



María Macarena Fariña

Lawyer- Counsel

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Experience

Macarena, Counsel, develops its activities mainly in the Litigation Department, getting involved in highly complex matters and strategic content of the most diverse matters. She advises first line companies such as Banco Itaú Uruguay S.A., OCA, HSBC Bank Uruguay S.A., Petrobras Uruguay Distribución S.A., Enjoy Group, Philip Morris, Pinturas Industriales, Marsh, etc.

She is a specialist in private international law, having obtained in 2009 the title of Magister in International Law and International Relations granted by the Complutense University of Madrid, where she received an extraordinary honorable mention, an exceptional award that this magistrate offers to the one who reached the most outstanding performance in the areas of Public International Law, Private International Law, International Business and International Relations. Since 2007, she has been teaching this discipline at the University of Uruguay, currently as assistant Professor. She is a member of the Institute of Private International Law of the University of Uruguay and the American Association of Private International Law.

Since the beginning of her professional practice she has advised the main financial institutions of the country, developing an invaluable experience in the area of execution of bank guarantees, bankruptcy law and consumer law, particularly in the area of financial consumption. In this role, she has always emphasized both her high technical level focused on innovative solutions as well as her great capacity for negotiation at all levels.

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Her main areas of academic and professional training are highlighted by her strategic and practical vision of conflicts, which has earned her active participation in legal proceedings in a wide variety of areas, including intellectual property, antitrust, insurance and civil liability, among others.

In 2012, she was elected member of the Board of Directors of the Uruguayan Bar Association, holding the position of Secretary from 2014 to 2016. Later, in 2018, she was elected again Director of the Uruguayan Bar Association, currently occupying the position of Vice President of the country's most representative law firm. In her performance within the Uruguayan Bar Association, she has had an active representative participation before national authorities as well as international organizations such as the Ibero-American Union of Bar Associations and Bar Associations and the Council of Bar Associations and Orders of MERCOSUR.

She is a member of the Organization of Women Entrepreneurs of Uruguay and a committed defender of gender equity.

In 2017 she was appointed member of the Court of Penalties of the Uruguayan Basketball Federation and in 2019 she joined the list of arbitrators of the Ibero-American Arbitration Center.

She has been recognized by the prestigious international publication Legal 500 for her outstanding performance in the area of litigation and arbitration.

Work highlights

She advised Abal Hermanos S.A., a local subsidiary of Philip Morris International, in the nullity action filed before the Contentious-Administrative Court, obtaining a favorable sentence by which, unanimously, it annulled the sanctioning Resolution issued by the Commission for the Promotion and Defense of Competition that condemned Abal Hermanos S.A. to pay the sum of UI 2,000,000 for an alleged anti-competitive conduct consisting of the fixing of abusive prices with predatory characteristics.

She led the team of attorneys who assisted the prestigious national writer, Diego Fischer in the plagiarism trial, achieving an unprecedented local first instance judgment which had wide public repercussion.

She defended Baluma S.A. in a lawsuit filed at the local level for alleged illegal use of the Enjoy trademark, achieving the total dismissal of the lawsuit in both first and second instance.

Professional experience abroad

In addition to having obtained a magistrate with honors at the Complutense University of Madrid between 2009 and 2010, she worked at Estudio Gomez Acebo & Pombo, one of Spain's most prestigious law firms.

Publications

2013: "El punto de conexión domicilio conyugal en el divorcio". Anuario Uruguayo Crítico de Derecho de Familia y Sucesiones, Año 2013, Tomo I, Fundación de Cultura Universitaria.

2012: "Recent evidence of Uruguay courts' respect for foreign arbitral awards" work in co-authorship with Drs. Carlos Brandes and Juan Manuel Rey, published in Arbitration News Newsletter of the International Bar Association Legal Practice Division Vol 17 No 2 September 2012.

2012: "Algunas reflexiones sobre la cooperación jurisdiccional en los procesos de integración regional" published paper in the X Rio de la Plata Conference on Law held in San Isidro, Argentina, Commission 7 - Bilateral and regional integration - environment - sustainable development Topic: 1) Bilateral and regional integration 3) Cooperation and regional jurisdictional assistance.

2011: "Causas judiciales originadas en relaciones de consumo, ¿el fin justifica los medios?" work in co-authorship with Dr. Cecilia Orlando. Corresponding Book to the XV Conference on Procedural Law (2011) organized by the Uruguayan Bar Association, Uruguayan Journal of Procedural Law, Uruguayan Institute of Procedural Law and Soriano Bar Association).

2010: "El principio de agotamiento del derecho de marcas en los ámbitos de integración" Revista La Ley Uruguay. Volumen 3 Número 6.

2008: "Medidas provisionales y urgentes de protección del enfant" Revista La Ley Online.

2006: "La citación en garantía como supuesto de ampliación de la jurisdicción internacional". Corresponding book to XIII Conference on Procedural Law (November 2006) organized by the Uruguayan Bar Association, Uruguayan Journal of Procedural Law, Uruguayan Institute of Procedural Law and Maldonado Bar Association, Uruguayan Journal of Procedural Law 1/2006, International Procedural Law Issues Competition. General Story by Prof. Dr. Eduardo Vescovi, of Paper presented for the purpose of the XIII Conference on Procedural Law.

Conferences

2019: "La Legislación sobre Protección de Datos Personales en Uruguay", Conference organized on the occasion of the Meeting of Bar Associations of the UIBA.

2016: Participation as Arbitrator in the IX International Arbitration Competition held at the University of Montevideo, in the city of Montevideo from September 29 to October 3, 2016.

2012: Exhibition on "Circulación Internacional de los documentos extranjeros con especial referencia a la Convención de La Haya de 1961 supresión de legalización aprobada por Ley 18.836 del 15.11.11 y su impacto" in Ciclo de Derecho y Actualidad, jointly with Drs. Eduardo Tellechea, Adriana Fernández, Laura Capalbo, Daniel Trecca and Mauro Mónico which took place at the Law School of the University of Uruguay well as in the framework of the conference organized by the Ministry of Foreign Affairs - General Directorate for Consular Affairs and Liaison and the Institute of Private International Law of the School of Law of UDELAR.

2012: "X Jornadas Rioplatenses de Derecho" participation as Member of the Academic Committee and Speaker. San Isidro, May 12, 2012.

2011: Speaker at the XVth. National Conference on Procedural Law, held in Mercedes, Soriano, Uruguay on May 13, 14 and 15.

2008: Conference on Usury Law. I exhibited at the open event to the public "Análisis de la Nueva Ley de Usura", organized by Guyer & Regules at the Hotel Raddison, on August 27, 2008.

Languages

Spanish, English