

GIOVANA BENETTI

Professor at Federal University of Rio Grande do Sul (UFRGS)
Dr.iur. in Private Law from the University of São Paulo (USP)

CURRICULUM VITAE

ABSTRACT

Attorney at Law. Acted as arbitrator in different arbitration proceedings, including as sole arbitrator in *ad hoc* proceedings. Since 2010, has acted as administrative secretary of arbitral tribunals, in domestic and international proceedings, comprising corporate or M&A-related disputes, construction-related disputes, civil liability and complex contractual relationships (involving brokerage discussions, take or pay clause, tail, among other clauses).

Listed by Leaders League (2022) in Brazilian Arbitration ranking as “Valuable Practice”, “Best Arbitrators”.

Acted as arbitrator or as administrative secretary in proceedings before CAM-CCBC, CCI, CMA-CIESP, FGV, CAMARB and CAMNORTE. Member of the List of Arbitrators of CAM-CCBC, CBMA, ARBITAC, CAMFIEP, CAMITAL and CAF.

PhD in Civil Law from the Law School of the University of São Paulo (USP). Specialist in Civil Procedure from the Law School of the Federal University of Rio Grande do Sul (UFRGS) and Bachelor of Laws from the same University.

Visiting researcher at the Max Planck Institute for Comparative and International Private Law in Hamburg, Germany.

Professor at the Department of Private Law and Civil Procedure of the Federal University of Rio Grande do Sul (UFRGS).

Author of “*Dolo no Direito Civil: uma análise da omissão de informações*” (*Fraud in Civil Law: an analysis of informations’ concealment*). Author and co-author of articles and book chapters in renowned works (<http://lattes.cnpq.br/1151402541118372>).

Latin American Representative of the Young Arbitrators Forum of the International Chamber of Commerce (ICC YAF) (2019-2021).

PERSONAL INFORMATION

Address: Rua Casemiro de Abreu, 895/501. Porto Alegre, RS, Brazil.

Telephone number: +55 (51) 9932 35991.

E-mail: giovanabenetti@gmail.com.

Nationalities: Brazilian and Italian.

EDUCATION

2018 Universidade de São Paulo (USP)

São Paulo, Brazil

PhD in Civil Law, with honors

Dolo por Omissão no Direito Civil Brasileiro: Fundamentos, Requisitos e Efeitos

(Fraudulent concealment in Civil Law: grounds, requirements and effects)

2012 Universidade Federal do Rio Grande do Sul (UFRGS)

Rio Grande do Sul, Brazil

Specialization on Civil Procedural Law

A Prova Indiciária e o Dolo Contratual no Ordenamento Jurídico Brasileiro

(Circumstantial evidence and willful misconduct under Brazilian law)

2011 Universidade Federal do Rio Grande do Sul (UFRGS)

Rio Grande do Sul, Brazil
Bachelor in Law, with honors

PROFESSIONAL EXPERIENCE

2022 to date

Universidade Federal do Rio Grande do Sul (UFRGS)

Professor at the Department of Private Law and Civil Procedure

2008 to 2022

Judith Martins-Costa Advogados

Partner (2012-2022); Assistant (2008 to 2012).

Lawyer. Arbitrator in domestic arbitration proceedings. Since 2010 acts as arbitral tribunal administrative secretary in domestic and international arbitration proceedings in several arbitration chambers (ICC, CAM-CCBC, CMAC Fiesp/Ciesp, FGV, CAMNORTE). The issues involved were construction contracts, mergers and acquisitions (*e.g.* earn-out, share purchase agreements, options, substitution of guarantees), obligations and contracts in general, civil liability and business law.

2015 to 2019

Visiting Professor at Escola de Direito da FGV-RJ (Fundação Getúlio Vargas) to deliver lecture about willful misconduct in 2019; Visiting Professor at Universidade Federal do Rio Grande do Sul (UFRGS) to deliver lecture about prescription and decadence; willful misconduct; and defects of juristic acts in 2018 and 2019; Visiting Professor at Faculdade de Direito da Universidade do Vale do Rio dos Sinos (UNISINOS) to deliver lecture about arbitral proceedings and dispute boards in 2017 and 2019; Visiting Professor at the Specialization Course of Faculdade de Direito do Centro Universitário Ritter dos Reis (UniRitter), having taught the subjects “Contractual and Consumer Law” and “Damages, Liquidation and the Effects on the Courts” in 2015.

2015 and 2016

Visiting researcher at Max Planck Institute for Comparative and International Private Law (Hamburg, Germany) from April to May, 2015 and March, 2016.

Professional memberships

Regional Representative in Latin America of International Chamber of Commerce Young Arbitrators Forum (ICC YAF) (2019-2021);

Member of the Brazilian Institute of Corporate Law (Instituto Brasileiro de Direito Empresarial – IBRADEMP);

Member of the Brazilian Institute of Private Law (Instituto Brasileiro de Direito Privado);

Member of the Brazilian Committee of *Henri Capitant Association*;

Member of Brazilian Arbitration Committee (Comitê Brasileiro de Arbitragem - CBAr);

Member of the Executive Committee of Culturalist Studies Center (IEC – Instituto de Estudos Culturalistas);

Regional Coordinator of the Brazilian Arbitration Committee (Comitê Brasileiro de Arbitragem - CBAr) in Rio Grande do Sul (2019-2020);

General Secretary of the Special Commission of Arbitration of the Brazilian Bar Association (Comissão Especial de Arbitragem da Ordem dos Advogados do Brasil, Rio Grande do Sul (OAB/RS) (2019-2021).

COMPLEMENTARY EDUCATION

2014

Masterclass for Arbitrators. International Chamber of Commerce, ICC.

2011

International Academy for Arbitration Law, AA, France.

RECOGNITIONS

2022

Listed by Leaders League in the Brazilian Arbitration ranking as “Valuable Practice”, “Best Arbitrators”.

2021

Certificate of Appreciation conferred by the Brazilian Bar Association, Rio Grande do Sul Chapter.

2019

Vote of Commendation, Brazilian Bar Association.

LANGUAGES

Portuguese (native speaker), English (speaking, reading and writing), Italian (reading).

SELECTED PUBLICATIONS

Books:

- *Dolo no Direito Civil: uma análise da omissão de informações. (Fraud in Civil Law: an analysis of informations' concealment)*. São Paulo: Quartier Latin, 2019.
- *Direito, Cultura, Método: Leituras da obra de Judith Martins-Costa. (Law, Culture and Method: Readings of Judith Martins-Costa's Works)*. Rio de Janeiro: GZ, 2019 (Organized with André Rodrigues Corrêa, Márcia Santana Fernandes, Guilherme Carneiro Monteiro Nitschke, Mariana Pargendler e Laura Beck Varela).

Book chapters:

- A aceitação pelo silêncio na Convenção de Viena das Nações Unidas sobre Contratos de Compra e Venda Internacional de Mercadorias (CISG) e no Código Civil brasileiro. (*The silent consent in the Convention on Contracts for the International Sale of Goods (CISG) and in the Brazilian Civil Code*). In: SCHWENZER, Ingeborg; PEREIRA, Cesar A. Guimarães; COSTA E SILVA, Paula. *CISG, Brasil e Portugal*. São Paulo: Almedina, 2022, p. 363-394.
- Dever de informar versus ônus de autoinformação na fase pré-contratual (*Duty to inform versus self-information burden in the contract's formation phase*). In: BARBOSA, Henrique; FERREIRA DA SILVA, Jorge Cesa (Coord.). *A Evolução do Direito Empresarial e Obrigacional. 18 anos do Código Civil*. Vol. II. São Paulo: Editora Quartier Latin, 2021, p. 89-121.

- Dolo e fraude no contrato de seguro: duas faces da mesma moeda? (*Deceit and fraud in insurance contracts: two sides of the same coin?*) In: GOLDBERG, Ilan; JUNQUEIRA, Thiago. (Org.). *Temas Atuais de Direito dos Seguros*. 1 ed. São Paulo: Revista dos Tribunais, 2020, v. 1, p. 606-635.
- Omissão dolosa no contrato de seguro. (*Fraudulent concealment in insurance contracts*). In: BENETTI, Giovana Valentiniano; CORRÊA, André Rodrigues; FERNANDES, Márcia Santana; NITSCHKE, Guilherme Carneiro Monteiro; PARGENDLER, Mariana; VARELA, Laura Beck (Org.). *Direito, Cultura, Método: Leituras da obra de Judith Martins-Costa*. Rio de Janeiro: GZ, 2019, p. 788-811.
- As Cartas de Conforto: Modalidades e Eficácias. (*Comfort letters: modalities and efficacies*). Coauthored with Judith Martins-Costa. In: GUEDES, Gisela Sampaio da Cruz; BODIN DE MORAES, Maria Celina; MEIRELES, Rose Melo Vencelau. *Direito das Garantias*. São Paulo: Saraiva, 2017, p. 433-463.
- Os Remédios da Sentença Arbitral. (*Arbitral Award Remedies*). In: BASSO, Maristela; POLIDO, Fabrício (Orgs.). *Arbitragem Comercial. Princípios, Instituições e Procedimentos. A prática no CAM-CCBC*. São Paulo: Marcial Pons, 2013, p. 357-384.

Articles published in Brazil:

- Existência, Validade e Eficácia da Convenção Arbitral: Arbitragem e Poder Judiciário (Pesquisa CBar-ABEARb). (*Existence, Validity and Effectiveness of Arbitration Agreement. Arbitration and Judiciary*). Work in co-authorship. In: *Revista Brasileira de Arbitragem*, volume especial, 2016, p. 21-62.
- Arbitragem nos conflitos societários, no mercado de capitais e a reforma do Regulamento da Câmara de Arbitragem do Mercado (CAM) da BM&FBOVESPA. (*Arbitration in corporate conflicts, in the stock market, and the reformed Rules of the Market Arbitration Chamber of the BM&FBOVESPA*). Coauthored with Máira de Melo Vieira, Lígia Espolaor Veronese e Ana Teresa de Abreu Coutinho Boscolo. *Revista de Arbitragem e Mediação*, v. 40, jan./mar. 2014, p. 193-231.
- O Consensualismo como Fundamento da Arbitragem e os Impasses Decorrentes do Dissenso. (*Consent as a Basis of Arbitration and the Issues derived from Dissent*). Coauthored with Ana Teresa de Abreu Coutinho Boscolo. *Revista de Direito Empresarial*, v. 2, mar./abr. 2014, p. 303-341.

International publications:

- Arbitragem e Empresas em Crise: O Problema da Arbitrabilidade Objetiva. (*Arbitration and Companies in Crisis: the problem of objective arbitrability*). *Revista Jurídica Luso-Brasileira (RJLB)*, v. 5, 2019, p. 879-918.
- Criteria for Application of a Fundamental Breach of Contract in the United Nations Convention on Contracts for the International Sale of Goods. In: SCHWENZER, Ingeborg; PEREIRA, Cesar A. Guimarães; TRIPODI, Leandro. *CISG and Latin America: Regional and Global Perspectives*. Haia: Eleven Publishing, 2016, p. 243-264.

RÉSUMÉ LATTES

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