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PERSONAL INFORMATION

Erdem Büyüksagis holds both Swiss and Turkish citizenship. He received his LL.M. from Georgetown Law School (USA), his Ph.D. in Comparative Private Law, and then the *venia legendi* in Law of Obligations and Comparative Law from the University of Fribourg (Switzerland). As an academic, he has published widely, and his work has been cited, among others, by the Swiss Federal Supreme Court and the Court of Justice of the EU.



PROFESSIONAL EXPERIENCE

Positions

- **Antalya International University**
2013 - Present
- **University of Fribourg**
2013 - Present
- **Baur Hürlimann AG (Zurich)**
2015 – Present

EDUCATION

Venia Legendi in Law of Obligations and Comparative Law, 2013

University of Fribourg

Habilitation in Civil Law, 2010

Turkish Council of Higher Education

Ph.D. in Comparative Private Law

University of Fribourg

Mention: *magna cum laude*

LL.M. in International Business Law

Georgetown University (Washington D.C.)

License

Ankara University

PROFESSIONAL AFFILIATIONS

■ Swiss Arbitration Association

Member, 2014 - Present (<http://www.arbitration-ch.org/pages/en/find-counsel-arbitrator/member-profile/1494.erdem.bueyueksagis.html>)

■ Zürcher Anwaltsverband

Member, 2016 – Present

■ British Institute of International and Comparative Law

Honorary Member, 2016 – Present

■ ICC (Turkey)

Member, 2017 – Present

LANGUAGE SKILLS

Turkish: native speaker

English: highly proficient

French: highly proficient

German: highly proficient

LIST OF PUBLICATIONS

Books

■ *Le nouveau droit turc des obligations, Perspective comparative avec les droits suisse et européen [The New Turkish Law of Obligations]* XXII+144 pp., Helbing Lichtenhahn - Basel 2014.

■ *Yeni Sosyo-Ekonomik Boyutuyla Maddi Zarar Kavramı [The Notion of Damage in Light of Recent Socio-Economic Changes]*, 476 pp., Vedat - Istanbul 2007.

- La notion de défaut dans la responsabilité du fait des produits, *Analyse économique et comparative [Manufacturer's Liability for Defective Products]*, LVIII+414 pp., Schulthess - Zurich/Basel/Geneva 2005.

Book chapters

- Produits composés: responsabilité civile et gestion des relations contractuelles [Composite Products: Civil Liability and Management of Contractual Relations], in: Christine Chappuis & Bénédicte Winiger (Eds.), *Journée de la responsabilité civile 2016: La responsabilité du fait des produits*, Schulthess – Zurich 2017 (forthcoming – with Pranvera Këllezi).
- Turkey, in: Ken Oliphant (Ed.), *European Tort Law: Basic Texts*, 2nd ed., Jan Sramek Verlag- Vienna 2017 (forthcoming – with Aysegül Dörttepe Okutan).
- Bir Türk Akademisyen Gözünden Avrupa'da Özel Hukukun Geleceği [A Turkish Academic's Perspective on the Future of Private Law in Europe], in: Şebnem Akipek Öcal *et al.* (Eds.), *Medeni Kanun'un ve Borçlar Kanunu'nun 90. Yılı Sempozyumu – 1926'dan Günümüze Türk-İsviçre Medeni Hukuku*, Ankara 2017, pp. 1339-1370.
- What Europeans Can Learn from an Untold Story of Transjudicial Communication: The Swiss-Turkish Experience, in: Mads Andenas & Duncan Fairgrieve (Eds.), *Courts and Comparative Law*, Oxford University Press - Oxford 2015, Chapter 37.
- The Bounds between Negligence and Strict Liability, in: Mauro Bussani & Anthony J. Sebok (Eds.), *Global Tort Law*, Edward Elgar Publishing - Cheltenham 2015, Chapter 10 (with Franz Werro).
- The Impact of European Law on Swiss and Turkish Regulations of Competition: With Specific Consideration Given to Abuse of Dominance Cases, in Lukas Heckendorn Urscheler (Ed.), *L'influence du droit européen en Suisse et en Turquie*, Schulthess – Zurich 2015, pp. 189 - 238.
- Turkey, in: Ernst Karner & Barbara C. Steininger (Eds.), *European Tort Law Yearbook 2013*, De Gruyter – Berlin/Boston 2014, pp. 741-761.
- İçerik denetiminin müzakere edilmemiş sözleşme hükümleriyle sınırlandırılması üzerine: Mostaza Claro'nun düşündürdükleri [Judicial Control of the Content of Contractual Terms: Reflections Based on the Mostaza Claro Case], in: Ayşe Havutçu & Emre Cumalıoğlu (Eds.), *Liber Amicorum Prof. Dr. Aydın Zevkliler*, Izmir 2013, pp. 675-711.
- La sécurité du consommateur en Suisse [Consumer Safety in Switzerland], in `Le Consommateur`, *Collection des Travaux de l'Association Henri Capitant*, vol. LVII, *Les Travaux des Journées colombiennes*, édit. Société de législation comparée, Bruylant - Paris 2010, pp. 503-515.
- Reduction of Damages, in: Attila Fenyves & Ernst Karner & Helmut Koziol & Elisabeth Steiner (Eds.), *Tort Law in the Jurisprudence of the European Court of Human Rights*, De Gruyter – Berlin/Boston 2009, pp. 803-821 (with Thomas Thiede).
- Quelques réflexions sur l'euro-compatibilité des dispositions du Projet turc [Some Reflections on the Euro-Compatibility of the Draft of the Turkish Code of Obligations], in: Bénédicte Winiger (Ed.), *La responsabilité civile européenne de demain/Europäisches Haftungsrecht morgen*, Schulthess/Bruylant – Geneva 2008, pp. 121-133.

Articles

- The Role of Comparative Law: New International Model Rules vs. Time-Tested Local Practices, *North Carolina Journal of International Law (NCJIL)* 2017, pp. 625-663.
- Die «learned intermediary»-Doktrin im schweizerischen Pharmarecht: Sachgerechte oder sachfremde Anwendung? [The Learned Intermediary Doctrine in Swiss Pharmaceutical Law], *Aktuelle juristische Praxis (AJP/PJA)* 12/2016, pp. 1645-1655 (with Sabrina Maurer).
- L'article 1171 du code civil français à la lumière du dispositif turc de protection contre les clauses abusives [Article 1171 of the French Civil Code in the Light of Turkish Law against Unfair Terms], *Revue internationale de droit comparé (RIDC)* 2016, pp. 883-890.
- Tıbbi Ürünlerin Yol Açtığı Zararlardan Sorumluluk [Pharmaceutical Product Liability], *Uluslararası Antalya Üniversitesi Hukuk Fakültesi Dergisi* 2/2016, pp. 157-197 (with Kerem Öz).
- Rekabet İhlallerinden Kaynaklanan Tazminat Davalarına İlişkin AB Yönergesi'nde Yer Alan Aktarma (*Passing-On*) Savunması ve Toplu Dava Hakkı [Passing-on Defence in the New EU Directive on Antitrust Damages Actions and Right to Collective Redress], *Banka ve Ticaret Hukuku Dergisi (BATİDER)* 2016, pp. 153-195 (with Tuğçe Koyuncu).
- La responsabilité du fait de produits “défectueux sans défaut” [Product Liability without Defect], *Droit de la consommation - Consumentenrecht (DCCR)* 2016, pp. 15-29.
- Turkish Contract Law Reform: Standard Terms, Unforeseen Circumstances, and Judicial Intervention, *European Business Organization Law Review (EBOR)* 2016, pp. 423-449.
- Et si Dr House évoquait le défaut potentiel de votre pacemaker... [What Would Say if Dr. House Hinted at the Potential Defect of your Pacemaker?], *Aktuelle juristische Praxis (AJP/PJA)* 2016, pp. 14-22.
- Punitive Damages in Europe and Plea for the Recognition of Legal Pluralism, *European Business Law Review (EBLR)* 2016, pp. 137-157 (with Ina Ebert, Duncan Fairgrieve, Lotte Meurkens, Francesco Quarta).
- Standing and Passing-on in the New EU Directive on Antitrust Damages Actions, *Schweizerische Zeitschrift für Wirtschaftsrecht (SZW/RSDA)* 2015, pp. 2-14.
- Borçlar Kanunu ve Viyana Satım Sözleşmesi Perspektifinden Çelişen Genel İşlem Şartları [The Battle of the Forms under the Turkish Code of Obligations and the CISG], *Uluslararası Antalya Üniversitesi Hukuk Fakültesi Dergisi* 2015, pp. 135-157.
- Strict Liability in Contemporary European Codification: Torn between Objects, Activities, and their Risks, *Georgetown Journal of International Law (GJIL)* 2013, pp. 609-640 (with Willem H. van Boom).
- New Perspectives on Misuse of Market Power: How Should the Effects-based Approach Complement the Existing Normative Solution?, *Schweizerische Zeitschrift für Wirtschaftsrecht (SZW/RSDA)* 2013, pp. 49-69.
- The New Turkish Tort Law, *Journal of European Tort Law (JETL)* 2012, pp. 44-100.
- La bonne foi dans l'article 8 LCD: un remède à l'impuissance des consommateurs face aux clauses générales 'soi-disant' négociées? [The Good Faith Principle in Article 8 of the Swiss

Federal Act on Unfair Competition], *Aktuelle juristische Praxis (AJP/PJA)* 2012, pp. 1393-1411.

■ Le nouveau CO turc est-il toujours attaché à ses racines suisses? Analysée à la lumière du principe européen d'effectivité, une réponse particulièrement intéressante en matière de prescription extinctive [Is the New Turkish Code of Obligations Still Attached to Its Swiss Roots?], *Responsabilité et Assurance (REAS/HAVE)* 2012, pp. 44-50.

■ La relativité de la sécurité du produit: différentes circonstances, différents défauts, différents régimes de responsabilité [The Relative Character of Product Safety: Differing Circumstances, Defects, Liabilities], *Zeitschrift für Schweizerisches Recht (ZSR/RDS)* 2010, pp. 29-50.

■ La responsabilité de l'entreprise" régie par l'art. 65 al. 3 du projet du Code des obligations turc: une disposition différente de celles prévues par les principes du droit européen de la responsabilité civile? [Enterprise Liability According to Article 65(3) of the Draft Turkish Code of Obligations], *Galatasaray Üniversitesi Hukuk Fakültesi Dergisi* 2007, pp. 915-930.

■ The Necessity of Centralizing All the Measures Securing Product Safety in European Law, *Hanse Law Review (HLR)* 2006, pp. 159-167.

■ Die Haftung wegen unerlaubter Handlungen im türkischen Entwurf des allgemeinen Teils des neuen Obligationengesetzes [Civil Liability in the Draft of the Turkish Code of Obligations], *Responsabilité et Assurance (HAVE/REAS)* 2006, pp. 330-337.

■ De l'opportunité de préciser le champ d'application d'une éventuelle clause générale de responsabilité pour risqué [The Necessity to Define the Scope of a Proposed General Clause of Strict Liability], *Responsabilité et Assurance (HAVE/REAS)* 2006, pp. 2-8.

■ Eşya Hukukuna İlişkin Hükümlerin Kısmi Revizyonunu Öngören İsviçre Medenî Kanunu Ön-Tasarısı'nda Taşınmaz Malikinin Sorumluluğu [Real Property Law in the Preliminary Draft Bill of Swiss Real Law], *BATİDER* 2006, pp. 207-218.

■ Ebeveynleri Tarafından Dünyaya Gelmesi Arzu Edilmemiş Çocuğun Doğumunu Engellemek Hekimin Sorumluluğunu Gerektirir Mi? [Medical Liability in Wrongful Birth and Wrongful Life Cases], *E-Journal of Akademi*, www.e-akademi.org, février 2006.

■ Tehlike Esasına Dayanan Genel Sorumluluk Kuralı Üzerine Eleştirel Değerlendirmeler [A Critical Assessment on a General Clause of Strict Liability], *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi* 2006, pp. 1-20.

■ Yaşama Şansının Yitirilmesi Sonucu Uğranılan Kayıplar Açısından Hekimin Tazminat Sorumluluğunun Kapsamı: Uygun İlliyet Bağı Teorisine Değişik Bir Yaklaşım [Medical Liability in Loss of Chance Cases: A New Approach to Causation], *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 2005, pp. 119-148.

■ Tatilden Beklenen Yararın Elde Edilememiş Olmasının Hukuki Niteliği: Manevi Zarar Kavramına Değişik Bir Yaklaşım [Legal Remedies for Spoiled Vacations: A New Approach to Moral Damages], *Galatasaray Üniversitesi Hukuk Fakültesi Dergisi* 2004, pp. 203-240.