

# Alfonso Silva

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## Biography

Alfonso Silva is partner and head of Carey's corporate/telecoms group and has been recognised in these practice areas in many international publications such as *Chambers*, *Who's Who Legal* and others. He has been appointed representative and board member of several multinational companies operating in Chile. He is a committee vice president for the IBA and a member of important local associations. Alfonso graduated from the University of Chile and holds an LLM from the University of Cambridge.





### ***What inspired you to pursue a legal career?***

The conviction that it is one of the best careers for personal development, and at the same time offers the opportunity to get involved in a variety of business and industries. A good lawyer should have a comprehensive understanding of his client's business – this is certainly a big challenge, but a very interesting and rewarding one.

### ***What do you enjoy most about working in the telecoms field?***

The telecoms market is highly dynamic, and it is constantly evolving hand-in-hand with new technological innovations. This dynamism comes with very interesting regulatory challenges. Some of these challenges have to do with competition issues (eg, net neutrality); others with users' rights (eg, number portability); and still others with technological standards. This wide variety of different aspects requires a good telecoms lawyer to be on top of market changes, and to be constantly thinking strategically in order to foresee the future.

### ***How has the market changed since you first started practising?***

When we started our practice, telecoms services – and people interacting with them – were few. The legal and regulatory concerns of our clients were mostly focused on infrastructure, antennae and numbering. With the significant development of the regulatory frameworks, telecoms got more complex and started to interact with other legal practices such as public, consumer, real estate, data protection, antitrust and environmental law. Also, the emergence of the internet, along with the use of smartphones, allowed the creation of a whole new market, focused on converging services (eg, apps, OTT, IoT, M2M, AI, blockchain). These milestones laid the foundations of an incredibly dynamic market, with lots of new challenges to come.

### ***What are the greatest challenges you face when handling large M&A transactions in the Chilean telecoms sector?***

M&A transactions in the telecoms sector have an extra component that makes them especially challenging: regulation. Whereas a non-regulated M&A can be fairly straightforward, a telecoms transaction needs to take heed of complex and sophisticated rules, many of them requiring the intervention of experts in other fields such as engineers and economists.

Also, as the telecoms market is very concentrated (in the case of Chile, there are three incumbents), and the local telecoms and antitrust authorities (as well as the general public) watch these transactions very closely, you are literally in the eye of the hurricane. You therefore need to be very careful in defining the strategy, and watching what comes out as public information.

Finally, due to the dynamic character of the market, when you are working on these types of M&As you always have to think about what may happen in the future, and how changes may affect the outcome of what you are negotiating.

### ***What impact do you see revolutionary technologies such as smart contracts, blockchain and artificial intelligence having on the Chilean telecommunications market?***

Telecoms have earned an important and significant place in the 21st century. While decades ago we would have been talking about telephones and faxes, current networks allow the transmission of any content; the analysis of a significant amount of information, patterns and social behaviours; the interaction between one machine and another; and countless other possibilities. Also, the number of services being provided through the telecoms networks has increased exponentially, and it appears that this phenomenon will keep moving forward. Therefore, new technologies should only

enlarge the range of business possibilities in the market, which is becoming an essential aspect of our hyper-connected society.

### ***Chile's telecoms regulator Subtel recently proposed reducing access charges for mobile phone companies in the country. What effect do you think this would have on the market?***

Subtel's proposal has generated much noise among mobile companies, who were very concerned because of the technology improvements in their networks and, more importantly, changing patterns among mobile services users (telephone versus data usage). Notwithstanding that the mobile phone companies may have different interests, I believe that any measure with the potential to give dynamism to the market and lower prices for end users is an excellent sign.

### ***What makes Carey stand out from its competitors in the market?***

Carey's best advantage over our competitors is the expertise it has developed in almost all legal practices. I am confident that what makes Carey the firm it is now is the passion our lawyers put into the tasks required by our clients, doing their best to respond accordingly. We are pleased to know it is entirely possible to become the most prominent law firm in Chile by maintaining the high-quality service established by our founders.

### ***What is the best piece of career advice you have received?***

The best piece of advice I have received, and the one I have always tried to stick to, is to put the client's interests first. Also, a good lawyer should also always act in an ethical manner, doing the right thing in the best interests of your client, whatever the cost may be. In my experience, when dealing with a difficult situation, if you follow these two rules the most probable scenario is that you will not make mistakes.