

Gabriela da Costa

Partner

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OVERVIEW

Gabriela da Costa is a dual-qualified EU and UK competition law partner in the firm's Antitrust, Competition, and Trade Regulation practice group.

Gabi's practice has been described as “unique” by *The Legal 500 United Kingdom*, where she has been ranked as a Next Generation Partner for consecutive years.

While Gabi maintains a broad, traditional antitrust practice, she has developed two niches in areas of strategic focus for the EU and UK competition authorities.

VERTICAL STRATEGY FOR CONSUMER BRANDS

Gabi advises leading consumer brands - spanning luxury, beauty, fashion, electronics, homewares, wellness, and more - on navigating the complex vertical competition rules across the EU and UK. Recognised as being "at the forefront of distribution strategy matters, particularly in the context of sophisticated issues arising in e-commerce," she supports clients (including dominant players) in designing and executing compliant and sophicated go-to-market strategies. Her work includes advising on vertical resale controls, selective and exclusive distribution systems, dual pricing, online marketplace policies, and grey market enforcement (including litigation).

She has successfully defended the distribution models and practices of major brand owners in regulatory investigations and litigation, including securing outcomes with no fines or damages. With D2C models becoming increasingly central, Gabi also advises on protocols for legally sound interactions with customers that may now also be competitors.

Gabi was nominated for the award of Luxury Law Partner of the Year at the 2024 European Luxury Law Alliance Summit.

HORIZONTAL SUSTAINABILITY COLLABORATIONS

Gabi also advises industry players, trade associations, NGOs, and sustainability consultants on the design and operation of antitrust-compliant competitor collaborations, particularly those aimed at achieving sustainability goals. She has led legal strategy on high-profile, cross-sector initiatives across sectors such as beauty, aviation,

maritime, ports, metals, concrete, and EVs, including acting as lead competition counsel on the first ever collaboration (a joint purchasing arrangement) cleared by the European Commission under its new Guidelines for Horizontal Sustainability Collaborations.

Clients say:

"The way [Gabi] builds trust and relationships is second to none. She is professional, friendly and extremely engaged with any issue."

"[Gabi is] excellent and extremely on-point: highly focused on both the material aspects of matters, but also keeping a keen eye on (cross-border) interests of clients…."

"[Gabi is] super attentive, very knowledgeable and commercial."

PROFESSIONAL BACKGROUND

Gabi qualified in early 2012. Prior to joining the firm, she trained and worked in the London office of a Magic Circle law firm and for the Civil Justice Division of the UK Ministry of Justice.

ACHIEVEMENTS

- Recognised by *The Legal 500 United Kingdom* in London
  - Next Generation Partner for EU and Competition, 2024-2027
  - Recommended Lawyer for Commercial Contracts, 2024-2027
  - Recommender Lawyer for Retail and Consumer, 2024-2025, 2027
- Listed as a Future Leader in Competition by Who's Who Legal, 2024-2025
- Awarded Vice-Chancellor and Principal's Medal for Excellent Undergraduate Academic Achievement (highest University of Pretoria academic award for student in any faculty)
- Awarded Butterworth's Prize for final year student with best dissertation
- Awarded Law Society of the Northern Provinces of South Africa Prize for best student in Legal Practice

PROFESSIONAL / CIVIC ACTIVITIES

- Member of the Law Society of England and Wales

SPEAKING ENGAGEMENTS

- Speaker, Workshop: Vertical Distribution in the Luxury Sector – Navigating the Evolving EU and US Landscape, The Luxury Law Summit Milan, 13 October 2026

- Regularly speaks on optimizing go-to-market and marketplace strategy design, including at industry and e-commerce events and seminars.
- Delivers competition law compliance training to client sales teams, distributor partners, and trade association committees.

EDUCATION

- Legal Practice Course, BPP Law School, 2010
- B.C.L., University of Oxford, 2007

ADMISSIONS

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

LANGUAGES

- Afrikaans
- Portuguese

THOUGHT LEADERSHIP *POWERED BY HUB*

- 29 September 2026, New EU Green Claims Rules Are Now Live: What Brands Must Do About Old Stock
- 24 November 2025, Caveat Venditor and Sellers Beware: New Rules require Product Guarantee Information for All Consumer Products
- 17 November 2025, Green Claims, Red Flags: UK Product Descriptions May Fall Foul of the CMA's Green Claims Code
- 2 September 2025, Do Not Bottle the Truth: Major Soft Drinks Company Commits to Correcting its Recycling Claims Under EU Law
- 16 July 2025, European Union Targets SHEIN Over Consumer Law Breaches: What Online Sellers Must Learn Fast
- 29 July 2025, Perfume, Proof, and Parallel Imports: How Coty's Traceability System Won a Trade Mark War
- 27 June 2025, Perfume, Proof, and Parallel Imports: How Coty's Traceability System Won a Trade Mark War
- 20 June 2025, K&L Gates Contributes EU Chapter to American Bar Association's International Publication on Sustainability and Antitrust
- 7 March 2025, Green, But Lean: EU Eases Sustainability Rules Without Ditching Climate Goals

- 4 March 2025, Flick the Switch Board: Get Plugged into the Latest UK Guidance on EEE and WEEE
- February 2025, Fashion Law Update–February 2025
- 26 November 2024, UK's Specialist Competition Tribunal Issues Rare Guidance for Brands—Back to the Basics on Selective Distribution, Rpm and Online Sales Bans
- 11 November 2024, Emma Sleep Hit Snooze on CMA's Guidance and Got a Rude Awakening—A Warning for Online Traders to Check Their Sales Tactics Are Compliant
- 1 August 2024, Lawn and Order: Major Steps Against Greenwashing in Europe
- 13 May 2024, Hairdryer Treatment From UK Competition Regulators: More Red Cards in the Beautiful Game
- 5 March, 7 March, and 12 March 2024, EU and UK Regulatory Webinar Series
- 22 November 2023, Black Friday, Cyber Monday, Flash Sale…? Make Sure You Know the Rules
- 2 August 2023, Goodbye to the UKCA Mark. Lifespan of the EU's CE Mark Extended Indefinitely by the UK Government
- 1 August 2023, It's the Final Countdown…or is It?: CMA Issues Decision on Online Pressure-Selling Tactics
- 26 July 2023, Between a Bock and a Hard Place: Does Europe's Resale "Pint" Maintenance Decision Mean More Resale Pricing Control for Suppliers?
- 20 April 2023, No-Poach Agreements Receive Their Marching Orders in the US and Europe: Do's and Don'ts for HR Departments
- 12 April 2023, The European Commission's New Foreign Subsidies Regime - How to Best Prepare and What to Expect
- 3 April 2023, Private Equity Deals in the Antitrust Spotlight
- 11 January 2023, K&L Gates' Verticals Predictions for 2023: Top Trends, Opportunities, and Pitfalls
- 23 November 2022, Ensure Your Discount Communications are Compliant Before You Hop on the Sales Season Omnibus!
- 2 November 2022, CMA Blocks Meta/Giphy – It Might Be the Meta Universe but We're Living in the CMA's World
- 27 October 2022, Illumina/Grail—The Dawn of a New Era for Global Merger Control?
- 26 June 2022, The UK National Security Regime Wets Its Feet: UK Government Publishes New Guidance
- August 2022, Fashion Law Update - August 2022
- 9 August 2022, It's All About Context: CMA Imposes £1.5 Million on Lighting Brand for Creating an Unwelcoming Environment for Product Discounts
- 5 July 2022, European Commission Streamlines Merger Control Review Process

- 13 May 2022, "Extra, Extra, Read All About It"—Final European and UK Brand Distribution Rules Published
- 25 January 2022, Surge of Antitrust Enforcement Against Manufacturers of Branded Consumer Goods
- 23 November 2021, Fashion Law Update - November 2021
- 12 October 2021, Disapplying Competition Law - The New Fix?
- 7 October 2021, Optimising Your D2C E-Commerce Fashion Operation – Top 10 Tips
- 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
- 30 July 2021, The UK National Security and Investment Act: Who, What, Where, When, Why?
- 20 July 2021, European Distribution Rules Latest: Dual Pricing, Shared Exclusivity in; MAP Policies Still Out
- 13 May 2021, Fashion Law Update - May 2021 Edition
- 30 April 2021, Could You Be Using Your Trade Marks to Stop Unauthorised Resellers in the EU?
- 29 April 2021, European Union Moves Towards Mandatory Supply Chain Due Diligence: Start Gearing Up For New Directive
- 23 April 2021, European Super League Skating by Competition Law
- 10 March 2021, Entrepreneurship, Corporate Culture, and the Gender Agenda
- 22 February 2021, Does the French Lego Case Threaten the Building Blocks of Your Pricing Policy for Online Sellers?
- 28 January 2021, The Enforcement of Abuse of Economic Dependence in the EU
- 4 November 2020, What an Awful Racket… Acoustic Product Trade Mark Case Provides Opportunity for Brands Being Piggy-Backed to Drive Search Traffic
- 28 October 2020, Vertically Challenged - Insight into the EU Commission's Efforts to Update the EU Rules on Vertical Agreements
- 8 September 2020, E-Concessions and Competition Law
- 7 July 2020, Enforcement of Customer-Competitor Infringements and Price Monitoring Tools Intensifies
- 20 April 2020, COVID-19: Beware Illegal Use of Price Monitoring Tools
- 2 April 2020, COVID-19: Preserving Brand Equity and the Health of a Go-To-Market Strategy During the Pandemic and Beyond
- 20 March 2020, COVID-19: Taking Extraordinary Measures at Times of Crisis- COVID-19 and the Boundaries of Cooperation Under European Competition Law

- 20 March 2020, COVID-19: The European Commission Sets Out State Aid Strategy – Opportunities and Challenges for EU Businesses
- 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
- 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
- 11 February 2019, Opportunity to Help Shape the Key Rules that Affect How You Sell Your Products in Europe
- 13 November 2018, Opportunity for Product Manufacturers to Comment on EU Distribution Rules
- 7 August 2018, Continued Antitrust Enforcement Against Non-Compliant Manufacturers in Europe: Significant Penalties Imposed for Fixing Resale Prices
- 2 May 2018, EU Selective Distribution Update: Recent Developments Regarding Marketplace Bans and The Requirement for a Physical Point of Sale
- 01 February 2018, EU Judgment On Banning Sales Via Online Marketplaces - What Does It Mean For Non-Luxury Brands?
- 7 February 2017, European Commission Opens Investigation into Suspected Price Restrictions by Electronic Goods Producers
- 2 December 2016, Proposed Legislation Could Extend Geoblocking Restrictions to Traders' Unilateral Conduct
- 11 November 2016, UK Competition Authority Warns Online Sellers about Unlawful Pricing
- 11 October 2016, European Commission's Preliminary Report in the E-Commerce Sector Inquiry: Highlighting Risk Areas for Suppliers of Branded Goods
- 30 September 2016, European Commission Challenges Sports Governing Body's Non-Compete Rules
- 14 July 2016, CJEU Confirms EU Competition Law Does Not Prevent Royalties for Revoked Patent Licences
- 10 June 2016, UK Competition Authority Challenges Online Resale Ban
- May 2016, EU Competition Law Does Not Prevent Royalties for Revoked Patent Licences

OTHER PUBLICATIONS

- "A Look At New Vertical Laws, Their Opportunities And Pitfalls," *Law360*, 23 January 2023
- "Now screening: Europe," *Ragtrader*, April 2018
- "Agency Under EU Competition Law," *A Lexis®PSL document produced in partnership with K&L Gates*, June 2015

- Regularly writes on online marketplace and e-commerce developments under EU vertical distribution laws, including for publications such as *Lexology*, the *Journal of European Competition Law & Practice*, and specialist industry papers.
- Author and reviewer of numerous competition law publications for LexisNexis PSL Service, including guidance and drafting notes on:
  - vertical commercial agreements between non-competitors, including supply and distribution agreements;
  - vertical commercial agreements between competitors;
  - horizontal commercial agreements between competitors, including joint production, commercialization, purchasing, and research and development agreements;
  - competition law issues in intellectual property agreements;
  - technology transfer agreements; and
  - competition law issues in corporate agreements.
- Has published articles and case notes in Croner's Europe and Thomas Reuters.
- Research assistant and editor of Cloete (ed.) 2005 Introduction to Sports Law in South Africa (Durban: Lexis Nexis Butterworths).

NEWS & EVENTS

- 30 September 2026, K&L Gates Practices, Lawyers Recognised in *The Legal 500 United Kingdom* 2027 Edition
- 21 January 2026, New Dynamics of EU Policy and Competition Law in 2026
- 1 October 2025, K&L Gates Practices, Lawyers Recognised in *The Legal 500 United Kingdom* 2026 Edition
- 9 September 2025, The September Issue: Luxury Panel and Party
- 12 May 2025 - 14 May 2025, 2025 Mini-MBA: Europe and Middle East
- 28 January 2025, K&L Gates Advises Universal Stainless and Alloy Products in its Acquisition by Aperam
- 3 December 2024, ISPO Munich 2024, Hosted by ISPO Munich
- 30 August 2024, K&L Gates Advises AGIC Capital on Sale of Farsound Aviation
- 7 November 2023, Luxury Law Summit New York Workshop: Perfecting Your Brand's Go-To-Market Strategy for Europe, Hosted by The Luxury Law Alliance
- 4 October 2023, K&L Gates Practices, Lawyers Recognized in *The Legal 500 UK* 2024 Edition
- 12 June 2023, Luxury Summer Cocktail and Panel Event
- 1 March 2023, K&L Gates Advises Microsoft on Continued Investment in ChatGPT Creator OpenAI

- 23 February 2023, ABA Webinar (M&A), Hosted by American Bar Association
- 30 September 2022, K&L Gates Ranked in 30 Categories in *The Legal 500 UK* 2023 Edition
- 21 June 2022, Brand Distribution Strategies in Europe
- 1 March 2022, K&L Gates Names Nearly 40 New Partners, Of Counsel, and Government Affairs Advisors Across Firm
- 22 October 2021, The Fashion Marketplace: Law and Policy, Fashion Law London
- 6 October 2021, K&L Gates Ranked in Nearly 30 Categories in the 2022 Legal 500 UK Guide
- 10 March 2021, Entrepreneurship, Corporate Culture, and the Gender Agenda
- 6 April 2020, K&L Gates Advises Shareholders of Pedal Pulses Limited/Margaret Dabbs London on Investment by Best World International

AREAS OF FOCUS

- Antitrust and Competition
- International Trade, Investment Controls, and National Security

INDUSTRIES

- Consumer Beauty and Aesthetics
- Consumer Goods and Services
- General Manufacturing
- Manufacturing

EMERGING ISSUES

- ESG - Sustainability and Responsible Business

REPRESENTATIVE EXPERIENCE

- Advising a major European football body on several high-profile projects, including potential competition law and governance challenges before the European Commission and national competition authorities against the rules and practices of UEFA and FIFA.
- Advising the Camera Nazionale della Moda Italiana (National Chamber for Italian Fashion) and the Fédération de la Haute Couture et de la Mode (the governing body for the French fashion industry) respectively on their submissions to the European Commission in the context of its e-commerce sector inquiry and its review of the EU vertical rules.

- Advising Ping, the golf club manufacturer, on its challenge to the UK Competition and Markets Authority's finding of infringement in relation to its online sales policy before the Competition Appeal Tribunal and Court of Appeal, and in respect of its EU selective distribution terms.
- Advising leading pool robot producer Maytronics on the design, implementation and enforcement of its EU distribution strategy, including successfully obtaining (in Hague court proceedings) what we believe is the first ever EU-wide injunction against an unauthorised reseller, and assisting on its acquisition of a German distribution partner.
- Successfully defending a major sports brand against allegations of suspected resale price maintenance by the Competition and Markets Authority, leading to closure of the initial inquiry without a formal investigation being opened.
- Successfully defending a premium sports brand against allegations of unlawful cross-border resale restrictions by the Swiss Competition Commission, leading to closure of the investigation.
- Advising a major sports brand in relation to the termination of a large high-profile retailer threatening competition law complaints and claims.
- Advising the International Federation of Freight Forwarders Associations (FIATA) on the competition aspects of its high-profile air cargo cooperation agreement with the International Air Transport Association (IATA).
- Advising various major producers in different sectors on cooperation agreements with their competitors and related deal structuring, terms and 'rules of the road' protocols, including joint ventures, joint bidding, joint distribution, R&D arrangements, sub-contracting, and other forms of collaboration.
- Advising major brands, including in the luxury, lifestyle, home goods and electronics sectors, on the design and structuring of their direct-to-retailer and direct-to-consumer structures.
- Advising various major consumer brands including GoPro, Jabra, Navico, and others on dual distribution (customer-competitor) structures and risk-management protocols, including information exchange, competing e-commerce promotions and pass-on discounts / rebates
- Advising a leading diamond wholesaler on negotiations with and a possible complaint against several industry participants for potential cartel/coordinated activities and abuses of dominance in relation to commercial terms.
- Advising luxury fashion groups including Prada, Salvatore Ferragamo, Only the Brave (including Diesel and Staff International), Canali, Tateossian, and others, on EU selective distribution and verticals matters.
- Advising premium personal care product manufacturers including a multinational beauty company, Image Skincare, and Reuzel, on EU distribution and verticals matters.
- Advising an aerospace corporation on various matters, including successfully advocating before the European Commission for remedies in a joint venture, together with competition law advice on various major commercial arrangements.

- Advising audio electronics brand Jabra on the design, implementation and enforcement of its distribution strategy in various regions globally.
- Advising skiing and cycling equipment manufacturer POC Sport on the design, implementation and enforcement of its EU selective distribution strategy.
- Advising leading phone accessories brand Otterbox on the design, implementation and enforcement of its EU distribution strategy.
- Advising Energizer on EU distribution matters.
- Advising animal supplements manufacturer Nutramax on the design and implementation of its EU selective distribution strategy and distribution matters.
- Advising marine electronics manufacturer Navico (maker of the Lowrance, Simrad, B&G and C-MAP brands) on the design, implementation and enforcement of its EU selective distribution strategy.
- Advising luxury headphone brand Master & Dynamic on the design of its distribution terms in various regions globally.
- Advising premium headphone manufacturer Bang and Olufsen on vertical distribution matters in various regions.
- Advising premium headphone manufacturer Bose on vertical distribution matters in various regions.
- Advising leading specialist glove producer Mechanix Wear on EU distribution strategy design and implementation.
- Advising Darling Ingredients Inc., the leading provider of rendering and recycling solutions to the U.S. food industry, on its acquisition of Europe-headquartered Vion Ingredients for approximately €1.6 billion, creating the global leader in converting bio-nutrients streams into specialty products and ingredients for multiple industries.
- Advising NEP Group Inc. on various transactions, including its recommended takeover of Avesco Group plc., acquisition of SIS Live, and the acquisition of joint control in NEP Inc. by Crestview Partners and Carlyle Group.
- Advising Ampco-Pittsburgh Corporation on its acquisition of the Akers business.
- Advising Euro Car Parts on its acquisition of the Andrew Page Business, seeking consent from the Competition and Markets Authority and involving an initial enforcement order.
- Advising Formula One Management on various competition law matters.
- Advising Halliburton on competition law matters relating to complex commercial arrangements and agreements.
- Advising leading medical solutions provider Mölnlycke on various matters, including public procurement involving the NHS Supply Chain and competition law review of its commercial relationships.

- Advising EuroChem on its fertilizer production joint venture with Migao Corp.
- Advising a leading media company in a high-profile Phase II merger review by the then Competition Commission, being the second ever “fast-track” reference case and involving the third public interest intervention in history by the UK Secretary of State.
- Advising a major international chemicals company on its formal response to the preliminary findings of the Ukraine Competition Authority regarding alleged abuse of dominance.
- Advising numerous trade associations in various industries including metals, real estate and technology on EU and national competition law.