

## Oktaý A. Uğurlu

### Founding Attorney



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Oktaý is the founder of the Marif Uğurlu Law Firm and a seasoned practitioner in dispute resolution. With over twenty years of extensive experience, he specializes in all aspects of international commercial arbitration, investor-state arbitration, complex litigation, investigations, white-collar crimes, and debt collection proceedings before Turkish state courts and judicial authorities at all levels. He is widely recognized in the field and has an excellent track record.

As an eminent strategist in dispute resolution, Oktaý focuses on significant and complex matters, including cross-border disputes across various industry sectors. His expertise encompasses construction, infrastructure, engineering, energy (including oil, gas, and renewables), mining, natural resources, IT, media and telecommunications, chemicals, pharmaceuticals, sports, banking and finance, textiles, and hospitality. He regularly represents multinational companies in high-value disputes related to their investments, projects, and operations in Turkey.

In addition to his unmatched expertise in dispute resolution, Oktaý offers strategic advice to multinational clients on various corporate and commercial law matters, as well as regulatory and compliance issues, throughout all stages of their investments, projects, and operations in Turkey.

### EDUCATION

- Koç University, Graduate School of Business, MBA, 2003
- Istanbul University, School of Law, LLB, 2000

### ADMISSIONS

- Istanbul Bar Association, admitted in 2002

### LANGUAGES

- Turkish
- English

### MEMBERSHIPS

- Union of Turkish Bar Associations
- International Bar Association

### KEY SECTORS

- Construction (including infrastructure and engineering)
- Energy and natural resources
- Mining
- Media and entertainment

### KEY SERVICES

- International commercial arbitration
- Investor-State arbitration
- Commercial and administrative litigation
- Enforcement of foreign court judgments and arbitral awards
- Set-aside of foreign court judgments and arbitral awards
- Media and entertainment

- Advisory (including strategic advice in various corporate/commercial as well as regulatory and compliance matters)

## KEY COMPETENCIES

- Case assessment and strategic advice
- Issuance of legal opinions on Turkish law
- Assistance with settlement negotiations before or during arbitration proceedings, if and when necessary
- Representation as counsel or co-counsel in commercial arbitration proceedings, whether ad hoc or under institutional rules
- Representation as counsel or co-counsel in investor-state arbitration proceedings, whether ad hoc or institutional (ICSID)
- Representation as counsel or co-counsel in other forms of alternative dispute resolution, including before mediators, expert panels and dispute boards
- Acting as expert witness in the arbitration proceedings on Turkish law issues
- Advice regarding enforceability or possibility of setting aside arbitral awards
- Representation in parallel or related Turkish state court proceedings, including preliminary measures supporting arbitration proceedings, enforcement or challenging of arbitral awards
- Representation as counsel throughout administrative proceedings and investigations before regulatory and administrative authorities
- Representation as counsel throughout full cycle of legal proceedings at all levels of civil, commercial, criminal and administrative courts as well as courts of higher instances such as Regional Court of Appeal, Court of Cassation, State Council and Constitutional Court in Turkish judiciary system
- Representation as counsel throughout full cycle of debt collection proceedings before the competent courts as well as directories of debt enforcement and bankruptcy
- Drafting, reviewing and negotiating contracts [e.g. construction, design and engineering contracts (including all types of FIDIC suit contracts); memorandum of understanding, letter of intent and confidentiality agreements; sales, lease, agency, franchising, distribution and licensing agreements; loan, surety, warranty, advance payment guarantee and performance bonds etc.], including jurisdiction and arbitration clauses
- Strategic advice on corporate/commercial law as well as regulatory and compliance matters

## SELECTED EXPERTISE

- A Japanese multinational integrated trading and investment business conglomerate in an ICC arbitration against Turkish Ministry of Transportation related to one of the largest infrastructure projects in Turkey involving Istanbul's railway system with an immense tube tunnel underneath the Bosphorus (i.e. Marmaray Project).
- A major Chinese SOE in a SIAC arbitration against Turkish sellers related to an M&A dispute arising from share purchase agreement regarding acquisition of a major electricity distribution entity in Turkey.
- A Japanese multinational integrated trading and investment business conglomerate in an ICC arbitration against Turkish Ministry of Transportation related to one of the largest

infrastructure projects in Turkey involving Istanbul's railway system with an immerse tube tunnel underneath the Bosphorus (i.e. Marmaray Project).

- A major Chinese SOE in a SIAC arbitration against Turkish sellers related to an M&A dispute arising from share purchase agreement regarding acquisition of a major electricity distribution entity in Turkey.
- A Japanese multinational integrated trading and investment business conglomerate in relation to injunction of a performance bond with a value of Euro 81.000.000 provided to the employer (i.e. Turkish Ministry of Transportation) for one of the largest infrastructure projects in Turkey involving Istanbul's railway system with an immerse tube tunnel underneath the Bosphorus.
- A Japanese multinational integrated trading and investment business conglomerate in relation to enforcement of an ICC award as well as subsequent asset trace, debt collection and bankruptcy proceedings against a Turkish sub-contractor.
- A major Chinese SOE in relation to potential injunction of a performance bond with a value of US\$ 14.000.000,00 that they provided to the owner for performance test results under the EPC Contract regarding the boron carbide production plant project being implemented in Bandirma.
- An American multinational mass media and entertainment conglomerate in relation to acquisition by one of their Turkish subsidiaries of %100 shares of a Turkish media service provider owned by one of the largest private-sector Turkish conglomerates.
- An American multinational engineering company in relation to acquisition by their Spanish subsidiaries of %100 shares of a Turkish entity operating in the field of construction and engineering consultancy.
- A German multinational manufacturer of medical devices in relation to intra-group share transfer between their Turkish and Swiss subsidiaries.
- A major Bulgarian mining company in relation to their mining investments in Turkey and proposed acquisition of 100% shares of a Turkish mining company holding various mining exploration and operation licenses (zinc and lead ore) and owning an ore flotation facility in Yenice, Canakkale.
- A Chinese SOE in relation to setting up a joint venture with a major Turkish construction company to join tender of a high-speed railway project (namely, "Aksaray-Ulukisla-Yenice High Standard Railway Line and Supply and Construction Work of its Electromechanical Systems").
- A major Italian aerospace company in relation to public tender for Turkish fighter jet development (TF-X) project
- A French multinational manufacturer of specialty materials in relation to their mining (fluorite ore) investments in Pohrenk, Kirsehir.
- A UK pharmaceutical company in relation to a distribution and license agreement signed with a Turkish pharmaceutical company.
- A Belgian multinational manufacturer of specialty chemicals in relation to an agency agreement signed with a Turkish chemicals company.
- A Norwegian multinational supplier of carton packaging and filling equipment in relation to setting up a liaison office in Istanbul and subsequently providing legal advice in relation to various contracts as well as corporate/ commercial law matters.