

Candidature à l'élection de nouveaux membres de l'AIDC

Application for the election of new members of the AIDC

Ce formulaire peut être rempli en français ou en anglais
This form can be filled in English or French

Qui propose ce candidat ? / Who proposes this candidate?

Remplir la partie 1 ou la partie 2 / Fill part 1 or part 2

PARTIE 1 / PART I: Si proposé par un membre / If proposed by a member

Nom du membre / Name of the member:

Statut du membre / Status of the member (indicate with an "X"):

Membre associé / Associate member

Membre titulaire / Titular member

Adresse électronique professionnelle du membre / professional email address :

PART II : Si proposé par un comité national / If proposed by a national committee

Pays ou juridiction du comité national / Country or jurisdiction of the national committee

Nom d'une personne à contacter au comité national à propos de cette nomination / Name of a contact person to contact regarding this nomination

Adresse électronique de cette personne / Email address of that person

Le membre ou le comité qui propose un nouveau candidat doit joindre une lettre d'appui signée.

The member or committee who proposes a new candidate must attach written statement of support of membership with signature.

Le candidat ou la candidate / The candidate

Adhésion demandée (ajoutez un « X ») / Membership applied for (add an 'X')

Membre associé / Associate member

Membre titulaire / Titular member

Notez : Un poste de membre titulaire sera de préférence attribué à un membre associé, mais exceptionnellement un collègue senior qui jouit d'une excellente réputation pourrait être élu(e). Mais il est normalement préférable que le candidat au poste de membre titulaire soit déjà membre associé.

Note: A position of titular member will preferably be awarded to an associate member, but exceptionally a senior colleague who enjoys an excellent reputation could be elected. But it is normally preferable that the candidate for the position of full member already be an associate member.

Nom du candidat ou de la candidate (souligner le nom the famille le cas échéant)
/ Name of the Candidate (underline family name if any):

Sexe / Gender Pays ou juridiction de résidence / Country or jurisdiction of Residence

Institution, faculté, université, etc. / Institution, faculty, university, etc. :

Adresse électronique professionnelle / professional email address :

Adresse électronique alternative (personnelle) / Alternate (personal) email address (ne sera utilisée que si votre adresse professionnelle ne répond plus / will only be used if we can no longer reach you at your professional address)

Engagement du/ de la candidat(e) / Undertaking by the candidate

J'accepte cette nomination et si je suis élu(e), je m'engage à assumer les obligations incombant aux membres de l'Académie, y compris le paiement annuel de ma cotisation.

I accept this nomination and if elected, I undertake to fulfil the obligations incumbent upon the members of the Academy including the payment of the annual fee.

Signature:

MILENA DONATO
OLIVA:098657777
46

Assinado de forma digital por
MILENA DONATO
OLIVA:09865777746
Dados: 2024.08.15 17:57:54
-03'00'

Date:

Pièces jointes / Attachments:

1. Une lettre de soutien à la candidature par le proposeur / A written statement of support of membership by the proposer, a list of publications of the candidate
2. Un curriculum vitae du candidat ou de la candidate / A curriculum vitae of the candidate
3. Une liste de ses publications / A list of publications of the candidate

Important :

Afin de faciliter la tâche du secrétariat, nous apprécierions que ce formulaire et toutes ses pièces jointes nous soient envoyés en un seul document PDF à l'adresse suivante :

votes-membres@aidc-iacl.org

Le nom du fichier PDF serait préférablement le nom du candidat ou de la candidate.

To facilitate the task of the secretariat, we would appreciate if this form and all its attachment could be sent to us in one PDF document at the following address :

votes-membres@aidc-iacl.org

The name of the PDF file would preferably be the name of the candidate.



UNIVERSIDADE DO ESTADO DO RIO DE JANEIRO
FACULDADE DE DIREITO
Departamento de Direito Civil
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tel: 55 21 2509 5286 fax: 55 21 2531-7072
e-mail: gt@tepedino.adv.br

Rio de Janeiro, August 15st, 2024.

To: International Academy of Comparative Law

Ref: Letter of support - Election campaign for new members

Dear Sir or Madam,

Milena Donato Oliva is one of the most important Brazilian civil law scholars today. She is the author of highly influential works and a professor of civil law and consumer relations, teaching both undergraduate and postgraduate courses at the Law School at the State University of Rio de Janeiro (UERJ). In the field of comparative law, she has been involved in significant research projects and was one of the Brazilian rapporteurs at the most recent session of the Henri Capitant Association Conference in Madagascar, 2024. She actively participates in the Brazilian Group of the Henri Capitant Association and conducts research in comparative law related to consumer relations, obligations, contracts, and credit guarantees.

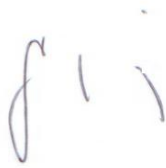
Among her most influential works in Brazilian legal scholarship, I highlight “Separate Patrimony: Inheritance, Insolvency, Real Estate Credit Securitization, Real Estate Incorporation, Real Estate Investment Funds” (Renovar Ed., 2009), and “From Fiduciary Transactions to Fiducia” (Atlas Ed., 2014).

Throughout her career, she has contributed to various collective works and coordinated numerous books, not to mention the many scientific articles published,

which have greatly contributed to the study of various topics in civil law in Brazil. In particular, Milena Donato Oliva contributed to the collection 'Fundamentals of Civil Law,' co-authoring with me the volume dedicated to the 'General Theory of Civil Law' (Forense Ed., 2020), which is now in its fifth edition (2024).

The subjects of her researches are very important for Brazilian Private Law. Her exemplary work as a Civil Law Professor at UERJ, her active role in the field of comparative law, as well as her role as a lawyer and founding partner of the law firm where we work together, allows me to attest that her participation as an associate member will greatly contribute to the International Academy of Comparative Law.

Her personal qualities as a serious student, researcher and professional, along with her academic skills, make her a highly qualified candidate. Therefore, I strongly recommend Milena Donato Oliva to become a member of the prestigious Brazilian Academy of Comparative Law.

A handwritten signature in blue ink, appearing to read 'GUSTAVO TEPEDINO', is centered on the page.

GUSTAVO TEPEDINO
Full Professor of Civil Law at the State University of Rio de Janeiro (UERJ)

Milena Donato Oliva

Rio de Janeiro, Brazil

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Tel.: + 55 21 998017696

Education

- Doctoral and Master's degrees in Civil Law from the Rio de Janeiro State University – UERJ.
- Bachelor's degree in Law from the Rio de Janeiro State University – UERJ (2005).

Academic Activities

- Associate Professor in the Department of Civil Law at the Law School of the Rio de Janeiro State University – UERJ.
- Contributor of expert opinions to specialized journals, such as *Revista Brasileira de Direito Civil* – RBDCivil.
- Visiting Researcher at the Max Planck Institute for Comparative and International Private Law, Hamburg, Germany (2012).

Institutional Activities

- Secretary-General of the Brazilian Institute of Civil Law – IBDCivil.
- Member of the Brazilian Lawyers Institute.
- Former Member of the Advisory Council of *Revista Trimestral de Direito Civil* (2008-2012).

Main Publications

Books:

- **General Theory of Civil Law.** Rio de Janeiro: Forense, vol. 1 of the Collection *Fundamentos do Direito Civil*, 2020.
- **From Fiduciary Transactions to Fiducia.** São Paulo: Atlas, 2014.

- **Separate Patrimony: Inheritance, Insolvency, Real Estate Credit Securitization, Real Estate Incorporation, Real Estate Investment Funds, Trust.** Rio de Janeiro: Renovar, 2009.

Edited Books:

- **The Civil Code After the Economic Freedom Law.** 1st ed., 2023.
- **Law in the Digital Era: Business, Procedural, and Registral Aspects.** 1st ed., Juspodivm, 2022. 576 pages.
- **Problems in Civil Law – A Tribute to the Thirty Years of Teaching by Professor Gustavo Tepedino by His Current and Former Students.** 1st ed., Editora Forense, 2021. 1048 pages.
- **General Theory of Civil Law – Controversial Issues, vol. 1.** Belo Horizonte: Fórum, 2019.
- **General Law on Protection of Personal Data: and Its Repercussions in Brazilian Law.** São Paulo: Revista dos Tribunais, 2019.

Articles and Book Chapters:

- **Civil Liability for the Loss of a Chance: A Matter of Damage or Causality?** *Revista da Faculdade de Direito da UFPR*, vol. 68, pp. 137-153, 2023.
- **The Abusive Practice of "Price by Inbox" and the Supplier's Civil Liability for Discriminatory Pricing.** *Revista de Direito do Consumidor*, vol. 143, p. 349, 2022.
- **Digital Inheritance and Consumer Protection Against Abusive Clauses.** *Revista de Direito do Consumidor*, vol. 135, pp. 335-350, 2021.
- **Personality, Capacity, and Protection of Persons with Disabilities in Constitutional Legality.** *Trajetórias do Direito Civil - Studies in Honor of Professor Heloisa Helena Barboza.* 1st ed., Editora Foco, 2023.
- **Moral Damage and Contractual Non-performance.** In: Anderson Motta; Carla Moutinho; Marcelo Cabral. (Eds.). *Civil Liability and Its Contemporary Directions: Studies in Honor of Professor Carlos Edison do Rêgo Monteiro Filho.* 1st ed., 2023.

- **Impacts of the Consumer Defense Code on Brazilian Society.** In: SCHREIBER, Anderson; MELO, Marco Aurélio Bezerra de. (Eds.). *Law and Social Transformation*. 1st ed., 2023.
- **Sharing Real Estate Guarantees Through Fiduciary Ownership.** In: Marcus Vinícius Motter Borges. (Ed.). *Essential Doctrines of Real Estate Law*. 1st ed., 2023.
- **Notes on Adverse Possession in Brazilian Law.** In: Heloisa Helena Barboza. (Ed.). *20 Years of the Civil Code: Present and Future Perspectives*. 1st ed., Editora Processo, 2022.
- **Civil Liability of Software Developers Towards Their Business Partners.** In: Tales Calaza; Viviane Ramone Tavares. (Eds.). *Civil Law 5.0: New Theses Involving Law and Technology*. 1st ed., LAECC, 2022.
- **Controversial Aspects Regarding Digital Inheritance.** In: Milena Donato Oliva; Andre Vasconcelos Roque. (Eds.). *Law in the Digital Era: Business, Procedural, and Registral Aspects*. 1st ed., Juspodivm, 2022.
- **The Protection of Personal Data in Brazil and France.** In: Gustavo Tepedino; Gustavo Cerqueira. (Eds.). *Studies in Honor of Professor Lacyr de Aguiar Vieira*. 1st ed., 2022.
- **Notes on Civil Liability for Loss of a Chance as an Autonomous Damage.** In: Fábio Ulhoa Coelho; Gustavo Tepedino; Selma Ferreira Lemes. (Eds.). *The Evolution of Law in the 21st Century - Its Principles and Values (ESG, Freedom, Regulation, Equality, and Legal Security) - In Honor of Professor Arnaldo Wald*. 1st ed., 2022.
- **Fiduciary Transactions, Segregated Assets, and Trust: Perspectives for the Future.** *Civil Law - The Future of Law*. 1st ed., Editora Processo, 2022.
- **Fiduciary Transfer of Real Estate.** In: André Gustavo Andrade; Cristina Tereza Gaulia; José Roberto de Castro Neves; Marco Aurélio Bezerra de Melo. (Eds.). *Lessons in Real Estate Law: In Honor of Sylvio Capanema*. 1st ed., Rio de Janeiro: GZ Editora, 2021.
- **Notes on the Legal Framework of Investment Funds.** In: Felipe Hanszmann and Lucas Hermeto. (Eds.). *Current Issues in Corporate Law and Capital Markets*. 1st ed., Rio de Janeiro: Lumen Juris, 2021, vol. 1, pp. 13-29.

- "Supplier's Civil Liability for Breach of Obligations of Means: The Case of Investment Fund Managers." In: Gisela Sampaio; Aline Terra (Eds.). **Breach of Obligations**. 1st ed. Rio de Janeiro: Editora Processo, 2020, vol. 1, pp. 665-688.
- "Non-Indemnity Clauses in Consumer Relations and in Civil Relations Adhesion Contracts." **Consumer Law Review**, vol. 129, pp. 223-245, 2020.
- "Sharing of Real Estate Guarantees through Fiduciary Title." **Contemporary Civil Law Review**, vol. 21, pp. 207-231, 2019.
- "The Contractual Choice of Forum." In: Aluisio Gonçalves de Castro Mendes; Cândido Rangel Dinamarco; Humberto Dalla Bernardina de Pinho; Luiz Fux (Eds.). **Studies on Procedural Law in Honor of Paulo Cezar Pinheiro Carneiro**. 1st ed. Rio de Janeiro: GZ, 2019, vol. 1, pp. 417-432.
- "Notes on Voluntary Representation and the Mandate Agreement." In: **General Theory of Civil Law: Controversial Issues**. 1st ed. Belo Horizonte: Fórum, 2019, vol. 1, pp. 211-232.
- "Data Processing for Granting Credit." In: **General Law on Protection of Personal Data**. 1st ed. São Paulo: Revista dos Tribunais, 2019, vol. 1, pp. 561-599.
- "Personal Data Compliance." In: **General Law on Protection of Personal Data**. 1st ed. São Paulo: Revista dos Tribunais, 2019, vol. 1, pp. 677-715.
- "Information Obligations and Disinformation of Consumers." In: Gert Straetmans (Ed.). **Information Obligations and Disinformation of Consumers**. 1st ed. Antwerp, Belgium: Springer, 2019, vol. 33, pp. 523-548.
- "Origin and Historical Evolution of Compliance in Brazilian Law." In: **Compliance: Perspectives and Challenges of Compliance Programs**. 1st ed. Belo Horizonte: Fórum, 2018, vol. 1, pp. 29-51.
- "Contemporary Challenges of Consumer Protection: Codification and Plurality of Normative Sources." **Brazilian Civil Law Review**, vol. 16, pp. 15-34, 2018.
- "Notes on Conditions in Legal Transactions." **Contemporary Civil Law Review**, vol. 16, pp. 61-82, 2018.
- "Trust." In: **Succession Planning Architecture**. 1st ed. Belo Horizonte: Fórum, 2018, vol. 1, pp. 367-382.
- "Earmarked Assets and Minimum Assets." In: **Transformations in Private Law in the 30 Years of the Constitution: Studies in Honor of Luiz Edson Fachin**. 1st ed. Belo Horizonte: Fórum, 2018, vol. 1, pp. 323-336.

- "Notes on Propter Rem Obligations." **City Law Review**, vol. 9, pp. 581-602, 2017.
- "Controlling the Abuse of Choice of Forum Clauses." **Consumer Law Review**, vol. 109, pp. 187-204, 2017.
- "Agreements and Earmarked Assets as Risk Management Instruments." In: **Person and Market Under the Methodology of Civil-Constitutional Law**. 1st ed. Santa Cruz do Sul: Essere nel Mondo, 2016, vol. 1, pp. 150-160.
- "Indemnifying Penal Clause Established in the Consumers' Favor and the Basic Right to Full Compensation." **Consumer Law Review**, vol. 105, pp. 273-294, 2016.
- "Autonomy of Voluntary Representation in Brazilian Law and Determination of the Rules Applicable to It." **Magister Review of Civil and Civil Procedure Law**, vol. 1, pp. 5-18, 2016.
- "Earmarked Assets in the New Code of Civil Procedure." **Think – Journal of Legal Sciences**, vol. 21, pp. 654-674, 2016.
- "Personality and Capacity in Constitutional Legality." In: **Rights of Persons with Psychic and Intellectual Disabilities in Private Relations**. 1st ed. Rio de Janeiro: Processo, 2016, vol. 1, pp. 227-248.
- "Condominium and Subjectivity: A Critical Analysis of the Category of Entities Without Legal Personality." In: **Civil Law – UERJ Law**. Carlos Edison do Rêgo Monteiro Filho; Gisela Sampaio da Cruz Guedes; Rose Melo Vencelau Meireles (Eds.). Rio de Janeiro: Freitas Bastos and UERJ, vol. 2, pp. 349-374, 2015.
- "Real Estate Development and Consumer Law: Notes on Precedent No. 308 of the Brazilian Superior Court of Justice." In: **XXIV National Meeting of CONPEDI – UFS: Law, Constitution, and Citizenship: Contributions to the Millennium Development Goals**. 1st ed. Florianópolis: CONPEDI, 2015, vol. 1, pp. 1-17.
- "Consumer Protection from a Civil-Constitutional Perspective: General Clause on Objective Good Faith in Obligational and Real Legal Situations and Statements 302 and 308 of the Digest of Jurisprudence Predominant of the Superior Court of Justice." **Consumer Law Review**, vol. 101, pp. 103-135, 2015.
- "Fiduciary Transactions: Terminable Ownership and Clauses Prohibiting Disposal, Levy, and Commingling." In: **Real Estate Law: Writings in Honor of Professor Ricardo Pereira Lira**. 1st ed. São Paulo: Atlas, 2015, pp. 545-561.

- "The Fiduciary Agreement Provided for in Senate Bill 487/2013: Fiduciary Ownership and Property Separation." In: **New Reflections on the Commercial Code Project**. 1st ed. São Paulo: Saraiva, 2015, vol. 1, pp. 405-429.
- "Pain and Suffering and Contractual Breach in Consumer Relations." **Consumer Law Review**, vol. 93, 2014, pp. 13 et seq.
- "Transfer of Real Estate Ownership through Atypical Contracts." **Forensic Review**, Rio de Janeiro, vol. 418, 2013, pp. 455 et seq.
- "Strict Liability and Business Risk: The Application of the Sole Paragraph of Art. 927 of the Brazilian Civil Code." In: **Dialogues between Labor Law and Civil Law**. São Paulo: Revista dos Tribunais, 2013, vol. 1, pp. 423 et seq.
- "Property in Brazilian Law." In: **The Civil Code from a Civil-Constitutional Perspective: General Part**. Rio de Janeiro: Renovar, 2013, pp. 195 et seq.
- "Contractual Balance and Abusive Clauses." In: **The Superior Court of Justice and the Evolution of Brazilian Private Law**. São Paulo: Atlas, 2013, vol. 1, pp. 297-315.
- **Compensation Due to the Investment Fund: Which Shareholder Will Benefit, the Current One or the One at the Time of the Damage?** In: *Revista dos Tribunais*, vol. 904, 2011, pp. 73 et seq.
- **Asset Management in Brazilian Law and the Need to Incorporate the Main Effects of Trusts**. In: *Dialogues on Civil Law*, vol. III, Rio de Janeiro: Renovar, 2011, pp. 637 et seq.
- **Fiducia: The Importance of Incorporating the Effects of Trusts into Brazilian Law**. In: *Quarterly Journal of Civil Law*, vol. 48, 2011, pp. 27 et seq.
- **The Trust and Brazilian Law: Separate Patrimony and Fiduciary Ownership**. In: *Semiannual Journal of Business Law*, no. 6, Rio de Janeiro: Renovar, 2010, pp. 149 et seq.
- **The Purchaser's Responsibility for Condominium Charges in Horizontal Property**. In: *Revista Trimestral de Direito Civil*, no. 26, Rio de Janeiro: Padma, Apr/Jun 2006, pp. 67 et seq.

Articles published in magazines:

- **Life Insurance and the Pandemic**. In: *Migalhas*, 2020.
- **Digital Certificate: A Silent Threat to Lawyers' Personal Data**. In: *Migalhas*, 2020.

- **Contracts, Force Majeure, Excessive Onerousness, and Patrimonial Imbalance.** In: *Conjur – Consultor Jurídico*, 2020.
- **The New Guarantee in Agribusiness.** In: *JOTA*, 2019.
- **The Patrimonial Segregation in the Agribusiness Provisional Measure.** In: *Conjur*, 2019.
- **Repercussions of Compliance in Private Law.** In: *JOTA*, 2018.
- **Should Trusts Be Incorporated into Brazilian Law?** In: *JOTA*, 2018.
- **Unveiling the Patrimonial Segregation.** In: *JOTA*, 2017.
- **What Is the Value of Fiduciary Guarantee?** In: *JOTA*, 2017.

Languages:

- English and Italian

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