



## → Oliver Heinisch

### Partner

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Oliver Heinisch is a partner in the Antitrust & Competition Group and London Office Managing Partner.

### 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 also advises on the interface between intellectual property and competition law mainly in the context of complaint cases, investigations of competition authorities and intellectual property litigation.

Oliver's additional experience includes advising on distribution agreements, parallel imports, IP licensing, R&D and cooperation arrangements. He also assists clients in complying with EU product regulatory law in particular in the area of medical devices, pharmaceuticals and cosmetics. The majority of his clients are technology, consumer electronics and life sciences companies, and he also works for financial services, private equity, insurance, automotive, industrial, fashion and food clients.

Oliver is ranked in the major legal directories and consistently recognised as an expert in the field.

### *Brexit*

Oliver regularly advises clients on questions relating to the UK's decision to leave the European Union and the EU/UK Trade and cooperation agreement. 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 and GDPR*

Oliver also has substantial experience in advising clients on data protection issues in Europe, Germany and the UK and in particular on the increased scrutiny of data in competition investigations and mergers. He advises multinational companies on all areas of the GDPR and EU national and UK data protection laws, in particular on issues relating to data breaches, data transfers and data protection defenses in the context of litigation discovery as well as on questions relating to HR and employment, retail and online selling.

## Honors

- *JUVE*, 2018-2022
- *Legal 500 Europe, EU, Global Competition Law 2013 - 2021*, singled out by clients as "a name to note in this area, with expertise in cartel and abuse of dominance investigations" and "very experienced and client-oriented". "He has a strong sense of responsibility, is very responsive to a client's needs and is easy to work with"

- *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

The following lists representative examples of Oliver’s experience:

### **Cartels/Agreements:**

- Casio Computer Co and Casio Electronics UK in relation to CMA investigation 50565-2 (Musical instruments and equipment)
- TGA Mobility in relation to a UK CMA investigation into certain vertical restrictions
- a big multinational on the European Commission’s LCD cartel investigations
- a German brewery in relation to a cartel investigation by the German Bundeskartellamt
- Rohm and Haas Company 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:**

- A major automotive parts supplier on its lawsuit against holders of patents essential to practicing the 2G, 3G and 4G cellular standards, venued in the US
- F. Martin & Company (guitar manufacturer) on sale and distribution strategies in Europe, including designing and implementing distribution systems
- Jack Daniels on its trademark licenses in relation to sales of Jack Daniels branded consumables across the EU
- SK Hynix on its seven year long complaint procedure against Rambus in front of 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 - 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
- An electronics company 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:**

- Ardian Capital North America in its acquisition of Dynamic Technologies and simultaneous merger with Huron Inc. (all auto OEM businesses)
- International Association for Broadcast & Media Technology Suppliers with legal and strategic advice to the on a JV agreement and other compliance matters
- Anacap Financial Partners on German merger control in relation to the acquisition of various portfolio companies
- Advantage Partners 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**

- A number of clients on defending possible damages actions in front of the UK competition appeal tribunal, and High Court of England and Wales, including opt-out collective actions
- Sharp Corporation in the High Court (London) in two proceedings involving claims for antitrust damages brought separately by Nokia and Sony
- 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*)

## **Data Protection**

- Perrigo Holdings all areas of data protection laws well as compliance with the Whistleblower Directive and various national laws and variances
- Levi Strauss & Co on all areas of data protection laws

## **Compliance counselling**

- Designing and implementing global competition compliance programmes for a number of multinational clients, including training businesses in local languages (French, Italian, German, English)
- Performing complex compliance audits and advise on risk mitigation
- Draft and review distribution, licensing, collaboration agreements

## Articles

- European Union: Updated rules on vertical agreements  
*Global Competition Review*, 06.24.2022
- Eye on Privacy 2021 Year in Review  
01.11.2022
- Eyes Across the Atlantic: Coordination and Management of Global Private Antitrust Litigation  
*ABA Section of Antitrust Law*, 05.08.2017
- Originator/Generic Competition in the UK: The First CMA Case on Pay-For-Delay  
*Practical Law*, 03.23.2017
- 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*, 06.07.2016
- A Matter of Class: A look at the collective action regimes in the UK and US  
*Competition Law Insight*, 12.08.2015
- "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, "Private Enforcement" chapter, *PLC Cross-border Competition Handbook*

## Antitrust Law Blog Posts

- "Updated EU Competition Rules for Vertical Agreements," June 29, 2022
- "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 News: UK Judges Throw a Block in the Road of Article 50," November 3, 2016
- "On the Way to a European Digital Single Market: Whether You Sell Online or Offline – Listen Up!," October 5, 2016
- "Brexit, Here We Come (or Go)," June 24, 2016
- "Evolving Private Remedies for Competition Infringements in Europe: Class Actions in the U.K.," October 19, 2015

## Global Trade Law Blog Posts

- "2018 EU Trade, Regulatory and Competition Trends," February 8, 2018
- "Bre(xit)aking News," January 24, 2017

## Privacy Law Blog Posts

- "Free Data Flow to the UK May Continue – EU Adopts Adequacy Decision," June 28, 2021
- "Understanding When to Use Two New Sets of Standard Contractual Clauses Issued by the EU," June 16, 2021

## Media Mentions

2018 EU Competition & Regulatory Trends

*Sheppard Mullin EU Competition Alert*, 01.24.2018

CMA Swings at Golf Club Maker's Online Sales Ban

*Global Competition Review*, 06.09.2016

Ranked in Chambers Europe 2016

Competition Law

*Chambers Europe 2016*, 05.24.2016

CMA Imposes Fresh Fine for Price Maintenance

*Global Competition Review*, 05.24.2016

Interview with Oliver Heinisch: Sheppard Mullin's highly regarded antitrust partner talks to CLI

*Competition Law Insight*, 11.10.2015

Sheppard Mullin Snags Ex-Simmons Competition Pro

*Law360*, 07.17.2015

## 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

03.12.2019

"Breakfast with Europe" Webinar Series

12.21.2017

"Breakfast with Europe" Webinar Series

10.19.2017

"Breakfast with Europe" Webinar Series

06.15.2017

"Breakfast with Europe" Webinar Series

03.16.2017

"Breakfast with Europe" Webinar Series

01.19.2017

## Memberships

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

## Practices

Antitrust and Competition

EU Competition and Regulatory

Intellectual Property

International Reach

Israel

Japan

Korea

Privacy and Cybersecurity

Technology Transactions

Antitrust Counseling and Compliance

Cartel Investigations and Litigation

Consumer Protection

Government Merger and Civil Conduct Investigations  
Intellectual Property / Antitrust  
International Counseling  
Private Civil Antitrust Litigation

## Industries

Automotive  
Entertainment, Technology and Advertising  
Food and Beverage  
Insurance  
Life Sciences  
Music  
Private Equity  
Telecom

## Education

LL.M., University College London, UK, 2001  
Second State Exam, Higher Regional Court of Berlin, 2000  
First State Exam, Humboldt Universitat zu Berlin, Germany, 1998

## Admissions

England  
Wales  
Germany, Rechtsanwalt (Berlin)  
Belgium, Brussels E-List

## Additional Office

Brussels

## Languages

English  
French  
German

Italian