



Jennifer P.M. Marsh

Partner

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OVERVIEW

Jennifer Marsh is partner in the firm's London office. She concentrates her practice on all aspects of EU and UK competition law and commercial agreements.

Jennifer's work covers merger control, including making submissions to the European Commission in Brussels and coordinating merger filings globally; advising on litigating competition law issues before the English courts, including two appeals before the Court of Appeal; advising on global distribution strategies throughout Europe, including online resale policies, marketplace strategies and selective distribution; bringing and defending competition law based complaints before the regulators; and drafting and implementing compliance programs; and drafting and advising on commercial agreements.

Described as "incredible" by clients in Legal 500, Jennifer speaks English and German, having previously practiced in Berlin. She was a member of the International Task Force of the American Bar Association from 2015-2018. Her clients include Cummins, Formula One, Freeport McMoran, the International Molybdenum Association, Arena Racing and PING.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Jennifer worked at the London and Berlin offices of a leading international law firm. She qualified in 2006.

ACHIEVEMENTS

- Recommended by Legal 500
- Selected as a 2016, 2015 and 2014 London Rising Star in Thomson Reuters' Super Lawyers

PROFESSIONAL / CIVIC ACTIVITIES

- Member of The American Bar Association Section of Antitrust's International Task Force 2014-2018

- Member of The American Bar Association and Representative on The International Committee of the Antitrust Section for 2013-14
- Member of The Competition Section of the Law Society of England and Wales

SPEAKING ENGAGEMENTS

- “A Guide to Promotions and Pricing in the UK”, Revenue Management and Pricing International Conference, 8 June 2017
- “Brexit's Impact on Competition Enforcement”, ABA Teleseminar, 30 June 2016
- “Best Available Rate and Competition Law: An Update”, European Tour Operators Association, 25 November 2015
- “Competition Compliance Training”, Client Seminar, 14 January 2016
- “Private Antitrust Litigation in the UK”, ABA Teleseminar, September 2014
- “Controlling Holiday Pricing and Competition Law”, ABTA Seminar, May 2014
- “Best Available Rates,” ETOA Seminar, September 2013
- “EU Competition Law: Update & Recent Developments,” Kaplan Webinar, October 2011
- “Best Available Rate and Competition Law - Are you at Risk?” ETOA Seminar, June 2011
- “Overview of UK Merger Control,” client seminar, November 2009
- “Competition Law Compliance,” client seminar, September 2009

ADDITIONAL BACKGROUND

Jennifer earned her Modern Languages Diploma in German alongside her law degree from the University of Cambridge in 2001.

EDUCATION

- Legal Practice Course, Nottingham Law School, 2003
- B.A., University of Cambridge, 2002 (*Honours*)

ADMISSIONS

- Solicitor of the Senior Courts of England and Wales
- Solicitor, Brussels Bar (Dutch section, EU list)

LANGUAGES

- German
- English

THOUGHT LEADERSHIP POWERED BY HUB

- 25 August 2021, Narrow Best-Price Clauses Between Platforms and Hotels: German Federal Court of Justice Overturns Court Decision That Ruled These Permissible Under Antitrust Rules (*Alerts/Updates*)
- 30 July 2021, The UK National Security and Investment Act: Who, What, Where, When, Why? (*Alerts/Updates*)
- 20 July 2021, European Distribution Rules Latest: Dual Pricing, Shared Exclusivity in; MAP Policies Still Out (*Alerts/Updates*)
- 29 April 2021, European Union Moves Towards Mandatory Supply Chain Due Diligence: Start Gearing Up For New Directive (*Alerts/Updates*)
- 23 April 2021, European Super League Skating by Competition Law (*Alerts/Updates*)
- 1 April 2021, Is the European Commission Now Entitled to Review Non-Notifiable Transactions - Even After Closing? (*Alerts/Updates*)
- 22 February 2021, Does the French Lego Case Threaten the Building Blocks of Your Pricing Policy for Online Sellers? (*Alerts/Updates*)
- 28 January 2021, The Enforcement of Abuse of Economic Dependence in the EU (*Alerts/Updates*)
- 12 November 2020, UK Bill Expands Scope for Foreign Investment Intervention (*Alerts/Updates*)
- 28 October 2020, Vertically Challenged - Insight into the EU Commission's Efforts to Update the EU Rules on Vertical Agreements (*Alerts/Updates*)
- 9 September 2020, Germany's Highest Antitrust Court Published the Detailed Written Statement of Reasons of its Facebook-Decision -- With Consequences for the Entire Industry (*Alerts/Updates*)
- 8 September 2020, E-Concessions and Competition Law (*Alerts/Updates*)
- 7 July 2020, Enforcement of Customer-Competitor Infringements and Price Monitoring Tools Intensifies (*Alerts/Updates*)
- 23 April 2020, COVID-19: Will Today's COVID-19 Distressed Businesses Become Tomorrow's Antitrust-Cured Acquisition Targets? (*Alerts/Updates*)
- 20 April 2020, COVID-19: Beware Illegal Use of Price Monitoring Tools (*Alerts/Updates*)
- 2 April 2020, COVID-19: Preserving Brand Equity and the Health of a Go-To-Market Strategy During the Pandemic and Beyond (*Alerts/Updates*)

- 20 March 2020, COVID-19: Taking Extraordinary Measures at Times of Crisis- COVID-19 and the Boundaries of Cooperation Under European Competition Law (*Alerts/Updates*)
- 20 March 2020, COVID-19: The European Commission Sets Out State Aid Strategy – Opportunities and Challenges for EU Businesses (*Alerts/Updates*)
- 30 January 2020, Heightened Enforcement Against Brands' Control of Resale Pricing by Competition Authorities Worldwide (*Alerts/Updates*)
- 22 January 2020, Brexit: Implications for Your Business and its Relationship With the EU (*Webinar*)
- 19 September 2019, The VBER Consultation - Stakeholders Call For an Update to Reflect the Realities of the E-Commerce Market (*Alerts/Updates*)
- 2 September 2019, Brexit Update (*Alerts/Updates*)
- 27 June 2019, Developing Mitigation Strategies to Combat Online Erosion and Gray Market Selling in the EU (*Webinar*)
- 7 June 2019, The Pitfalls of Price Monitoring in the EU (*Alerts/Updates*)
- 14 February 2019, Court confirms additional tools for trade mark owners to protect their brand where they operate a selective distribution system in the EU (*BlogPost*)
- 13 February 2019, Court Confirms Additional Tools for Trade Mark Owners to Protect their Brand Where They Operate a Selective Distribution System in the EU (*Alerts/Updates*)
- 11 February 2019, Opportunity to Help Shape the Key Rules that Affect How You Sell Your Products in Europe (*Alerts/Updates*)
- 01 February 2018, EU Judgment On Banning Sales Via Online Marketplaces - What Does It Mean For Non-Luxury Brands? (*Alerts/Updates*)
- 8 December 2017, Highest EU Court Confirms that Luxury Goods Manufacturers Can Stop Sales on Online Resale Platforms (*Alerts/Updates*)
- 30 November 2017, Brexit Q&A Conference Call (9) (*Webinar*)
- 18 May 2017, The European Commission Announces Further Competition Enforcement Following its E-Commerce Inquiry: Considerations for Consumer Goods Distribution (*Alerts/Updates*)
- 18 May 2017, The European Commission Announces Further Competition Enforcement Following its E-Commerce Inquiry: Considerations for Digital Content Providers (*Alerts/Updates*)
- 24 November 2016, FCA to Impose Remedies in Asset Management Sector including Further Investigation into Investment Consulting (*Alerts/Updates*)
- 29 July 2016, All Foreign Takeovers of UK Companies to be Reviewed Following Brexit? (*Alerts/Updates*)
- 22 February 2016, Property Developer attacks Restrictive Covenant before the Competition Appeal Tribunal (*Alerts/Updates*)

OTHER PUBLICATIONS

- "The Business and Law of Fashion and Retail," International Issues, *Carolina Academic Press*, August 2020
- "German Lottery Monopoly under Fire," *Global Competition Review*, October 1 2006

NEWS & EVENTS

- 10 March 2021, Entrepreneurship, Corporate Culture, and the Gender Agenda (*Event*)
- 12 November 2020, K&L Gates Advises Sinch AB on Acquisition of SAP Digital Interconnect (*Noteworthy Work*)
- 4 November 2020, K&L Gates Assists Prenetics in Acquisition of Oxsed RaViD's Rapid Coronavirus Diagnostics Technology (*Noteworthy Work*)
- 2 March 2018, K&L Gates Names 34 New Partners Across Global Platform (*Press Release*)

AREAS OF FOCUS

- Antitrust, Competition, and Trade Regulation
- European Regulatory

REPRESENTATIVE EXPERIENCE

- Advising a UK plc regarding a Type A leniency application to the Competition and Markets Authority
- Advising Balmoral Tanks on an information sharing investigation by the Competition and Markets Authority and subsequent appeal to the Competition Appeal Tribunal.
- Advising EuroChem on its acquisition of the K&S Nitrogen fertiliser business.
- Advising Halliburton on merger control issues.
- Advising Ping, the golf club manufacturer, on its challenge to the Competition and Markets Authority's finding of infringement in relation to its online sales policy before the Competition Appeal Tribunal and Court of Appeal.
- Advising EuroChem on its acquisition of the BASF Antwerp fertiliser business.
- Advising Linea Limited on acquisition of control of Donalink.
- Advising Arena Leisure plc on its merger with Northern Racing.
- Advising Euro Car Parts on its acquisition of the Andrew Page Business, seeking consent from the Competition and Markets Authority
- Advising Beckman Coulter on European competition and merger control issues.

- Advising Ampco-Pittsburgh Corporation on its acquisition of the Akers business.
- Advising Ping, the golf club manufacturer, on its challenge to the Competition and Markets Authority's finding of infringement in relation to its online sales policy before the Competition Appeal Tribunal and Court of Appeal.
- Advising Innogy on UK merger control issues in relation to the sale of its Georgia Biomass business to Enviva.
- Advising Orsted on the sale of its liquid natural gas business to Glencore, including requiring European Commission approval.
- Advising Sinch on its UK merger control notification in relation to its acquisition of the SAP Digital Interconnect business.