Oliver Heinisch is a partner in the Antitrust and Competition Practice Group in the firm’s London office.

Areas of Practice

Oliver advises on all areas of EU, UK and German competition law with a focus on international cartel and abuse of dominance procedures including related antitrust litigation matters as well as merger control law. He has substantial expertise in advising on the interface between intellectual property and competition law mainly in the context of complaint cases, investigations of competition authorities and intellectual property litigation. His additional experience includes advising on parallel imports, complex IP licensing, R&D and cooperation arrangements. The majority of his clients are technology and life sciences companies, and he also works for financial services, insurance, automotive, industrial and food clients.

Oliver is ranked in Legal 500 and Chambers Global, Europe and UK and described by clients as “very promising and bright,” a “very sharp professional” and “an excellent lawyer with a good understanding of our business needs.”

Brexit

Oliver regularly advises clients on questions relating to the UK’s decision to leave the European Union. He assists client with strategic advice to deal with the uncertainty in the market, and the impact of Brexit on investment decisions, data protection, ongoing litigation and investigation as well as on the impact of Brexit on commercial agreements.

Data Protection, GDPR

Oliver also has substantial experience in advising clients on data protection issues in Europe, Germany and the UK. He has advised a number of multinational companies on issues relating to Big Data, data breaches, data transfers, data protection defenses in the
context of litigation discovery, questions relating to HR and employment, retail and online selling. He has been involved in several projects helping companies prepare for GDPR compliance and regularly publishes and presents on the GDPR.

**Honors**

*JUVE, 2018*

*Legal 500 Europe, EU and Global Competition Law, 2013, 2015, 2017*

*Chambers UK 2016, noted by clients as “very promising and bright”*

*Chambers Global, Europe and UK, 2014, 2015 noted by clients for his “excellent understanding of our business”*

**Experience**

Mr. Heinisch’s recent work includes advising

**Cartels/Agreements**

- Advising a UK company on the CMA’s cartel investigation into mobility scooters alleging vertical online price restrictions between manufacturers and retailers
- a client on the European Commission’s LCD cartel investigations
- a German brewery in relation to a cartel investigation by the German Bundeskartellamt
- Rohm&Haas – on a cartel investigation in relation to impact modifiers
- Sevenoaks in the UK OFT’s independent schools cartel investigation leading to the OFT’s first ever cartel settlement
- a Japanese electronics company on an internal audit and strategy on leniency
- a participant in relation to a European Commission investigation into price reporting in the Market-On-Close price assessment process of Platts Limited
- a group of leading electronics companies on their cross-licensing and patent pool arrangements
- two leading consumer electronic companies in relation to their European-wide distribution system and rebate schemes under Article 102
- Fujifilm on a complex R&D cooperation agreement
- the UK Department for Innovation, Universities and Skills (as was) on the establishment of the Energy Technologies Institute, a £1 billion public-private partnership and its IP policy
and general framework

- a leading pharmaceutical company on several patent settlement agreements with generic companies
- a pharmaceutical company on changes to its distribution system, the introduction of supply restrictions in the light of the CJEU’s Syfait and Spanish dual pricing cases
- a life sciences company on restrictions to parallel trade and quota schemes

Abuse of Dominance

- SK Hynix on its complaint to the European Commission dealing with patent ambush, standard-setting and FRAND licensing
- SK Hynix in front of the General Court challenging the Commission’s commitment decision against Rambus Inc. - T-148 and 149/10
- a biologic company on strategies in relation to competition by biosimilars, conduct relating to healthcare professionals, and general lifecycle management
- Samsung in relation to DVD standard essential patent pools
- a medical device company on EU parallel imports and product combinations, promotion agreements and pricing

Merger Control

- Anacap Financial Partners LLP on German merger control in relation to the acquisition of various portfolio companies
- Advantage Partners LLP on German merger control in relation to the acquisition of various portfolio companies
- Interbrew’s acquisition of German breweries Spaten, Loewenbräu and Dinkelacker (M. 3289)
- Norsk Hydro’s acquisition of VAW aluminium (M. 2702)

State Aid

- Oxford University on the possible funding of a research facility

Antitrust Damage/IP Litigation

- Sharp Corporation in the High Court (London) against two proceedings involving claims for damages brought separately by Nokia and Sony relating to its purchases of LCD’s
- HTC on their antitrust defence against assertion of standard essential patents in the patent court of Mannheim (Germany), including on FRAND licensing and Orange Book Standard case law (IPComm v HTC and others)

Articles

Eyes Across the Atlantic: Coordination and Management of Global Private Antitrust Litigation
ABA Section of Antitrust Law, May 8, 2017
Originator/Generic Competition in the UK: The First CMA Case on Pay-For-Delay
Practical Law, March 23, 2017
The Rapidly Changing Landscape of Private Global Antitrust Litigation: Increasingly Serious Implications for U.S. Practitioners
Competition (Calif. State Bar Antitrust Section publication), Fall 2016

Oi! Ref!
Competition Law Insight, June 7, 2016
A Matter of Class: A look at the collective action regimes in the UK and US
Competition Law Insight, December 8, 2015
The object of the exercise: A look at the ECJ's landmark Groupement des Cartes Bancaires decision, CLI, November 2014

Travellers' tales: The authorities are checking out the online hotel reservation sector, CLI, July 2014
Clarity on jurisdiction? The Court of Appeal rules on the jurisdiction of the English courts in private damages actions, CLI, November 2012
Access to leniency documents: The European Commission is ordered to rethink its blanket approach, CLI, July 2012
Access to leniency documents: Pfleiderer applied in the English High Court, CLI, May 2012
Jurisdiction revisited: The Toshiba Carrier case raises further complex issues post Provimi and Cooper Tire in antitrust damages actions, CLI, November 2011

Co-Author, IP Licensing chapter, PLC EC and UK Competition Law Handbook
Co-Author, Chapter on Private Enforcement, PLC Cross-border Competition Handbook

Antitrust Law Blog Posts
"New Lower UK Thresholds for Scrutiny of Mergers Affecting National Security," June 25, 2018
"Selective Distribution Systems and Bans on Sales of Luxury Products via Online Market Platforms: Initial Thoughts on the CJEU’s Coty Judgment," December 7, 2017
"An EC Communication on SEPs – Not More Not Less," November 30, 2017
"Eyes Across the Atlantic: Coordination and Management of Global Private Antitrust Litigation," May 23, 2017
"European Commission Blocks Merger of London Stock Exchange and Deutsche Börse," April 6, 2017
"Company Directors Beware – the CMA’s Disqualification Order," January 24, 2017
"Top 12 EU Legal Developments to Watch in 2017," January 23, 2017
"Brexit, Here We Come (or Go)," June 24, 2016


**Global Trade Law Blog Posts**

"2018 EU Trade, Regulatory and Competition Trends," February 8, 2018

"Bre(xit)aking News," January 24, 2017

**Media Mentions**

**2018 EU Competition & Regulatory Trends**
*Sheppard Mullin EU Competition Alert, January 24, 2018*

CMA Swings at Golf Club Maker’s Online Sales Ban
*Global Competition Review, June 9, 2016*

Ranked in Chambers Europe 2016
*Competition Law*
*Chambers Europe 2016, May 24, 2016*

CMA Imposes Fresh Fine for Price Maintenance
*Global Competition Review, May 24, 2016*

Interview with Oliver Heinisch: Sheppard Mullin’s highly regarded antitrust partner talks to CLI
*Competition Law Insight, November 10, 2015*

Sheppard Mullin Snags Ex-Simmons Competition Pro
*Law360, July 17, 2015*

**Speaking Engagements**

"European Competition Law in the Nationalist Era: What You Need to Know at the Dawn of Divergence," Silicon Valley Association of General Counsel, April 21, 2017

**Events**

Data Breach Simulation
IAPP Data Protection Intensive: UK 2019
March 12, 2019

"Breakfast with Europe” Webinar Series
December 21, 2017

"Breakfast with Europe” Webinar Series
October 19, 2017

"Breakfast with Europe” Webinar Series
June 15, 2017

"Breakfast with Europe” Webinar Series

March 16, 2017
"Breakfast with Europe" Webinar Series
January 19, 2017

Memberships
Studienvereinigung Kartellrecht e.V.
ICC Task Force for IP and Standards
Association of British Healthcare Industries (Legal Issues Committee)
Law Society Competition Section, American Bar Association