Unofficial English Translation

FOREIGN AWARD No. 4.980 - GB (2009/0187174-4) (f)

CLAIMANT	: PARAMOUNT TÊXTEIS INDÚSTRIA E COMÉRCIO S/A
COUNSEL:	: MARTA MITICO VALENTE AND OTHER(S)
RESPONDENT:	: LACOSTE DO BRASIL INDÚSTRIA E COMÉRCIO LTDA.
COUNSEL:	: JOSÉ ALEXANDRE BUAIZ NETO AND OTHER(S) ALESSANDRA M. KURIHARA PASSOS AND OTHER(S) DANIELA BASÍLIO TAVARES AND OTHER(S)

DECISION

Report: Paramount Têxteis Indústria e Comércio S.A., a legal person with its place of business in Brazil, after providing its identification requests the recognition and enforcement ["*homologação*"] of the arbitral award rendered on 27 January 2009 by the London Court of International Arbitration in London, United Kingdom, against Lacoste do Brasil Indústria e Comércio Ltda. whose details are in the records (p. 2).

After being duly summoned, the Respondent, in pp. 204/209, only argues that it had fully complied with the order set out in the foreign award.

In its reply, the Claimant argued that the Respondent "*did not demonstrate the existence of any of the grounds to refuse enforcement provided by Article 38 of Law No. 9.307/96. Further, the Respondent chose not to present an Answer after being duly summoned; instead it states that it has already made the payment of the amount due, which it has not, thus, Respondent can no longer present further arguments*."(p. 242).

The Public Prosecutor's Office was heard and is in favor of recognition and enforcement (pp. 479/480).

Reasons: As already decided by this Court, "the judicial review of a foreign arbitral award to grant recognition and enforcement is limited to the grounds provided by Articles 38 and 39 of Law No. 9.307/96" (SEC [Challenged Foreign Award] 507/GB), in addition to the general requirement related to national sovereignty, public policy and common decency ["*bons costumes*"]. Therefore, the mere allegation of full compliance is no bar to the recognition and enforcement of the decision.

Moreover, all documents necessary to the recognition and enforcement were presented: the arbitral award and the addendum of the arbitral tribunal were both presented in Portuguese, certified by a Brazilian consular authority (pp. 50/155), along with a declaration that the decision is final and binding (pp. 144/145).

Therefore, the mandatory requirements for granting the request were observed; it is also clear that the request does not violate national sovereignty, public policy or common decency (Article 17 of Law No. 4.567/42, and Articles 5 and 6 of Resolution No. 9 of 200/STJ [Superior Court of Justice]).

Decision: Based on the aforementioned reasons, I hereby grant recognition and enforcement of the foreign award.

Render certified copy of the decision.

Notify the parties.

Brasília, 1 June 2011.

JUSTICE ARI PARGENDLER

President