

Additionally, as is codified in the Constitution, the main points of legal remedy are the Turkish courts for a person seeking legal remedies in the Turkish Republic, which makes it necessary for there to either be a bilateral contract between the parties or a codification in primary legislation before accepting that courts lack jurisdiction and that arbitration is mandatory.

In this regard, the Council of State, deciding for the stay of execution of the second paragraph of Article 11/2, the phrase “by means of arbitration” in Article 24/1, and Article 24/4, revisited the principle that the general jurisdiction of the courts may only be removed by law and that the contrary is not possible in light of Articles 9, 36, and 141 of the Constitution. The action for annulment is pending.

Evidently then, replacing the jurisdiction of the courts with mandatory arbitration to take its place by means of the Regulation on Employee Inventions, Inventions Made at Institutions of Higher Education and Public-Funded Projects, was found unconstitutional. According to the Constitution, only primary legislation can do this.



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