be made during the proceedings or before.

İkrar

Bir gerçeğin bir tarafça veya bir taraf adına kabul edilmesi. Kabul, yargılama sırasında veya öncesinde yapılabilir.

ADR

Acronym for Alternative Dispute Resolution.

ADR

Kısaca Alternatif Uyuşmazlık Çözümü.

We, as Gülergüz Partners, are overjoyed to share this collection of our works from 2021 to 2023 under the cover of Musings that covers the main elements of the spectrum under which we provide our tailor-made services in such as Corporate and Mergers & Acquisitions, Banking, Finance and Capital Markets, Arbitration and Litigation, Energy and Governance, and IT and Technology. This collection is the embodiment of our innovative approach to law, encapsulating the dedication and intellectual exploration of our team members and alumni over many years.

Musings represents our commitment to make the sometimes-complex legal knowledge accessible and decipherable to all. By bringing together articles penned by our team members and alumni, this inaugural volume shares our insights and reflections on the legal landscape. We are proud of this initial compilation, which not only mirrors our *modus operandi* but also shows our continuing commitment to inform all in the interpretation and use of law by including sociological jurisprudence into our thoughts.

To many more volumes that will serve as a written testimony as to the law being a living, breathing thing and that more often than not, the law on the books varies heavily from the law in action...

Gülergüz

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bizimle iletiřime geebilirsiniz.

To access the full version, please contact us at the
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