

PROF. DR. DÁRIO MOURA VICENTE

Lisbon, Portugal



CURRICULUM VITAE

ACADEMIC CAREER

Full Professor (*Catedrático*) at the Faculty of Law of the University of Lisbon, where he obtained his PhD in Law *cum laude* and his *Agrégation*, and where he has taught, over the past 30 years, Civil Law (General Theory and Law of Obligations), Comparative Law, Private International Law, International Commercial Law and Intellectual Property Law.

Has also lectured at The Hague Academy of International Law (in 2008), at the Paris V University (in 2010), at the Urbino University (in 2011), and the Complutense University of Madrid (in 2012).

Visiting Professor in Universities of several other Portuguese-speaking countries and territories, notably: (i) the Eduardo Mondlane University, the Unizambeze University and the Save University in Mozambique (respectively in Maputo, Beira and Inhambane), since 2002; (ii) the Agostinho Neto University, the Eduardo dos Santos University, the Mandume University, Katyavala Buíla University and the Onze de Novembro University in Angola (respectively in Luanda, Huambo, Lubango and Cabinda), since 2004; (iii) the São Paulo University and the Brasília University in Brazil, since 2014; (iv) the Law School of the University of Macau, China, since 2013; and (v) the Goa University Law Colleges, in India, since 2008.

Vice-Dean of the Faculty of Law of the University of Lisbon (2002-2004). Chair of the Institute for Juridical Cooperation of the same Faculty (2006-2020). Chair of the Scientific Council of the same Faculty and Member of the University Senate (since 2020).

PROFESSIONAL EXPERIENCE

Admitted to the Portuguese Bar (*Ordem dos Advogados*) in 1987.

Legal Advisor of the Presidency of the Council of Ministers of Portugal (1990-1994).

Partner of Barros Sales & Associados (1994-2012).

Of Counsel at Serra Lopes, Cortes Martins & Associados where he coordinates the Intellectual Property, Advertising and Information Society practice area (since 2012).

ARBITRAL EXPERIENCE

Member of the ICSID panels of arbitrators and conciliators, by appointment of the Portuguese Government. Member of the arbitration rosters of: (i) the Lisbon and the Oporto Commercial Arbitration Centres; (ii) the Portuguese Chamber of Commerce in Brazil; (iii) the Cape Verde Chamber of Commerce; (iv) the Centre for Extrajudicial Resolution of Disputes of Angola (CREL); and (v) the Centre for Arbitration, Mediation and Conciliation of Mozambique (CACM).

Has participated as Presiding Arbitrator, Sole Arbitrator and Party-Appointed Arbitrator, as well as Counsel and Legal Expert, in more than 80 domestic and international arbitrations (*ad hoc*, Centro de Arbitragem Comercial, ICC, ICSID, NAI, WIPO and OHADA) relating to issues of, *inter alia*, Banking Law, Contract Law, Construction Law, Copyright Law, Corporate Law, Foreign Investment Law, Labor Law, Law of Agency, Patent Law, and Public-Private Partnerships.

Member of the Drafting Committee of the Portuguese Law on Voluntary Arbitration of 2011.

INSTITUTIONAL ACTIVITY

Chair of the Portuguese Arbitration Association (*Associação Portuguesa de Arbitragem*) and of the Portuguese Society for Intellectual Property Law (*Associação Portuguesa de Direito Intelectual*).

Member of the ICC Commission on Arbitration and ADR.

Former Vice-President of Portugal's largest arbitration institution, the Centre for Commercial Arbitration of the Portuguese Chamber of Commerce and Industry (2016-2019).

Associate Member of the *Académie Internationale de Droit Comparé* (AIDC). Member of the *International Law Association* (ILA) and of the *Instituto Hispano-Luso-Americano de Derecho Internacional* (IHLADI). Vice-President of the *Deutsch-Lusitanische Juristenvereinigung* (DLJV). Member of the Scientific Council of the European Association of Private International Law (EAPIL). Member of the Research Centre of the Law School of the University of Lisbon.

DISTINCTIONS

Commander of the *Order of Merit Getúlio Vargas*, awarded by the President of the Republic of Brazil (2018).

MAIN PUBLICATIONS

In Chinese

1. 葡语国家和地区的民法典：延续与变异 («The Civil Code in Portuguese-Speaking Countries: constants and variables»), *Journal of Modern Rule of Law*, 2020, vol. 1, pp. 94-106.

In English

2. «Applicable Law in Voluntary Arbitrations in Portugal», *The International and Comparative Law Quarterly*, London, volume 44 (1995), pp. 179-191.
3. «International Arbitration and the Recognition of Foreign Arbitral Awards in Portugal», *The Arbitration and Dispute Resolution Law Journal*, December 2000, pp. 270-277.
4. «Precontractual Liability in Private International Law: a Portuguese Perspective», *Rebels Zeitschrift für Ausländisches und Internationales Privatrecht*, 2003, issue 4, pp. 699-725.
5. «Recognition and Enforcement of Foreign Judgments in European-American Relations», in Marshall J. Breger & Markus G. Puder (eds.), *European Union Issues from a Portuguese Perspective*, The Catholic University of America Columbus School of Law, Washington, D.C., 2007, pp. 91-106.
6. «Sources and General Principles of Portuguese Private International Law: An Outline», *Yearbook of Private International Law*, Lausanne, 2007, pp. 257-275.
7. «International Harmonization and Unification of Private Law in a Globalized Economy», in Anthony d'Souza & Carmo d'Souza (eds.), *Civil Law Studies: An Indian Perspective*, Newcastle upon Tyne, Cambridge Scholars Publishing, 2009, pp. 37-57.
8. «Portugal», in Carlos Esplugues, José Luís Iglesias & Guillermo Palao (eds.), *Application of Foreign Law*, Munich, Sellier, 2011, pp. 301-315.
9. «Portugal», in Reto Hilty & Sylvie Nérison (eds.), *Balancing Copyright – A Survey of National Approaches*, Berlin/Heidelberg, Springer Verlag, 2012, pp. 737-763.
10. «The Common Law of Portuguese-Speaking Countries and Territories», in Tong Io Cheng & Salvatore Mancuso (eds.), *New Frontiers of Comparative Law*, Hong Kong, Lexis Nexis, 2013, pp. 119-131.
11. «The Scope and Structure of the Portuguese Civil Code», in Julio César Rivera (ed.), *The Scope and Structure of Civil Codes – A Comparative Analysis*, Heidelberg, etc., Springer, 2014, pp. 319-329.
12. *Family and Succession Law in the Portuguese Civil Code of 1867: A 21st Century Approach* (ed.), 2nd ed., Panaji, Goa, Broadway Publishing House, 2014.
13. «Arbitrability of Intellectual Property Disputes: a Comparative Survey», *Arbitration International*, 2015, pp. 151-162.
14. «Investor-State Dispute Settlement in the European Perspective: Recent Developments», in Dário Moura Vicente (ed.), *Towards a Universal Justice? Putting International Courts and Jurisdictions into Perspective*, The Hague, Brill/Nijhoff, 2016, pp. 247-263.
15. «Legal Reforms in the Context of the Financial Crisis: The Case of Portugal», in Mauro Bussani & Lukas Heckendorn Urscheler (eds.), *Comparisons in Legal development. The Impact of Foreign and International Law on National Legal Systems*, Zurich, etc., Schulthess, 2016, pp. 133-147.
16. «Petroleum Arbitration», in Dário Moura Vicente & Marshall Breger (eds.), *Comparative Law. Portuguese-American Perspectives*, Coimbra, Almedina, vol. III, 2016, pp. 351-371.
17. «The Principle of Territoriality in Intellectual Property Revisited», *Nederlands Internationaal Privatrecht*, 2016, pp. 724-729.
18. «Interpretation and Application of the New York Convention by Portuguese Courts», in George A. Bermann (ed.), *Recognition and Enforcement of Foreign Arbitral Awards: The Application of the New York Convention by National Courts*, Berlin/Heidelberg, Springer, 2017, pp. 765-780.
19. «Portugal», in Jürgen Basedow, Franco Ferrari, Pedro de Miguel Asensio & Giesela Rühl

- (eds.), *Encyclopedia of Private International Law*, Cheltenham, Edward Elgar, 2017.
20. «*Culpa in contrahendo*», in Jürgen Basedow, Franco Ferrari, Pedro de Miguel Asensio & Giesela Rühl (eds.), *Encyclopedia of Private International Law Encyclopedia of Private International Law*, Cheltenham, Edward Elgar, 2017.
 21. «Intellectual property: applicable law», in Jürgen Basedow, Franco Ferrari, Pedro de Miguel Asensio & Giesela Rühl (eds.), *Encyclopedia of Private International Law Encyclopedia of Private International Law*, Cheltenham, Edward Elgar, 2017.
 22. «Angola», in Jürgen Basedow, Franco Ferrari, Pedro de Miguel Asensio & Giesela Rühl (eds.), *Encyclopedia of Private International Law Encyclopedia of Private International Law*, Cheltenham, Edward Elgar, 2017.
 23. «Mozambique», in Jürgen Basedow, Franco Ferrari, Pedro de Miguel Asensio & Giesela Rühl (eds.), *Encyclopedia of Private International Law Encyclopedia of Private International Law*, Cheltenham, Edward Elgar, 2017.
 24. «National styles of academic discourse and their impact on European Private International Law», in Jan von Hein, Eva Kieninger & Giesela Rühl (eds.), *How European is European Private International Law*, Cambridge, Intersentia, 2019, pp. 273-284.
 25. «Data Protection in the Internet: General Report», in Dario Moura Vicente & Sofia Casimiro (eds.), *Data Protection in the Internet*, Berlin/Heidelberg, Springer, 2019, pp. 1-44.
 26. «Family Law in Goa after the Act of 2012: Key Concepts in the Portuguese Civil Code of 1867 and the Code of Gentile Hindu Usages and Customs of 1880», *Salgaocar Law Review*, vol. V (2019), pp. 93-106.
 27. «*Culpa in contrahendo* and the Brussels Ibis Regulation», in Peter Mankowski (ed.) *Edward Elgar Research Handbook on the Brussels Ibis Regulation*, Cheltenham, Edward Elgar, 2020, pp. 311-328.
 28. «Portugal as a Strategic Seat for International Arbitration», in André Pereira da Fonseca *et al.* (eds.), *International Arbitration in Portugal*, Alphen aan de Rijn, Wolters Kluwer, 2020, pp. 5-16.
 29. «Requirements for the Enforceability of Arbitral Awards: A Comparative Overview», in Larry DiMatteo, Marta Infantino & Nathalie Potin (eds.), *Judicial Control over Arbitral Awards: Scope, Vacation, and Public Policy*, Cambridge, Cambridge University Press, 2020.
 30. *International Arbitration in Portugal*, Alphen aan de Rijn, Wolters Kluwer, 2020 (co-editor).
 31. «Portugal», in *International Handbook of Commercial Arbitration*, suplemento 114, Haia/Londres/Boston, Kluwer, 2021.

In French

32. «L'évolution récente du droit de l'arbitrage au Portugal», *Revue de l'arbitrage*, Paris, 1991, issue 3, pp. 419-445.
33. *La propriété intellectuelle en droit international privé*, in Recueil des Cours de l'Académie de Droit International de La Haye, tome 335 (2008), Leiden/Boston, Martinus Nijhoff Publishers, 2009, pp. 107-503 (republished as a pocketbook).
34. «Libertés européennes et droit international privé (à la lumière du Traité de Lisbonne)», *Revue Hellénique de Droit International*, vol. 64 (2011), pp. 523-584.
35. «Droit international privé et immatériel au Portugal», in *Travaux de l'Association Henri Capitant*, tome LXIV (2014), *L'immatériel*, pp. 1053-1062.
36. «L'arbitrage au Portugal: développements récents», *La lettre de l'AFA*, n.º 19 (março 2016).
37. «La reconnaissance au Portugal des situations juridiques constituées à l'étranger», in *Travaux du Comité Français de Droit International Privé 2014-2016*, Paris, Pedone, 2017, pp. 263-286.

In German

38. «Unkörperliche Güter im Romanischen Rechtskreis», in Stefan Leible, Matthias Lehmann & Herbert Zech (eds.), *Unkörperliche Güter im Zivilrecht*, Tübingen, Mohr Siebeck, 2011, pp. 75-93.
39. «Das gemeinsame Recht der Portugiesischsprachigen Länder», in Stefan Grundmann *et al.* (eds.), *Schriften zum Portugiesischen und Lusophonen Recht*, vol. 6, Baden-Baden, Nomos

Verlag, 2014, pp. 179-189.

In Portuguese (books only)

40. *Da arbitragem comercial internacional. Direito aplicável ao mérito da causa* [On International Commercial Arbitration. Applicable Law to the Substance of the Dispute], Coimbra, Coimbra Editora, 1990.
41. *Comentário à Convenção de Bruxelas* [Commentary on the Brussels Convention] (co-author with Miguel Teixeira de Sousa), Lisboa, Lex, 1994.
42. *Da responsabilidade pré-contratual em Direito Internacional Privado* [On Precontractual Liability in Private International Law], Coimbra, Almedina, 2001.
43. *Problemática internacional da sociedade da informação* [Private International Law Problems of the Information Society], Coimbra, Almedina, 2005.
44. *O Direito Comparado após a Reforma de Bolonha. Relatório* [Comparative Law after the Bologna Reform: Report], Lisbon, Coimbra Editora, 2009.
45. *Direito Comparado* [Comparative Law], vol. I, Coimbra, Almedina, 4th ed., 2018; vol. II, 2017; Brazilian edition, São Paulo, Almedina, 2019.
46. *Direito Internacional Privado. Ensaios* [Private International Law. Essays], Coimbra, Almedina, 4 volumes, 2002/2018.
47. *Propriedade intelectual. Estudos vários*, Lisboa, AAFDL, 2018 [Intellectual Property. Miscellaneous studies].
48. *A tutela internacional da propriedade intelectual* [The International Protection of Intellectual Property], 2nd ed., Coimbra, Almedina, 2019.
49. *Lei da Arbitragem Voluntária Anotada*, Coimbra, Almedina, 4.^a ed., 2019 (co-author with Armindo Ribeiro Mendes *et al.*).

In Spanish

50. «Competencia internacional y reconocimiento de sentencias extranjeras en el derecho autónomo portugués», *DeCITA - Derecho del Comercio Internacional*, vol. 4 (2005), pp. 695-708.
51. «La formación de los contratos internacionales», *Revista Española de Derecho Internacional*, vol. LVII (2005/I), pp. 239-256.
52. «Perspectivas de la armonización y unificación internacional del Derecho Privado en una época de globalización de la economía», in Alfonso-Luis Calvo Caravaca & Esperanza Castellanos Ruiz (eds.), *La Unión Europea ante el derecho de la globalización*, Madrid, Colex, 2008, pp. 401-420.
53. «Principios Sobre Conflictos de Leyes en Materia de Propiedad Intelectual», *Cuadernos de Derecho Transnacional*, Madrid, vol. 3 (2011), issue 1, pp. 5-23.
54. «El arbitraje de inversiones y las nuevas competencias de la Unión Europea conforme al artículo 207 del TFUE», *Arbitraje: Revista de arbitraje comercial y de inversiones*, vol. V (2012), issue 3, pp. 9-14.
55. «La culpa in contrahendo en el Derecho Internacional Privado europeo», in *Anuario Español de Derecho Internacional Privado*, 2013, pp. 53-72.
56. «El régimen portugués de resolución extrajudicial de conflictos en materia de patentes», in *Estudios de Derecho Mercantil. Libro homenaje al Prof. Dr. h. c. José Antonio Gomez Segade*, Madrid, Marcial Pons, 2013, pp. 789-802.
57. «El enriquecimiento sin causa en el Reglamento de Roma II», *Cuadernos de Derecho Transnacional*, vol. 8 (2016), issue 2, pp. 292-305.
58. «La autonomía privada y sus distintos significados a la luz del Derecho Comparado», in Diego Fernández Arroyo & José Antonio Moreno Rodríguez (eds.), *Contratos internacionales*, Buenos Aires, Asociación Americana de Derecho Internacional Privado, 2016, pp. 59-89.
59. «La aplicación del principio *iura novit curia* en el arbitraje internacional», *Arbitraje. Revista de Arbitraje Comercial y de Inversiones*, vol. X (2017), issue 1, pp. 15-40.
60. «La crisis económica mundial y los contratos internacionales», in Juan José Álvarez Rubio *et al.* (eds.), *Cursos de Derecho Internacional de Vitoria-Gasteiz 2017*, Cizur Menor (Navarra),

- Aranzadi, 2018, pp. 199-244.
61. «El arbitraje en las relaciones luso-españolas: la jurisprudencia portuguesa reciente», *Arbitraje. Revista de arbitraje mercantil y de inversiones*, 2018, issue 3, pp. 735-754.
 62. «¿Aplicación extraterritorial del derecho al olvido en Internet?», in *Anuario Hispano-Luso-Americano de Derecho Internacional*, vol. 24 (2018-2019), pp. 225-235.
 63. «El rol del derecho comparado en la aplicación del Convenio Europeo de Derechos Humanos», in *Relaciones transfronterizas, globalización y derecho. Homenaje al Profesor José Carlos Fernández Rozas*, Madrid, Civitas/Thomson Reuters, 2020, pp. 1109-1128.