



## Jennifer P.M. Marsh

### Partner

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## OVERVIEW

Jennifer Marsh is a partner in the firm's London office. She concentrates her practice on all aspects of competition law, including merger control and distribution issues.

In relation to merger control, Jennifer advises on merger control requirements in the UK and internationally, regularly making submissions to and securing clearance decisions from the Competition and Markets Authority. She also makes foreign investment filings under the UK's newly enacted National Security and Investment Act regime.

Jennifer regularly advises consumer brands on distribution and go-to-market strategies, including the design and implementation of selective distribution systems, e-commerce strategies, and performance pricing policies. She defends clients' distribution strategies before the competition authorities and in the courts.

Jennifer is ranked in *Legal 500*, where clients say:

*"Jennifer Marsh provides exceptional advice in competition matters. She is able to bring together multiple strands of complexity and can distil the facts into business-friendly advice."*

*"Jennifer Marsh is great to work with. She is responsive and always provides clear, sensible advice."*

*"The team is extremely customer focused and oriented. Their entire mindset is around listening to your needs and finding the balanced solution that provides the legal protection, while addressing business needs. That is unique."*

Jennifer was a member of the highly regarded International Task Force of the American Bar Association from 2015-2018. Her clients include SharkNinja, Wella, Iittala, Cummins, Freeport McMoran, Arena Racing, K&N Air Filters, 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

- Recognised by *The Legal 500 United Kingdom* edition as a Recommended Lawyer in London
  - EU & Competition, 2018-2021, 2023-2024
  - Commercial contracts, 2016-2018, 2023-2024
  - Retail and consumer, 2023-2024
  - Travel - regulatory and commercial, 2017-2018
- Named to the London Super Lawyers Rising Stars, 2014-2016

## 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

- "4 Today Programme", BBC Radio, 26 January 2024
- "What's Permitted & What's Not: Go-To-Market Strategies in UK and Europe", TrackStreet webinar, 4 August 2022
- "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

## LANGUAGES

- German
- English

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 5 March, 7 March, and 12 March 2024, EU and UK Regulatory Webinar Series
- 1 February 2024, Competition Law "Leaves its Studs in" on UEFA and FIFA
- 13 September 2023, Regulating AI: Part I—The Potential Impact of Global Regulation of Artificial Intelligence Series
- 26 July 2023, Between a Bock and a Hard Place: Does Europe's Resale "Pint" Maintenance Decision Mean More Resale Pricing Control for Suppliers?
- 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
- 7 February 2023, This Is Your (Antitrust) Captain Speaking: Fasten Your Seatbelts and Comply With Competition Law
- 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
- 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
- 1 February 2022, Recent Second Circuit 1-800 Contacts Decision Helps Brands See More Clearly How to Pay Less per Click
- 25 January 2022, Surge of Antitrust Enforcement Against Manufacturers of Branded Consumer Goods
- 12 October 2021, Disapplying Competition Law - The New Fix?
- 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
- 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
- 1 April 2021, Is the European Commission Now Entitled to Review Non-Notifiable Transactions - Even After Closing?
- 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
- 12 November 2020, UK Bill Expands Scope for Foreign Investment Intervention
- 28 October 2020, Vertically Challenged - Insight into the EU Commission's Efforts to Update the EU Rules on Vertical Agreements
- 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
- 8 September 2020, E-Concessions and Competition Law
- 7 July 2020, Enforcement of Customer-Competitor Infringements and Price Monitoring Tools Intensifies

- 23 April 2020, COVID-19: Will Today's COVID-19 Distressed Businesses Become Tomorrow's Antitrust-Cured Acquisition Targets?
- 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
- 30 January 2020, Heightened Enforcement Against Brands' Control of Resale Pricing by Competition Authorities Worldwide
- 22 January 2020, Brexit: Implications for Your Business and its Relationship With the EU
- 19 September 2019, The VBER Consultation - Stakeholders Call For an Update to Reflect the Realities of the E-Commerce Market
- 2 September 2019, Brexit Update
- 27 June 2019, Developing Mitigation Strategies to Combat Online Erosion and Gray Market Selling in the EU
- 7 June 2019, The Pitfalls of Price Monitoring in the EU
- 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
- 01 February 2018, EU Judgment On Banning Sales Via Online Marketplaces - What Does It Mean For Non-Luxury Brands?
- 8 December 2017, Highest EU Court Confirms that Luxury Goods Manufacturers Can Stop Sales on Online Resale Platforms
- 30 November 2017, Brexit Q&A Conference Call (9)
- 18 May 2017, The European Commission Announces Further Competition Enforcement Following its E-Commerce Inquiry: Considerations for Digital Content Providers
- 18 May 2017, The European Commission Announces Further Competition Enforcement Following its E-Commerce Inquiry: Considerations for Consumer Goods Distribution

- 24 November 2016, FCA to Impose Remedies in Asset Management Sector including Further Investigation into Investment Consulting
- 29 July 2016, All Foreign Takeovers of UK Companies to be Reviewed Following Brexit?
- 22 February 2016, Property Developer attacks Restrictive Covenant before the Competition Appeal Tribunal

## OTHER PUBLICATIONS

- "A Look At New Vertical Laws, Their Opportunities And Pitfalls," *Law360*, 23 January 2023
- "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

- 25 April 2024, "Under the Wire" CLE Seminar-Navigating International Waters: Cross-Border M&A, International Arbitration, and Construction Disputes
- 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
- 1 March 2023, K&L Gates Advises Microsoft on Continued Investment in ChatGPT Creator OpenAI
- 21 June 2022, Brand Distribution Strategies in Europe
- 13 December 2021, K&L Gates Advises DDW The Color House on its Sale to Givaudan
- 10 March 2021, Entrepreneurship, Corporate Culture, and the Gender Agenda
- 12 November 2020, K&L Gates Advises Sinch AB on Acquisition of SAP Digital Interconnect
- 4 November 2020, K&L Gates Assists Prenetics in Acquisition of Oxsed RaViD's Rapid Coronavirus Diagnostics Technology
- 2 March 2018, K&L Gates Names 34 New Partners Across Global Platform

## AREAS OF FOCUS

- Antitrust, Competition, and Trade Regulation
- European Regulatory

## INDUSTRIES

- Artificial Intelligence
- Consumer Beauty and Aesthetics



- Consumer Products
- Technology

## REPRESENTATIVE EXPERIENCE

- Advising Shelf Drilling on its approval as a suitable purchaser in relation to the divestment of Noble Corporation's jack-up rig fleet to secure CMA approval for the acquisition of Maersk Drilling.
- Advising on UK merger control aspects of Securitas' acquisition of Stanley's electronic security business.
- 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.