

LAURO GAMA JR.
lauro.gama@laurogama.adv.br
Avenida Ataulfo de Paiva 135 – suíte 410
Leblon, Rio de Janeiro, RJ 22444-910, Brasil
Phone: +55 (21) 2540-7282

Highlights

- 35 years of experience in Brazilian and International law
- Expertise in Contracts, Conflicts of Laws, International Business Law and Commercial Arbitration

Formal Education

Doctor of Laws, International Law

- University of São Paulo. São Paulo, Brazil (1998-2004)
- Thesis subject: The 2004 Unidroit Principles of International Commercial Contracts
- Approved “with distinction” in November 2004

LL.M Comparative Law

- McGill University. Montreal, Canada (1998-1999)
- Thesis subject: Telecommunications and regional integration: the case of Mercosur

Master of Laws in International Relations

- Pontifical Catholic University Rio de Janeiro, Brazil (1988-1992)
- Thesis subject: Arbitration law and practice in Brazil and Portugal

Bachelor of Laws

- State University of Rio de Janeiro. Rio de Janeiro, Brazil (1981-1987)

Professional experience

Acted as counsel, co-arbitrator and Chairman in more than 100 (one hundred) domestic and international arbitrations, both *ad hoc* and institutional before various arbitration institutions. The disputed subject-matters included corporate law, M&A transactions, shareholders agreements, major construction contracts, built-to-suit contracts, insurance disputes, international sale of goods, services, consulting, joint-ventures, transfer of technology and licensing of trademarks.

Founding Partner - Lauro Gama Attorneys at Law (Jun. 2016 – to date)

- Rio de Janeiro, Brazil.
- Corporate and international law, civil law, administrative law and regulatory agencies, arbitration, litigation

Partner - Binenbojm, Gama & Carvalho Britto Attorneys at Law (Jan. 2004 – Jun. 2016)

- Rio de Janeiro, Brazil.
- Corporate and international law, civil law, administrative law and regulatory agencies, arbitration, litigation

General Counsel (Jan. 2003 – Jan. 2006)

- Rioprevidência (*Fundo Único de Previdência* of the State of Rio de Janeiro)
- Pension funds law, administrative law, real estate law, corporate law, securitization projects

Legal consultant (Jul. 2003 – Dec. 2004)

- Telesystem International Wireless Inc. (TIW) Montreal, Canada
- Corporate law, litigation, telecommunications law and regulation

General Counsel (Dec. 2000 - Jun. 2003)

- TIW do Brasil Ltda.
- Corporate law, litigation, telecommunications law and regulation

Legal consultant (Jan. 2000 – Nov. 2000)

- Telesystem International Wireless Inc. (TIW) Montreal, Canada
- Brazilian telecommunications law and regulation

Partner - Capanema & Gama Attorneys at Law (1988-1999)

- Rio Janeiro, Brazil.
- Civil, corporate, international and tax law practice

State Attorney (1994- 2021 - retired)

- Litigation and consultative law practice on behalf of the State of Rio de Janeiro – mostly on constitutional, international, tax and administrative law, and arbitration.

Adjunct Professor of Law (1990 – to date)

- Pontifical Catholic University. Rio de Janeiro, Brazil.
- Private International law, Contracts, Arbitration and International Business Transactions

Languages

- Fluent in English, French, Spanish and Portuguese; knowledgeable in Italian

Professional Membership and activities

- Acted as General Rapporteur for the 2022 Asunción General Congress of the International Academy of Comparative Law on *The Effectiveness of International Legal Harmonization through Soft Law – ICC's Uniform Customs and Practice for Documentary Credits (UCP 600)*, covering 40 jurisdictions
- Integrated the group of five experts that elaborated, along with UNCITRAL, UNIDROIT and the Hague Conference on Private International Law, the *Legal Guide to Uniform Instruments in the Area of International Commercial Contracts, with a Focus on Sales*, published in 2021
- Member of the ICC Arbitration and ADR Commission (since 2015)
- Member of the ICC Institute of World Business Law (since 2015), Member of the Council of the ICC Institute of World Business Law (since 2018), Co-chair of the 42nd ICC Institute of World Business Law Annual Conference (2022)
- Member of the International Academy of Comparative Law (since 2017)
- UNIDROIT – *Correspondent of Unidroit* (since 2016)

- Lecturer at the Hague Academy of International Law (Aug. 2016) – Course: *The UNIDROIT Principles as the law governing international commercial contracts*
- Member of the CISG Advisory Council
- Training in “Mediating the Litigated Case”, Straus Institute for Dispute Resolution, Pepperdine University School of Law (Aug. 2015)
- Member of the International Court of Arbitration of the International Chamber of Commerce, ICC (2015-2021)
- Member of the Latin-American Arbitration Group of the International Chamber of Commerce (since 2012)
- UNIDROIT – Member of the Working Group. *Unidroit Principles of International Commercial Contracts, 3rd edition* (2005-2010); *Model Clauses for the use of the Unidroit Principles* (2012-2013)
- Brazilian Committee of Arbitration, CBAr (since 2002) - Director (2009-2013), President (2013-2015)
- Coach Willem C. Vis International Commercial Arbitration Moot – Pontifical Catholic University Rio de Janeiro Team (since 2007)
- Listed on the Arbitrators List of the CAMITAL - Arbitration and Mediation Chamber of the Italian-Brazilian Chamber (ITALCAM)
- Listed on the Arbitrators List of the Brazilian Center of Mediation and Arbitration (CBMA)
- Listed on the Arbitrators List of the Center of Mediation and Arbitration – Portuguese Chamber of Trade of São Paulo
- Listed on the Arbitrators List of the ARBITAC – Arbitration Chamber of the Paraná State Trade Association
- Listed on the Arbitrators List of the Arbitration Chamber of the São Paulo Institute of Engineering
- Listed on the Arbitrators List of the CAMARB (*Câmara de Arbitragem Empresarial*)
- Listed on the Arbitrators List of the CMA/CCBC - Center of Mediation and Arbitration – Chamber of Commerce Brazil-Canada
- Listed on the Arbitrators List of the CAM-CIESP – Arbitration Chamber of the Federation of Industries of São Paulo
- Listed on the Arbitrators List of the International Arbitration Institute (Chairman: Prof. Emmanuel Gaillard)
- Hague Conference of Private International Law – Member of the Working Group devoted to the drafting of the Hague Principles on the Choice of Law in International Contracts (2009-2014)
- International Chamber of Commerce (ICC Brazil) – Arbitration Committee (since 2005)

- Member of the Brazilian Bar Arbitration Committee (Rio de Janeiro)
- Member of the Brazilian Bar International Commercial Committee (Rio de Janeiro)
- Member of the *Groupe de Travail sur les Contrats Internationaux (GTCI)*; chaired by Prof. Filip de Ly
- International Law Association, Brazilian branch (since 1993); Vice-president (2005-2014)
- *American Society of International Law* (since 1992)
- Brazilian Society of International Law (since 1991)
- American Association of Private International Law (ASADIP); Vice-president, International Relations
- Brazilian Bar – State of São Paulo (since 2006)
- Brazilian Bar – State of Rio de Janeiro (since 1988)

Expert witness experience before foreign courts and arbitral tribunals

- Acted as legal expert before the Court of Session in Scotland in a dispute involving the binding nature of a master sales agreement governed by Brazilian law ([2022] CSOH 26) (2021-2022).
- Acted as legal expert before an ICC arbitral tribunal, composed of two former English judges (one from the Supreme Court and the other a former Lord Justice of Appeal) and a King’s Council, on (i) the matter of attorney-client privilege and security for costs under Brazilian law, (ii) the requirements for the application of *non potest venire contra factum proprium* and *suppressio* under Brazilian law, (iii) the interpretation of pledge agreements and their compatibility with Article 1.428 of the Brazilian Civil Code, (iv) the duties owed by directors and officers under the Brazilian Corporations Act, and (v) the interpretation of a put option agreement and its enforcement under Brazilian contract law (2020).
- Acted as expert before a Brazil-seated CBMA arbitral tribunal, presided by a former judge, on the post-contractual relationship of a concession agreement for exploration, development and production of oil and gas under Brazilian law (2019).
- Acted as expert before a Paris-seated LCIA arbitral tribunal on various issues of Brazilian contract law related to a joint operation agreement on oil exploration (2018-2019).
- Acted as expert before a Paris-seated ICC arbitral tribunal on the interpretation and application of Brazilian law to an international distribution agreement (2018).
- Acted as expert before a Brazil-seated ICC arbitral tribunal on the interpretation of a purchase option agreement of arbitration rights under Brazilian law and its implications in an arbitral proceeding (2017).

- Acted as expert before the 11th Judicial Circuit Court of Florida on the Brazilian procedure for service of process initiated abroad (Case No. 08-21169 FC 28) (2009).

Publications

2023

- “Princípios do Processo Arbitral” In: COMITÊ BRASILEIRO DE ARBITRAGEM. Booklet, 2023.

2022

- “O futuro da Arbitragem”. In: NANNI, Giovanni Ettore; RICCIO, Karina e DINIZ, Lucas de Medeiros (Coords.). *Comitê Brasileiro de Arbitragem e a Arbitragem no Brasil: obra comemorativa ao 20º aniversário do CBAr*. São Paulo: Almedina, 2022.

2021

- “UNCITRAL, HCCH and UNIDROIT Legal Guide to Uniform Instruments in the Area of International Commercial Contracts, with a Focus on Sales”, 2021
- “A experiência recente da CCI como *Amicus Curiae* em juízo” in Ana Luiza B.M. Pinto Moreira; Renato Berger (Coord.), *Arbitragem e outros temas de Direito Privado: Estudos Jurídicos em homenagem a José Emílio Nunes Pinto*, 2021.
- “Brazilian National Report” with Carmen Tibúrcio and Felipe Albuquerque, in Daniel Girsberger; Thomas Kadner Graziano; Jan L. Neels (eds.), *Choice of Law in International Commercial Contracts*, forthcoming 2021, in which he contributed as Regional and Special Co-Editor with José Antonio Moreno Rodríguez in Chapter on Latin America.

2020

- “A saga de um imóvel carioca: o caso Síria v. Egito revisitado”, in André Gustavo Andrade; Cristina Tereza Gaulia et al (Org.), *Temas relevantes de Direito Imobiliário: uma homenagem ao Professor Sylvio Capanema de Souza*, 2020.
- “Les Principes d’UNIDROIT et la loi régissant les contrats de commerce”, *Recueil des Cours de l’Académie de Droit International de La Haye*, 2020.
- “Evidence Production and the Role of the Arbitrators” in Peter Sester (Org.) *International Arbitration: Law and Practice in Brazil*. Oxford: Oxford University Press, 2020.
- “A Saga da Autonomia da Vontade em Matéria Conflitual no Direito Internacional Privado Brasileiro dos Contratos” with Agatha Brandão de Oliveira, in Monaco, Gustavo Ferraz de Campo and Loula, Maria Rosa Guimarães (Coord.), *Homenagem aos 70 anos do Professor Catedrático Rui Manuel Moura Ramos*, 2020.

2019

- “El impacto de la CVIM en el derecho contractual brasileño”. In: Alejandro M. Garro; José A. Moreno Rodríguez. (Org.). *La compraventa internacional y la CISG: una perspectiva iberoamericana*. 1ed. Asunción: CEDEP, 2019, p. 41-59.

2017

- “Interpretation and Application of the New York Convention in Brazil” with Bruno Barreto de Azevedo Teixeira, in Bermann, George A. (ed.), *Recognition and Enforcement of Foreign Arbitral Awards*, Springer International Publishing, 2017, p. 149-161.
 - “Contract validity in the PICC (and their potential interplay with the CISG)”, *Uniform Law Review*, v. 22, issue 1, 2017, p. 72-97.
 - “Tacit Choice of Law in The Hague Principles Focus: Towards a Global Framework for International Commercial Transactions - Implementing the Hague Principles on Choice of Law in International Commercial Contracts (Lucerne 8-9 Sept. 2016)”, *Uniform Law Review*, v. 22, issue 2, 2017 p. 336-350.
- 2016**
- “Realidade e desafios de ser árbitro no Brasil”, *Arbitragem na Administração Pública*, Rio de Janeiro: APERJ, 2016, p. 375 -385.
 - “Usages and Implied Obligations under the UNIDROIT Principles”, in F. Gélinas, *Trade Usages and Implied Terms in the Age of Arbitration*, New York, Oxford University Press, 2016, p. 145-209.
 - "Les usages du commerce dans les Principes d'UNIDROIT", in *Eppur si muove: The age of Uniform Law, Essays in honour of Professor M. J. Bonell to celebrate his 70th birthday*, UNIDROIT, v. 2, 2016, p. 1412-1461.
- 2015**
- “A Sinergia entre a Convenção de Viena e os Princípios do UNIDROIT reativos aos contratos comerciais internacionais”, in L. G. Meira Moser e Francisco A. Pignatta (coord.) *Comentários à Convenção de Viena Sobre Contratos de Compra e Venda Internacional de Mercadorias (CISG)*, São Paulo: Atlas, 2015, p. 205 and ff.
 - “Remédios do Comprador (e outros remédios ligados ao inadimplemento do vendedor) (Arts. 45-52 da CISG)” with Bruno Barreto de Azevedo Teixeira, in *A Convenção de Viena sobre Contratos de Compra e Venda Internacional de Mercadorias, Desafios e Perspectivas*, São Paulo: Atlas, 2015, p. 329 - 360.
 - “Limitation and Exclusion of Liability in CISG Contracts”. CISG Advisory Council, *Opinion n° 17*. Approved in 2015 at the meeting held in Bogotá, Colombia.
- 2014**
- “O direito aplicável a contrato internacional de mútuo celebrado em Nova York – Eleição pelas partes do direito do estado de Nova York e ação de cobrança aforada em São Paulo”, *Revista de Direito Empresarial*, v. 4, ano 2, julho-agosto 2014, p. 295-331.
- 2013**
- “Exclusão da responsabilidade por inadimplemento na Convenção de Viena sobre a compra e venda internacional de mercadorias” with Giulia Jordan, *Revista de Arbitragem e Mediação*, v. 37, abril-junho 2013, p. 185-222.
 - “A Arbitragem Privada nos Setores Regulados – Legitimidade da arbitragem privada diante da competência das Agências Reguladoras para solucionar

- conflitos” with Juliana Rodrigues, *Revista do Advogados*, AASP (Associação dos Advogados de São Paulo), Ano XXXIII, abril de 2013, n. 119, p. 68-75.
- 2011**
- “A Escolha da Lei Aplicável aos Contratos Internacionais. Os Futuros Princípios da Haia e Perspectivas para o Brasil” with Nadia de Araújo and Hague Conference on Private International Law, *Revista de Arbitragem e Mediação*, v. 34, julho-set 2013, p. 11-41.
 - “Prospects for the UNIDROIT Principles in Brazil”, *Uniform Law Review*, Vol. XVI, 2011, p. 613-656
 - “Non-State Law in The (Proposed) Hague Principles on Choice of Law in International Contracts”, with Geneviève Saumier, in D.P. Fernandez Arroyo and J.J. Obando Peralta, *El derecho internacional privado en los procesos de integración regional Jornadas de la ASADIP 2011 – San José, 24-26 de noviembre*, San José, Editorial Juridica Continental, 2011, p. 41-46. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1971302
- 2010**
- “Recusas fundadas no art. V, 1, “e”, da Convenção de Nova York – peculiaridades de sua aplicação no Brasil”, in Arnaldo Wald and Selma Lemes, *Arbitragem Comercial Internacional – A Convenção de Nova Iorque e o Direito Brasileiro*, São Paulo, Saraiva, 2010, p. 231-259.
 - “Hardship nos contratos internacionais: o papel revigorante dos Princípios do UNIDROIT na evolução da Convenção de Viena”, *Revista Trimestral de Direito Civil*, n. 9, 2010, pp. 205-229.
- 2008**
- “Direito Internacional Privado em 2007: novidades no plano internacional e interno”, *Revista de Direito do Estado*, n. 9, jan/mar 2008, p. 63-81.
 - “Os Princípios do UNIDROIT Relativos aos Contratos do Comércio Internacional: Uma Nova Dimensão Harmonizadora dos Contratos Internacionais”. In. DIREITO, Carlos Alberto Menezes, TRINDADE, Antonio Augusto Cançado, PEREIRA, Antonio Celso Alves (Org.). *Novas Perspectivas do Direito Internacional Contemporâneo: Estudos em Homenagem ao Professor Celso D. de Albuquerque Mello*. Rio de Janeiro: Renovar, 2008.
 - “Os Princípios do UNIDROIT na Prática Arbitral: uma análise de casos (1994-2006)”, in *Arbitragem Doméstica e Internacional – Estudos em Homenagem ao Prof. Theóphilo de Azeredo Santos*, Rio de Janeiro: Forense, 2008, p. 231-259.
- 2006**
- *Contratos Internacionais à luz dos Princípios do UNIDROIT 2004 – Soft law*, *Arbitragem e Jurisdição*, Rio de Janeiro: Renovar, 2006.
 - “A Convenção de Viena sobre a Compra e Venda Internacional de Mercadorias - 1980: essa grande desconhecida”, *Revista de Arbitragem e*

Mediação (coord. Prof. Arnaldo Wald), São Paulo: Revista dos Tribunais, abr-jun. 2006, v. 9.

- “Os Princípios do UNIDROIT relativos aos Contratos do Comércio Internacional e o Direito Brasileiro: Convergências e Possibilidades”, *Revista de Arbitragem e Mediação* (coord. Prof. Arnaldo Wald), São Paulo: Revista dos Tribunais, jan-mar. 2006, v. 8, p. 48-100.
 - “Metamorfose (do bem): Teoria e Prática da Homologação de Sentenças Arbitrais Estrangeiras no Superior Tribunal de Justiça”, *Revista de Direito da Associação dos Procuradores do Novo Estado do Rio de Janeiro*, v. XVIII, Lumen Juris, 2006, pp. 133-176.
 - “Autonomia da Vontade nos Contratos Internacionais no Direito Internacional Privado Brasileiro”, in Luís Roberto Barroso and Carmem Tibúrcio, *Estudos em Homenagem ao Professor Jacob Dolinger*, Rio de Janeiro: Renovar, 2006, p. 599-626.
- 2005**
- “Sinal verde para a arbitragem nas parcerias público-privadas (A construção de um novo paradigma para os contratos entre o Estado e o investidor privado)”, *Revista Brasileira de Arbitragem*, Comitê Brasileiro de Arbitragem, n. 8, out/nov/dez 2005, p. 7-42.
 - “Recognition of Foreign Awards in Brazil: Recent Developments”, in ICC International Court of Arbitration Bulletin Vol 16/No. 1, Spring 2005, p. 1-5.
 - “Regulação e Concorrência no Setor de Telecomunicações”, with F.V. Marques in Cláudia Lima Marques, *O Novo Direito Internacional: Estudos em Homenagem ao Professor Erik Jayme* (coord.), Rio de Janeiro: Renovar, 2005, p. 573-613.
- 2002**
- “The Unidroit Principles and their applicability in the Mercosur countries”, *Revue Juridique Thémis*, Montréal, v. 36, 2002, p. 375-419.
 - “Os Princípios da Unidroit e sua aplicação nos países do Mercosul”, in João Grandino Rodas, *Contratos Internacionais*, 3ª edição, São Paulo, Revista dos Tribunais, 2002, p. 427-464.
- 2000**
- “O Mercosul e a integração dos serviços de telecomunicações”, in Paulo B. Casella *Mercosul – Integração regional e globalização*, Rio de Janeiro, Ed. Renovar, 2000, p. 1037-1104.
- 1999**
- “Telecomunicações no Mercosul: Polimorfismo da Internacionalização Normativa”, *Revista Jurisprudencia Argentina*, Buenos Aires, número especial – Mercosur, 1999.
 - “Arbitrage commercial international. Comparaison entre le cadre juridique de la province du Québec (Canada) et celui du nouveau droit brésilien de l'arbitrage”, *Revue Juridique Thémis*, Montréal, v. 32, n. 2, 1998, p. 441-492.

- “Os acordos bilaterais de investimento e o direito brasileiro interno”, with Nadia de Araújo, in Paulo B. Casella e Araminta A. Mercadante *Guerra Comercial ou Integração pelo Comércio? - A OMC e o Brasil*, São Paulo, LTr, 1998, p. 460-496.
- “A Convenção Interamericana sobre arbitragem comercial internacional - Panamá, 1975”, in Paulo B. Casella and Nadia de Araújo, *Integração Jurídica Interamericana*, São Paulo, LTr, 1998, p. 373-409.
- “Reconhecimento e execução de laudos arbitrais estrangeiros”, in Paulo B. Casella, *Arbitragem - a nova lei brasileira (9.307/96) e a praxe internacional*, São Paulo, LTr, 1997, p. 406-425.