

Javier Berdaguer

Lawyer – Partner

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Experience

Javier Berdaguer leads the Intellectual Property area in the firm and has more than 10 years of experience in the field. Although he practices law in all intellectual property branches, he has specialized in copyright, software and image rights.

Moreover, Javier has extensive experience in the Corporate and Banking Law area. He has specialized in Corporate Law, and renders advise to all kinds of companies as well as in several merger and acquisitions proceedings in a wide range of industries. He has been recognized for his Corporate Law practice in publications such as "Chambers & Partners" and "Legal 500".

He actively engages in several support initiatives for entrepreneurs and renders advice as a Corporate Law and Intellectual Property expert. He co-leads the "Smart up" practice group within Guyer & Regules, that seeks to contribute with advisory services to the development of new ventures, as well as ventures in general in any stage. He is continuously convened by institutions of the entrepreneurship ecosystem to offer speeches on his specialty area and to take part of events.

Work highlights

Advised in the advance planning of IPOs and the initial public offerings in stock exchanges regarding several IPO of financial trusts in different areas, such as medical care centers (Fideicomiso Financiero Casa de Galicia for 150,000,000 Uruguayan Indexed Units, December 2012), agriculture (Fideicomiso Financiero Tierras del Litoral, for US\$ 50,000,000, September 2018 and Fideicomiso Financiero Fondo de Tierras Uruguay I, for US\$ 52,000,000, April 2013), forestry (Fideicomiso Financiero Forestal Terraligna, for US\$ 60,450,000, and Fideicomiso Financiero Forestal Montes del Este for US\$ 56,500,000, June 2014) and Real Estate developments (Fideicomiso Financiero Península Rentals, for US\$ 57.000.000, July 2017).

Advised the TMF Trust acting as a security agent in various financial operations (Atlas, Cledinor, La Jacinta, Enjoy, Casablanca, Campo Palomas, Gildemeister, among others).

Advises main Uruguayan fiction author, Diego Fischer, on subjects related to his copyright.

He advised Uruguay's national football team players as well as more than 590 local players in issues relative to professional image rights.

He led the team that represented Atlantis S.A in Court proceedings initiated by Colgate-Palmolive and Colgate Palmolive Chile regarding trademark usage.

He advised Martex SA in the negotiation of a trademark licensing agreement and a distribution agreement to be executed with Levi Strauss & Co.

He renders legal advice to the NBA for the execution of certain intellectual property-related agreements that were of paramount importance in order to hold basketball games and tournaments in Uruguay.

Academic Activity

Since 2019 he is Professor of the Intellectual Property course at Facultad de Derecho de la Universidad Católica del Uruguay Dámaso Antonio Larrañaga (UCUDAL).

He is an Adjunct Professor (Grade 3, interim) of Civil Law at Facultad de Derecho de la Universidad de la República (Obligations, Contracts and Torts courses). Since 2020, he is Professor of Civil Contracts at Universidad Católica del Uruguay Dámaso Antonio Larrañaga (UCUDAL). Since 2019 he is Professor of Torts Law course at Facultad de derecho de la Universidad de Montevideo.

He is an active member of Instituto de Derecho Civil de la Facultad de Derecho. He is a member of the Board of Directors of the Civil Legal Opinion and Case Law Review and co-coordinates the Case Law Section of the Civil Legal Opinion and Case Law Review. Further, he is a founding member of the Legal Review Society.

He holds postgraduate studies in Company Law at Facultad de Derecho de la Universidad de Montevideo (2007-2008).

In 2009 he obtained his Intellectual Property Master's Degree by Universidad Carlos III de Madrid, and was prized for having obtained the best score in his cohort and the second best score in all editions of such Master's Degree. His dissertation on "Collective works and copyright" was selected by the prestigious Spanish publishing house La Ley / Wolters Kluwer to be published in Madrid on 2010 (393 pages). He is a member of the Inter-American Copyright Institute (IIDA).

Professional experience abroad

He worked at the Intellectual Property Department in Uría Menéndez - Madrid, Spain (2009-2010).

Languages

English, Spanish

Publications

He has published several academic legal opinion papers and case law comments in diverse legal journals, mainly with regards to civil liability, copyright and image rights.

Without limitation, he is the author of the following recent studies:

"The architect's copyright" (2019), "Images as personal data" (2018), "Using images for advertising purposes and free advertising scheme" (2015), "Copyright protection of television format" (2015), "Leasing Agreement" (2014), "Illegitimate meddling in image rights: recoverable damages and civil sanctions (2014), "The average consumer standard in misleading advertising" (2013), "Intellectual work commissioning particularities" (2012), "Using images for information purposes" (2012), "Collective works and copyright" (2010).