

MARTIM DELLA VALLE

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Nationality: Brazilian, Belgian, Italian

Admissions: Brazil, Portugal.

LANGUAGES

English, Spanish, Italian, French, Portuguese

EDUCATION

- 2009 PhD., International Law. University of São Paulo, Brazil. Louvor (highest honor).
- 2007 Visiting scholar, University of Michigan, Ann Arbor, MI, USA
- 1995 Law Degree, University of São Paulo, Brazil.

CAREER SUMMARY

As from Sept 2018

Della Valle Dispute Resolution. São Paulo and Lisbon
Principal

Della Valle Dispute Resolution is a boutique focused on arbitration. It is dedicated to to Martim Della Valle's activities as arbitrator, scholar and consultant.

As from Sept 2018

Zenith Source, Brussels, Belgium
Founder

Zenith Source is a LawTech start-up dedicated to solutions for compliance. It develops IT systems and provides consultancy services (www.zenithsource.com).

Jan 2012 – Aug 2018

Anheuser Busch-Inbev sa/nv, Leuven, Belgium

Oct 2016 – Aug 2018 Vice President, Global Compliance, Antitrust and Litigation

ABI is the world's largest brewer and one of the largest consumer goods companies globally. Headquartered in Leuven (Belgium) and New York, it has operations in 85 countries and more than 200,000 employees.

- Global head of litigation, antitrust and compliance (Group Chief Compliance Officer).
- Responsible for the strategy and management of major dispute resolution cases.
- Responsible for all aspects of competition law globally.

Oct 2014 – to Oct 2016 Vice President, Compliance (Group Chief Compliance Officer)

- Responsible for all aspects of compliance globally.
- Supervised defence and settlement of a FCPA and Dodd Frank investigation carried by the US SEC and DOJ.
- Acted as General Counsel for Africa during the acquisition of SAB Miller (2015-2016), being responsible for
 - secondary listing in the Johannesburg Stock Exchange,
 - commercial negotiations of divestitures,
 - interaction with securities and competition authorities across the continent.

Feb 2012 – to Oct 2014 Legal Director, Global Competition and Compliance

- Responsible for designing and implementing Global Compliance Programs (Anti-bribery, Competition and Data Protection).
- Responsible for the merger clearances of Grupo Modelo's (Corona) acquisition.

Mar 2005 to Dec 2011

AMBEV – COMPANHIA DE BEBIDAS DAS AMÉRICAS, São Paulo, Brazil

Ambev is a subsidiary of Anheuser Busch-Inbev that operates in Latin America. Headquartered in São Paulo, it is listed in São Paulo and New York. It has operations in 19 countries and more than 40,000 employees

Held different positions as Legal Director. Main duties included:

- Head litigation counsel.
- Head antitrust counsel.
- Head counsel for administrative and criminal law matters.
- General counsel for the HILA business unity (Peru, Ecuador, Venezuela, Dominican Republic and Guatemala).

2001-2005

LINKLATERS (LEFOSSE ADVOGADOS), São Paulo, Brazil

Linklaters is an international law firm with more than 2,500 lawyers working in 29 offices in 20 countries.

Managing Associate. Litigation and Arbitration Practice (with secondments in France and Germany). Head of the arbitration team. Advised and represented clients in high profile local and international cases.

1996-2000

GOULART PENTEADO, IERVOLINO E LEFOSSE, São Paulo, Brazil

GPIL was a Brazilian law firm with approximately 100 lawyers and offices in 3 cities.

Associate. Litigation and Arbitration Practice. Advised and represented clients in local and international cases.

PUBLICATIONS

a) Books

- International Arbitration Ex Aequo et Bono (New York, Juris, 2016).
- Arbitragem e Equidade: uma abordagem internacional (São Paulo, Atlas, 2012).
- On Decisions Ex Aequo et Bono in International Commercial Arbitration. Mimeo, São Paulo, 2009. (Doctoral Thesis).

b) Selected Articles

- Considerações sobre Pressupostos Processuais em Arbitragem (Remarks about Procedural Prerequisites in Arbitration). Rev. Bras. Arb., 2006.
- Comentário de Jurisprudência: Sentença Arbitral Declarando Rescindido Acordo de Parceria (Case Notes: Arbitral Award Terminating a Partnership Agreement). Rev. Bras. Arb., 2013
- Caso Total Energie v. Thorey (The Total Energie v. Thorey Case). Rev. Bras. Arb., 2004

ADDITIONAL INFORMATION

- Lecturer at the International Anti-Corruption Academy – IACA (Vienna).
- Board Member of the FIESP/CIESP Arbitration Center.
- Speaker on a number of conferences, mainly on arbitration, compliance and competition law.

- Guest lecturer at Compliance Management Program at the Catholic University of Louvain (Belgium).
- Board Member of Transparency International Belgium.
- Former board member of the European Chief Compliance and Integrity Officers Forum.
- Financial Times Innovative Lawyers award winner 2017.
- Corporate Counsel Award for Best Legal Department in Compliance (2018).
- ILO Global Counsel Awards 2017 for best competition team.
- Managed a fruit-production farm on a part-time basis. (Santa Adélia, Brazil).

REPRESENTATIVE CASES

- Software licensing: dispute regarding the validity and extension of software licenses. Amount in dispute of approximately US\$900 million. Applicable law: New York law. Rules: AAA.
- M&A: dispute on the price adjustment clause for a call/put option in a joint venture in Latin America. Amount in dispute of approximately US\$180 million. Applicable law: New York law. Rules: ICC.
- Supply: dispute on a commodity supply agreement. Amount in dispute of approximately US\$100 million. Issues involved hardship due currency exchange rate and rises in input prices. Applicable law: Brazilian law. Rules: UNCITRAL.
- Construction/Insurance: dispute regarding a power plant construction insurance. Amount in dispute of approximately US\$80 million. Issues involved malpractice, unforeseen circumstances and geological constitution of terrain. Applicable law: Brazilian law. Rules: FIESP.
- Distribution: dispute over distribution rights of a major toys brand in Latin America. Amount in dispute of approximately US\$50 million. Issues involved termination of the distribution agreement, severance payments and injunctive relief. Applicable law: New York law. Rules: ICDR/AAA.
- M&A: dispute regarding the accuracy of books and records in the context of an acquisition in the automotive sector. Amount in dispute of approximately US\$50 million. Issues involved misrepresentation of accounting records, anti-suit injunctions. Applicable law: Brazilian law. Rules: CAM-CCBC.
- Construction: dispute on the scope of civil works for a car production site. Amount in dispute of approximately US\$30 million. Issues involved change of scope of works, payment of variation orders, hardship. Applicable law: Brazilian Law. Rules: CAM-CCBC.
- M&A: dispute on the breach of a memorandum of understanding for the acquisition of a company. Amount in dispute of approximately US\$80 million. Issues involved enforceability of preliminary agreements, *bona fide*, and the effects of arbitration clauses to third parties (non-signatories). Applicable law: Portuguese and Brazilian law. Rules: ICC.