

## IdArb

### PROFILE OF THE IDI ARBITRATOR

Personal data	
Name:	Porzio
First name	Cristóbal
Year of birth	1968 (in Geneva, Switzerland)
Nationality	Chile
Languages	
1.- I can can conduct an arbitration and draft an award without interpreter in the following languages:	
a.- English	
b.- French	
c.- Spanish	
d.- Italian	
2.- I can conduct and follow a discussion in the following language: Portuguese	
Education	
Primary and Secondary School: Institut Florimont (Geneva, Switzerland)	
University (JD): Pontificia Universidad Católica de Chile.	
Professional experience	
1.- Lawyer, Partner at PORZIO RIOS GARCIA in Santiago, Chile	
2.- Professor, School of Law, Pontificia Universidad Católica de Chile	
3.- Member of Board of ACHIPI (Asociación Chilena de la Propiedad Intelectual)	
4.- Current President of ACHIPI (Asociación Chilena de la Propiedad Intelectual)	
5.- Member of IDI. Chilean Expert for Distribution and Agency.	

**Specific experience in the field of distribution**

I have been dealing with distribution contracts, always as a lawyer:

General Information:

- 1.- Started working in the fields of distribution law and franchising law back in 1995, when Telepizza, a Spanish fast food company producing pizza, became client of the firm I work with.
- 2.- This experience was very quickly reinforced and accelerated when back in 1997, the French group Pernod Ricard became client of my firm, and I was their main contact within the firm and in addition, "their lawyer in Chile". Distribution was with no doubt one of their key issues with permanent questions to be resolved.
- 3.- Practice in the fields of distribution, agency and franchising contracts, with special focus in the following tasks: a) drafting new contracts; b) reviewing contracts prepared by third parties; c) negotiation of a contract with the client and/or in the name of the client, before entering into the contract, and also during the time of the development/life of the contract ; d) enforcing the contracts before the Courts of Chile and also before Chilean arbitrations designated by the parties or by the courts or by the CAM (centro de Arbitraje y Mediación de la Cámara de Comercio de Santiago); e) representing clients as defendants in legal actions.
- 4.- Practice in the field of distribution during several years representing along the years, foreign companies acting with local distributors, in the luxury industry, in the automobile industry, in the heavy machinery industry, in the software industry, in the jewelry industry, in the food industry, etc.

Specific examples (of the last 20 years):

- a.- Representing (currently and for the last 10 years) one of the three main players in the supermarket Chilean business (Supermercados Unimarc; [www.unimarc.cl](http://www.unimarc.cl)), as counsel of the company of supermarkets;
- b.- Representing (currently and for the last 9 years) one of the two larger players in the Mall Chilean business (Mall Plaza; [www.mallplaza.cl](http://www.mallplaza.cl)) , as counsel of the Mall company;
- c.- Representing (last 3 years) one of the main chain of convenience stores acting in Chile (Big John; [www.bigjohn.cl](http://www.bigjohn.cl)) , and that was sold to a Mexican company early this year 2016;
- d.- Representing (currently and for the last 15 years) the main local producer of profiles and tubes and other products of steel (Cintac S.A.; [www.cintac.cl](http://www.cintac.cl)) , which distributes its products through different channels; etc.
- e.- Representing Pernod Ricard, as their lawyer in Chile, from 1997 to 2014, in all their legal matters. During that time, as far as distribution is concerned, in charge of the drafting of their first distribution contract in Chile back in 1999, negotiating such a contract, putting an end to same, through arbitration and civil courts; drafting and negotiating second distribution agreement and thereafter putting an end to same by

means of negotiation; drafting and negotiating third distribution agreement with a multinational Chilean company.

**f.-** Representing the French wine company Advini (and its predecessor Michel Laroche S.A), in all their legal matters in Chile, including their distribution agreements, for the wine produced in Chile, and for the wine produced in France and sold in Chile and in Latam. This for the last 10 years.

**g.-** Drafting and reviewing distribution contracts for Viña Undurraga (one of the top five largest wine producers of Chile). This, back in 2012-2013.

**h.-** Representing an important number of Franchisors entering or willing to enter the Chilean market by means of franchising agreements. Currently and for the last 15 years.

**i.-** Representing the French company Royal Canin in Chile, until it was sold to Mars, Inc. At the time of acting as their local counsel, drafting and reviewing of several distribution agreements, and accompanying client in the termination processes of some distribution agreements.

**j.-** Representing the Swiss company Codefine, in all their legal matters in Chile, including their distribution agreements. Assisting also this client in its entrance to other Latam markets. This for the last 9 years.

**k.-** Other many current cases that cannot be revealed at this stage.

Specify type of distribution agreements (agency, distributorship, franchising, sales networks, occasional intermediaries, etc.) and type of activity (litigation, arbitration, creation and management of a distribution network)

### **Specific experience in the field of franchising**

I have been dealing with franchising contracts for the last 20 years. It has permitted me to assist an important number of foreign companies acting as "franchisor" in the entrance of their brand in Chile; a number of Chilean companies developing a franchising program. This counselling has consisted in drafting contracts, reviewing contracts written by other attorneys, negotiating contracts and finally litigating contracts.

As far as industries are concerned in the field of franchising I can recall: food industry, construction, paper industry, electronics, services (shools of language, schools of music, car rentals...), retail, etc.

Name of companies can be given under request.

**Special Note regarding my experience in the fields of distribution, agency, franchising**

In view of the absence of specific Law on distribution in Chile, and considering the distance of Chile, the fact of being PORZIO RIOS GARCIA, a firm acting not only for an important number of Chilean companies, but also for a very large number of foreign companies, and in different languages (6 languages perfectly managed at the firm), **I have and our firm has been involved in all type of actions in the field of distribution, international sales, franchising, agency, etc. Said legal work has covered contractual matters, negotiation, enforcement of contracts, litigation, etc. In other words, all possible fields of action.**

**Publications regarding distribution agreements and related matters**

IDI Website, Questionnaire on Distribution

Franchising Law Review (2014, 2015, 2016)

Distribution, Latin Lawyer (2014, 2015, 2016)

Santiago de Chile, December 2016