



Roberto Castro de Figueiredo

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Roberto is an advocate lawyer and arbitrator with expertise in commercial and investment arbitration, public international law, international intellectual property law and energy disputes. He represents and advises clients on international and domestic arbitration, including arbitral proceedings under the CCEE Arbitration Convention, and other means of dispute resolution, such as mediation, expert determination, ICC DOCDEX and domain name dispute resolution (UDRP). Roberto also acts as legal expert in different jurisdictions.

Roberto is a former partner of the arbitration practice of Mayer Brown LLP in São Paulo. Before joining Mayer Brown LLP, he was a lawyer with Sergio Bermudes Advogados, one of the top dispute resolution law firms in Brazil. Roberto was also a member of the international arbitration and public international law practice of Dewey & LeBoeuf LLP in Washington, DC.

EDUCATION

- Queen Mary, University of London, PhD
- Centre for Energy, Petroleum and Mineral Law and Policy - CEPMLP, University of Dundee, LLM in International Dispute Resolution and Management
- University of Vienna, Specialisation Certificate in the Law of International Relations
- BPP University, GDL
- Catholic University of Rio de Janeiro, LLB

LANGUAGES

- English
- Portuguese

ADMISSIONS

- Advogado – Brazil (2003)
- Advogado – Portugal (2017)

EXPERIENCE

Banking & Capital Market

- Represented a private equity fund in an ICC arbitration concerning total return swap agreements.
- Advised a major Brazilian bank on ICC DOCDEX proceedings.

Construction & Engineering

- Represented a major international shopping centre development and management group in a CAM-CCBC arbitration concerning the construction of a shopping centre in Brazil.
- Represented a Brazilian engineering company in two CMA-FIESP arbitrations concerning the installation of gold mine processing plants in Brazil.
- Represented an international construction company in an CAM-CCBC arbitration concerning the construction of fertiliser plant in Brazil.

Electricity Power Disputes under the CCEE Arbitration Agreement

- Represented a major industrial company in a dispute arising out of an electricity power supply agreement in an FGV arbitration.
- Represented two major international steel and metal companies in an FGV arbitration concerning regulatory matters of the Brazilian electricity power market.
- Represented a major international steel and metal company in a dispute arising out of an electricity power supply agreement in an FGV arbitration.
- Represented a mining company in a dispute arising out of an electricity power supply agreement in an FGV arbitration.

Insurance & Reinsurance

- Represented a major international insurance company in a CAM-CCBC concerning the responsibility for the collapse of a river port in Brazil.
- Represented reinsurers in a reinsurance dispute in a CMA-FIESP arbitration.

Investment Arbitration

- Represented an investor in an ICSID arbitration against a European State pursuant to a bilateral investment treaty.
- Advised an African State on a dispute submitted to ICSID arbitration pursuant to a bilateral investment treaty.

Maritime and Shipping Disputes

- Represented a major international steel and metal company in a dispute arising out of a maritime transportation agreement in an ABDM arbitration.

M&A & Corporate Disputes

- Represented the controllers of a major Brazilian telecommunication company in a dispute for control of the company in an ICC arbitration.

TRIBE ARBITRATION

- Represented a foreign bank against its Brazilian partners in a brokerage firm (DTVM) in an ICC arbitration related to the selling price of the brokerage firm shares pursuant to a call option.
- Represented one of the controlling shareholders of a major Brazilian mining company in a CBMA arbitration concerning a dispute over the ownership of company shares.
- Represented two Brazilian dairy companies in a CAM-CCBC arbitration concerning a joint-venture for the operation of dairy plants in Brazil.
- Represented the sellers of a major Brazilian car rental company in two CMA-FIESP arbitrations.
- Represented an investor in a CAM BM&F Bovespa arbitration arising out of a share purchase agreement.
- Represented a real estate company in an FGV arbitration related to a share purchase agreement.

Mining & Metals

- Represented a Brazilian mining company in a dispute arising out of an off-take agreement in a CAM-CCBC arbitration.
- Represented a major Brazilian mining company in a pre-arbitration mediation concerning a steel and metal joint-venture in Brazil.
- Represented a Brazilian steel and metal company in an expert determination procedure concerning the construction of a steel and metal plant in Brazil.

Oil & Gas

- Represented a major international engineering and construction company against a Brazilian oil & gas company in two ICC arbitrations concerning the construction of oil platform rigs.
- Represented an international oil & gas company in an UNCITRAL/LCIA arbitration arising out of a joint operating agreement.
- Represented a Brazilian energy company in a CAM-CCBC arbitration concerning the construction of a thermal power plant in Brazil.
- Represented an international oil & gas company in a CBMA arbitration concerning the installation of facilities for an onshore gas field.
- Represented an international oil & gas company in a CBMA arbitration arising out of a joint operating agreement.
- Advised an African State on a dispute arising out of an oil & gas production sharing agreement.

Public International Law

- Advised an African State on the establishment of a joint development zone for the exploitation of oil & gas resources in a disputed maritime area.
- Advised an African State on a boundary dispute.

Renewable Energy

- Represented a major Spanish energy company in two ICC arbitrations arising out of the acquisition of a sugar-ethanol business in Brazil.
- Represented a Brazilian renewable energy company in a CAM-CCBC arbitration concerning the generation of electricity power in a sugar-ethanol plant in Brazil.

PUBLICATIONS

- *Brazilian President's Assent to the Bill on the Compulsory Licensing of COVID-19 Vaccines' Patents*, Kluwer Patent Blog (14 September 2021)
- *TRIPS COVID-19 Waiver, Patent Breaking and Investment Treaty Arbitration*, Kluwer Patent Blog (27 July 2021)
- *Brazilian Senate Approves Bill on the Compulsory Licensing of COVID-19 Vaccines' Patents*, Kluwer Patent Blog (12 May 2021)
- *The Petrobras Crisis: Arbitrating Investors' Claims Against the Brazilian Federal Government*, Kluwer Arbitration Blog (6 March 2021)
- *Misapplying the General Rule of Treaty Interpretation: The Salini Test*, Kluwer Arbitration Blog (3 December 2019)
- *The Notion of Investment and Economic Development under the ICSID Convention*, in *ICSID Convention after 50 Years: Unsettled Issues* (2017)
- *A Anulação das Sentenças Arbitrais "Incompletas" e a Sentença Arbitral Complementar [The Annulment of "Incomplete" Arbitral Awards and the Supplementary Arbitral Award]*, in *A Reforma da Arbitragem* (2016)
- *Fragmentation and Harmonization in the ICSID Decision-Making Process*, 11(1) *Transnational Dispute Management* (2014). Republished in *Reshaping the Investor-State Dispute Settlement System: Journeys for the 21st Century* (2015)
- *The Investment Requirement of the ICSID Convention and the Role of Investment Treaties*, 26(3) *American Review of International Arbitration* (2015)
- *Brazil: arbitration law reloaded* (co-authored with Dr Mark C. Hilgard and Ana Elisa Bruder), *Financier Worldwide* (August 2015)
- *Amendments to the Brazilian Arbitration Law: Supplementary Arbitral Awards and Excess of Power*, Kluwer Arbitration Blog (19 June 2015)
- *Evolving Meaning: The Interpretation of Investment Treaties and Temporal Variations*, Kluwer Arbitration Blog (21 March 2015)
- *Previous Decisions in Investment Arbitration*, Kluwer Arbitration Blog (23 December 2014)
- *Interpreting Investment Treaties*, Kluwer Arbitration Blog (21 October 2014)
- *As Origens do Uso da Arbitragem Como Modo de Solução de Controvérsias em Disputas Relativas a Investimentos [The Origins of the Use of Arbitration as a Dispute Settlement Method in Investment Disputes]*, *Revista Brasileira de Arbitragem – Edição Especial* (2011)
- *Alabama Claims: Decision of the Arbitrators Respecting National Losses*, 31 *Revista Brasileira de Arbitragem* (2011)
- *Urbaser S.A. e Consorcio de Aguas Bilbao Bizcaia, Bilboa Biskaia Ur Partzuergoa vs. Argentina (ICSID Case n. ABR/07/26): a decisão sobre o pedido de desqualificação de Árbitro de 12.08.2010 [Urbaser S.A. and Consorcio de Aguas Bilbao Bizcaia, Bilboa Biskaia Ur Partzuergoa vs. Argentina (ICSID Case n. ABR/07/26): The Decision on the Proposal to Disqualify na Arbitrator]*, 29 *Revista de Arbitragem e Mediação* (2011)

TRIBE ARBITRATION

- *Mobil v. Venezuela: The Nationality Requirement under the ICSID Convention*, 3 Yearbook on Arbitration and Mediation (2011)
- *Question Mark on the Arbitrability of Disputes Arising out of Public Contracts in Brazil*, Kluwer Arbitration Blog (22 October 2010)
- *Euro Telecom v. Bolivia: The Denunciation of the ICSID Convention and ICSID Arbitration under BITs*, 6(1) Transnational Dispute Management (2009)
- *ICSID and Non-Foreign Investment Disputes*, 4(5) Transnational Dispute Management (2007)