

# Global Antitrust Enforcement: the Perspective from Latin America



Up to  
12.5 CPD  
hours available\*

**13–14 May 2010, Unique Hotel, São Paulo, Brazil**

#### Sessions include:

- Mergers remedies
- Loyalty programmes/rebates
- Head-to-head
- Cartels/leniency/settlements
- Interview with John Fingleton, CEO, Office of Fair Trading, London; Chair, International Competition Network
- Launch of the OECD-IDB peer review report on competition law and policy in Brazil

#### Who should attend?

Antitrust and commercial lawyers in private practice, in house counsels, economists, antitrust enforcement officials and academics.

A conference co-presented by the IBA Antitrust Committee and the Brazilian Institute of Studies on Competition, Consumer Affairs and International Trade (IBRAC) and supported by the IBA Latin American Regional Forum

\*As per the Solicitors Regulation Authority of England and Wales. The number of CPD points/hours available may vary for other bar associations and law societies depending on their criteria.



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the legal profession

**IBRAC**  
Desde 1992

Instituto Brasileiro de Estudos de Concorrência,  
Consumo e Comércio Internacional

### Conference Co-Chairs

**Marcelo Calliari** *TozziniFreire Advogados, São Paulo; Chair, IBRAC*

**Michael Reynolds** *Allen & Overy LLP, Brussels; IBA Secretary-General*

### Host Committee

*Albino Advogados Associados*  
*Barbosa Müssnich & Aragão Advogados*  
*Demarest e Almeida Advogados*  
*Grinberg, Cordovil e Barros Advogados*  
*Lefosse Advogados*  
*Levy Salomão Advogados*  
*Lobo & De Rizzo Advogados*  
*Lobo & Ibeas Advogados*  
*Machado Meyer Sendacz e Opice Advogados*  
*Magalhães, Nery e Dias Advocacia*  
*Mattos Filho Veiga Filho Marrey Jr e Quiroga*  
*Mattos Muriel Kestener Advogados*  
*Mundie e Advogados*  
*Pinheiro Neto Advogados*  
*Sonia Marques Döbler Advogados*  
*Souza, Cescon, Barriou & Flesch Advogados*  
*TozziniFreire Advogados*  
*Trench, Rossi & Watanabe Advogados*  
*Veirano Advogados Associados*  
*Vieira Rezende Barbosa e Guerreiro Advogados*

0800 – 1700

Registration at Unique Hotel

0900 – 0915

### Welcome remarks from the Chairs

Marcelo Calliari

Michael Reynolds

0915 – 1000

### Opening address

**William Kovacic** *Commissioner, Federal Trade Commission, Washington DC*

1000 – 1300

### Mergers remedies

In this session, panellists will consider legal and practical issues which arise in the context of merger remedies required by competition authorities when clearing a proposed merger. Panellists from Europe, North and Latin America will consider the view from the perspective of the in-house lawyer, the external advisor and the public enforcer. Questions to be addressed by the panel will include whether it is possible or desirable to coordinate remedies in various jurisdictions; how to choose an effective remedy while avoiding the risk of over enforcement; whether to allow behavioral remedies and, if one chooses to do so, how to police them.

### Moderators

**Tito Amaral Andrade** *Machado Meyer Sendacz e Opice Advogados, São Paulo*

**Marc Reysen** *Howrey, Brussels; Working Group Coordinator, IBA Antitrust Committee*

### Speakers

**Jason Gudofsky** *Blakes, Toronto*

**Christoph Leibenath** *Nestlé, Vevey*

**Carlos Ragazzo** *Commissioner, CADE, Brasília*

**Sérgio Varella Bruna** *Lobo & De Rizzo Advogados, São Paulo*

1115 – 1145 Coffee/tea break

1300 – 1430 Lunch

1430 – 1630

### Loyalty programmes/rebates

The panel will analyse whether the parameters which consider a loyalty programme lawful are similar in different jurisdictions. Panellists will discuss the law and economics used by the antitrust authorities from different Latin American countries, as well as the US and Europe, to determine whether such loyalty programmes reduce consumer welfare or exclude an efficient competitor.

### Moderators

**Julian Peña** *Allende & Brea, Buenos Aires*

**Barbara Rosenberg** *Barbosa Müssnich & Aragão Advogados, São Paulo*

### Speakers

**William Blumenthal** *Clifford Chance, Washington DC*

**Gabriel Castañeda** *Castañeda y Asociados, Mexico City*

**Marcelo Celani** *University Torcuato di Tella, Buenos Aires*

**John Davies** *Freshfields Bruckhaus Deringer, London*

**Paulo Furquim** *Fundação Getulio Vargas, São Paulo; Former CADE Commissioner*

1630 – 1700 Coffee/tea break

1700 – 1830

### Head-to-head on pharmaceutical pay-for-delay settlements

Pharmaceutical patent settlements: illegal pay-for-delay schemes or lawful resolution of complex disputes?

### Moderator

**Tulio Egito Coelho** *Trench, Rossi & Watanabe Advogados, Brasília*

### Speakers

**Mark Kovner** *Kirkland & Ellis, Washington DC*

**Markus Meier** *Assistant Director Health Care Division, Federal Trade Commission, Washington DC*

1900 – 2200

### Hosted cocktail and dinner reception At Churrascaria Fogo de Chão

Transport will be provided

0800 – 1300

Registration at Unique Hotel

0900 – 1100

**Cartels/leniency/settlements**

This session will explore, from various perspectives in different jurisdictions how leniency and the settlement possibility is affecting the outcome of cartel investigations, the imposition of penalties and the subsequent actions for damages.

**Moderators**

Mauro Grinberg *Grinberg, Cordovil e Barros Advogados, São Paulo*

Jose Regazzini *TozziniFreire Advogados, São Paulo; Senior Vice-chair, IBA Antitrust Committee*

**Speakers**

Olavo Chinaglia *Commissioner, CADE, Brasília*

Gabriel Dias Magalhães, *Nery e Dias Advocacia, São Paulo*

Thomas Mueller *Wilmer Hale, Washington DC*

Mariana Tavares de Araújo *Secretariat for Economic Defense – SDE, Brasília*

A Paul Victor *Dewey & LeBoeuf, New York*

1100 – 1130 Coffee/tea break

1130 – 1230

**Interview with**

John Fingleton *CEO, Office of Fair Trading, London; Chair, Steering Committee of the International Competition Network*

**Moderator**

Michael Reynolds

1230 – 1430

**Launch of the OECD-IDB peer review report on competition law and policy in Brazil**

**Moderator**

Marcelo Calliari

**Speakers**

Arthur Badin *President of CADE, Brasília*

Antonio Henrique Silveira *Secretariat for Economic Monitoring, SEAE, Brasília*

Frédéric Jenny *Chairman of the Competition Committee, OECD, Paris*

William Kovacic

Antonio Palocci *Congressman, Brasília*

Mariana Tavares de Araujo

John W Clark *IDB Consultant, Paris*

1430 – 1435

**Closing remarks**

Marcelo Calliari

Michael Reynolds

**Continuing Professional Development / Continuing Legal Education**

For delegates from countries where CPD/CLE is mandatory, the International Bar Association will be pleased to provide a Conference Certificate of Attendance which, subject to the exact CPD/CLE requirements, may be used to obtain the equivalent accreditation in your jurisdiction.

This conference has been accredited for CPD/CLE by the Solicitors Regulation Authority of England and Wales. Delegates should ask staff at the registration desk for information as to how to obtain the hours.

*The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).*

**Date**  
13–14 May 2010

**Venue**  
Unique Hotel  
Avenida Brigadeiro Luis Antonio, 4700  
Jardim Paulista, São Paulo, SP  
Tel: +55 (11) 3055 4700  
Fax: +55 (11) 3889 8100  
Website: [www.hotelunique.com.br](http://www.hotelunique.com.br)

**Language**  
All conference working sessions and conference materials will be in English.

**How to register**  
Register online at [www.int-bar.org/conferences/conf305](http://www.int-bar.org/conferences/conf305) and make payment by credit card to avail ten per cent online registration discount or complete the attached registration form and return it to Lucy Leal at [lucy.leal@int-bar.org](mailto:lucy.leal@int-bar.org)

**Fees**

Online registrations received:

	on or before 20 April	from 20 April to 7 May
IBRAC/IBA member	US\$ 590	US\$ 840
Non-member*	US\$ 840	US\$ 1,090
Young lawyers (under 30 years)	US\$ 410	US\$ 590
Academics / judges (full time)	US\$ 410	US\$ 590
Senior lawyers**	US\$ 410	US\$ 590
Corporate counsel	US\$ 530	US\$ 755
Guest fee	US\$ 90	US\$ 90

Hard copy registration forms and fees received:

	on or before 20 April	from 20 April to 7 May
IBRAC/IBA member	US\$ 655	US\$ 935
Non-member*	US\$ 935	US\$ 1,210
Young lawyers (under 30 years)	US\$ 455	US\$ 655
Academics / judges (full time)	US\$ 455	US\$ 655
Senior lawyers**	US\$ 455	US\$ 655
Corporate counsel	US\$ 590	US\$ 840
Guest fee	US\$ 90	US\$ 90

**Fees include**

- Attendance at all working sessions on 13–14 May
- Conference materials, including any available speaker's papers submitted to the IBA before 16 April
- Access to the above conference working materials from the IBA website ([www.int-bar.org](http://www.int-bar.org)) approximately seven days prior to the conference
- Lunch on 13 May
- Tea and coffee during breaks
- Invitation to hosted cocktail and dinner reception on 13 May

**Guest fee includes:**

- Invitation to hosted cocktail and dinner reception on 13 May

**Full payment must be received in order to process your registration.**

\* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this conference is held, which entitles you to the following benefits:

- (1) Password access to certain parts of the IBA website.
- (2) Receipt of IBA E-news and access online versions of *International Bar News*.
- (3) Pay the member rate for any subsequent conference registrations for this calendar year.
- (4) Take advantage of IBA Special Offers.

\*\* Criteria: 65 years or over, and a member of the IBA for 20 years or more, and no longer engaged in private practice.

Please note that registrations are not transferable.

**List of participants**

In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by **7 May** at the latest.

**Registration confirmation**

All documentation regarding your attendance at the conference can now be obtained from the IBA website. Upon receipt of your payment for the conference a confirmation e-mail will be sent containing instructions on how to download the documents. Registration confirmation will not be distributed by post.

**Payment of registration fees**

**US dollars:** by bank transfer to the IBA until 30 April 2010 at HSBC, account number 00375-81, branch 0223 (Avenida Paulista), SWIFT code BCBRRPRR, address Avenida Paulista, 949-A, São Paulo, SP 01311-917, Brazil, IBA CNPJ 07.562.031/0001-85. Use an exchange rate of 1 US\$/R\$1,90

Please pay all bank charges so that the IBA receives the full invoiced amount.

**Please ensure that a copy of the bank transfer details is attached to your registration form.**

PLEASE ENSURE THAT YOUR NAME AND 'ANTITRUST' APPEAR ON ANY TRANSFER OR DRAFT.

**Bank deposit:** Brazilian delegates can also deposit the total amount in the IBA bank account, at HSBC, account number 00375-81, branch 0223 (Avenida Paulista), address Avenida Paulista, 949-A, São Paulo, SP 01311-917, Brazil, IBA CNPJ 07.562.031/0001-85.

Use an exchange rate of 1 US\$/R\$1,90

Please pay all bank charges so that the IBA receives the full invoiced amount.

**Please ensure that a copy of the deposit is attached to your registration form.** (Note that in this case you may NOT benefit from the 10% online discount).

**Cancellation of registration**

If cancellation is received in writing at the IBA office by **30 April**, fees will be refunded less a 25 per cent administration charge. We regret that no refunds can be made after this date.

**Travel arrangements and visas**

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. **We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.**

**Hotel accommodation**

A limited number of rooms have been reserved at Unique Hotel for the nights of 12, 13, 14 and 15 May.

**UNIQUE HOTEL**

Avenida Brigadeiro Luis Antonio, 4700  
Jardim Paulista, São Paulo, SP  
Tel: +55 (11) 3055 4710  
Fax: +55 (11) 3889 8100  
E-mail: [reservas@hotelunique.com.br](mailto:reservas@hotelunique.com.br)  
Website: [www.hotelunique.com.br](http://www.hotelunique.com.br)

The following rate is per room, per night, inclusive of breakfast served at the hotel restaurant. Service charges and local taxes are not included.

**Standard or Deluxe: US\$ 415**  
**Premium: US\$ 488**

**Cancellation and no-show policy**

Any cancellation made within 24 hours before arrival will incur a cancellation fee of one night charge.

Please complete the attached accommodation form and send it direct to the hotel to make your reservation. The hotel requires a credit card number to secure your reservation.

**Please note that any reservation made after 30 April 2010 will be subject to availability and cannot be guaranteed at the special IBA rate. As a limited number of rooms have been blocked at the hotels, availability cannot be guaranteed once the room block is full.**

Delegates are responsible for making accommodation reservations directly with the hotel and enter into an agreement with the hotel regarding credit card guarantees, cancellation terms and conditions, and room rates (should these differ from the special IBA rate). The IBA cannot accept responsibility for hotel accommodation disputes between a delegate and the hotel.

**Disabled access**

The Unique Hotel is wheelchair accessible. Please notify us if you require special assistance.

**Promotional literature**

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the Sponsorship Department at the IBA [Sao.Paulo@int-bar.org](mailto:Sao.Paulo@int-bar.org)

## Global Antitrust Enforcement: the Perspective from Latin America 13-14 May 2010

Please read the 'Information' section before completing this form and return it together with your payment to Lucy Leal at the address below.

Name \_\_\_\_\_

Membership number (if applicable) \_\_\_\_\_ Date of birth \_\_\_\_\_

Firm/company/organisation \_\_\_\_\_

Address \_\_\_\_\_

Tel \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Badge: name and country to be shown on badge, if not as above \_\_\_\_\_

Guest name: \_\_\_\_\_

Special dietary requirements: \_\_\_\_\_

Register online at [www.int-bar.org/conferences/conf305](http://www.int-bar.org/conferences/conf305) and make payment by credit card to avail ten per cent online registration discount

**Registration forms and fees received:**

	on or before 20 April	from 20 April to 7 May	amount payable
IBRAC/IBA member	US\$ 655	US\$ 935	US\$
Non-member*	US\$ 935	US\$1,210	US\$
Young lawyers (under 30 years)	US\$ 455	US\$ 655	US\$
Academics/Judges (full time)	US\$ 455	US\$ 655	US\$
Senior lawyers**	US\$ 455	US\$ 655	US\$
Corporate counsel	US\$ 590	US\$ 840	US\$
Guest fee	US\$ 90	US\$ 90	US\$
<b>TOTAL AMOUNT PAYABLE</b>			<b>US\$</b>

Full payment must be received in order to process your registration.

Please note that registrations are not transferable.

**\*Join the IBA today and register for this conference at the IBA member rate.  
Please find the IBA membership application form at [www.ibanet.org](http://www.ibanet.org)**

\*\* Criteria: 65 years or over, and a member of the IBA for 20 years or more, and no longer engaged in private practice.

*continued overleaf*

**Payment details**

- I have transferred to the IBA bank account the total amount payable and have attached a copy of the bank transfer details.  
(By bank transfer to the IBA at HSBC, account number 00375-81, branch 0223 (Avenida Paulista), SWIFT code BCBBRRPR, address Avenida Paulista, 949-A, São Paulo, SP 01311-917, Brazil, IBA CNPJ 07.562.031/0001-85)

Use an exchange rate of US\$1/R\$1.90

Please pay all bank charges so that the IBA receives the full invoiced amount.

BANK TRANSFERS ARE ONLY ACCEPTABLE UNTIL 30 APRIL 2010

- I have deposited to the IBA bank account the total amount payable and have attached a copy of the deposit.  
(HSBC, account number 00375-81, branch 0223 (Avenida Paulista), address Avenida Paulista, 949-A, São Paulo, SP 01311-917, Brazil, IBA CNPJ 07.562.031/0001-85)

Use an exchange rate of US\$1/R\$1.90

Please pay all bank charges so that the IBA receives the full invoiced amount.

- Please charge the total amount due to my:

- Visa  
 MasterCard  
 American Express

Card number \_\_\_\_\_ Expiry date \_\_\_\_\_

Name of cardholder \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Where did you find out about this Conference?

- IBA conference       Other conference       Direct mail       Internet       Advertisement  
 E-mail       Editorial       Recommendation       Other

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- If you are agreeable to passing on your details, please tick this box  
 If you do **not** wish to receive IBA information and materials, please tick this box

*Contact details:*

Please send the completed form to:

Lucy Leal

**International Bar Association**

Rua Helena, 170, 14º andar, São Paulo, SP 04552-050, Brazil

Tel: +55 (11) 3044-1456 Fax: +55 (11) 3044-0803

E-mail: [latin.conferences@int-bar.org](mailto:latin.conferences@int-bar.org) Website: [www.ibanet.org](http://www.ibanet.org)

Global Antitrust Enforcement: the Perspective from Latin America  
13-14 May 2010

UNIQUE HOTEL

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Tel \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Female  Male

Standard or Deluxe: US\$ 415  
Premium: US\$ 488

The above rates are per room, per night, inclusive of breakfast and exclusive of service charges and local taxes.  
Any cancellation made within 24 hours before arrival will incur a cancellation fee of one night charge.

Any reservations made after 30 April 2010 will be subject to availability and cannot be guaranteed at the above rates.

Please reserve:  Standard or Deluxe  Premium

Arrival date \_\_\_\_\_ Departure date \_\_\_\_\_

IF YOU NEED AN EARLY OR LATE CHECK IN OR CHECK OUT, PLEASE, CONTACT THE HOTEL IN ADVANCE

A credit card number is required to secure your reservation.

Payment details Please charge my credit card:

Visa  MasterCard  American Express  Diners

Card number \_\_\_\_\_ Expiry date \_\_\_\_\_

Name of cardholder \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Please send to:

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Avenida Brigadeiro Luis Antonio, 4700  
Jardim Paulista, São Paulo, SP  
Tel: +55 (11) 3055 4710  
Fax: +55 (11) 3889 8100  
E-mail: [reservas@hotelunique.com.br](mailto:reservas@hotelunique.com.br)  
Website: [www.hotelunique.com.br](http://www.hotelunique.com.br)



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the legal profession

## International Bar Association

**IBRAC**  
Desde 1992

Instituto Brasileiro de Estudos de Concorrência,  
Consumo e Comércio Internacional

## Instituto Brasileiro de Estudos de Concorrência, Consumo e Comércio Internacional

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 35,000 individual lawyers and more than 197 bar associations and law societies spanning all continents. It has considerable expertise in providing assistance to the global legal community.

Grouped into two divisions – the **Legal Practice Division** and the **Public and Professional Interest Division** – the IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information. Through the various committees of the divisions, the IBA enables an interchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of business law around the globe. Additionally, the IBA's high-quality publications and world-class conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and professional associates.

The IBA's **Bar Issues Commission** provides an invaluable forum for IBA member organisations to discuss all matters relating to law at an international level.

The IBA's **Human Rights Institute** (HRI) works across the Association, to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

Other institutions established by the IBA include the **Southern Africa Litigation Centre** and the **International Legal Assistance Consortium**.

### The IBA Antitrust Committee

The Antitrust Committee provides an international forum for the exchange of the most current thinking in the field of antitrust law. In addition, there is a strong commitment to bring together international practitioners to facilitate closer working relationships. The committee is increasingly relied upon by government officials and members of the private sector for its expertise and practical input into antitrust developments.

### IBRAC Instituto Brasileiro de Estudos de Concorrência, Consumo e Comércio Internacional

The Brazilian Institute of Studies on Competition, Consumer Affairs and International Trade – IBRAC is a nonprofit private entity established in 1992 to foster the development of research, studies and debates involving competition, consumer law issues and international trade.

### International Bar Association

Rua Helena, 170, 14º andar,  
São Paulo, SP 04552-050, Brazil  
Tel: +55 (11) 30441456 Fax: +55 (11) 30440803  
E-mail: [Sao.Paulo@int-bar.org](mailto:Sao.Paulo@int-bar.org)

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London W1T 1AT, United Kingdom  
Tel: +44 (0)20 76916868 Fax: +44 (0)20 76916544  
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website: [www.ibanet.org](http://www.ibanet.org)

