



An Interview With

Carolina Vera Matiz

How does competition law affect a business? Regulations in the field of protection, promotion and of maintaining competence, allow the free flow of a market; in any case of distortion, it is possible for the state to intervene in order to restore the free market economy. This allows businesses to maintain and develop as a strong competitor in their field, fairly.

In this quick interview, we speak to Carolina Vera Matiz on unfair trade practice in Colombia and how unfair competition is sanctioned.

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What is considered an unfair trade practice in Colombia?

It is important to say that in Colombia, regulations regarding trade practice cover two sides:

- Regulations related to free practice, in general, have an aim to protect the proper functioning of the market in general. Such regulations are categorised into two main groups: restrictive agreements and abuse of dominant position.
- Regulations related to unfair competition: According to

“Regulations related to free practice, in general, have an aim to protect the proper functioning of the market in general”



Colombian law, a practice is unfair when it is against good faith and directly affects the interest of one or many competitors in the concurrent market. In general, our legislation is flexible in order to determine whether conduct is unfair. Nevertheless, there is a non-exhaustive list of practices considered unfair: Acts of confusion, acts of discredit, acts of imitation, induction to mistake, infringement of trade secrets, unfair advantage of a third party's reputation.

What are some of the consequences for companies involved in anti-competitive activity in Colombia?

Regarding companies that practice free trade in general, there are administrative sanctions that include an order to suspend the practice, as well as fines that can potentially be extremely high, especially those involving "cartelization".

Regarding unfair competition, there are judicial sanctions that could include, again, the order of suspension of the practice and the payment of damages and inclusive, punitive damages.

"The current unfair competition scene is very propitious to competitors, investors and customers."

What is the current unfair competition scene in Colombia?

The current unfair competition scene is very propitious to competitors, investors and customers. We find that a free market with a strong entity such as Colombia's Superintendence of Industry and Commerce is extremely efficient in the adjustment of distortions, which makes it possible to keep the market in an optimal condition for the competence and freedom of enterprises. **LM**

Carolina Vera Matiz

Carolina Vera Matiz is a Lawyer with a degree from the Andes University in Bogotá, Colombia, and a Master's degree in Trademarks, Patents and Copyrights from the University of Alicante, Spain. She is a member of the international associations: INTA, ASIP, ABPI and CAPIRA, and Partner of the international network of Law firms PRAGMA. Currently, she holds the position of General Director and Partner in Vera Abogados Asociados.

