



## Nicolas Birkhäuser

Partner, Attorney-at-law, LL.M.

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Languages

German, English, French

## Expertise

Nicolas Birkhäuser combines his first-rate practice in competition law with strong expertise in IP. He is distinguished as a leading lawyer by Chambers, Legal 500, Best Lawyers and other legal directories.

Nicolas Birkhäuser has extensive experience representing companies involved in merger review proceedings before the Swiss Competition Commission and represents companies in numerous cartel and abuse of dominance investigations, including multijurisdictional coordination. Nicolas Birkhäuser also focuses on IP, including transactions and IP related contracts.

Nicolas Birkhäuser advises companies across a broad range of industries, including the automotive sector, financial services, insurance, chemicals and pharmaceuticals, consumer goods, food, mechanical engineering, construction, wholesale and retail, media, telecommunications, IT and sports.

Nicolas Birkhäuser successfully represents leading companies in these industries in high-profile transactions, including, among other things, the setup and growth of their business, cooperation, distribution, sourcing, R&D, market dominance and compliance.

Antitrust & Competition

Intellectual Property

Commercial

## Career

- 2011 Partner, Niederer Kraft Frey
- 2003 Associate, Niederer Kraft Frey
- 2000 Associate with major law firm in Zurich
- 1999 Clerk at the Appeal Commission for Tax Matters

## Education

- 2003 University of Cambridge, LL.M.
- 2000 Admitted to the Bar (Attorney-at-law)
- 1998 University of Basel, Master Degree

## Experience

The following is a selection of recent cases in which Nicolas Birkhäuser acted as a counsel:

- CGS Management on the acquisition of Kalt Maschinenbau AG, 2020,
- Merger control proceedings, such as the acquisition of SIX Payment Services by Atos / Worldline, European leader in the payments and transactional services industry, 2018,
- Cartel and abuse of dominance investigations by the Competition Commission,
- Counsel to leading bank in investigation of alleged LIBOR rate manipulation, 2017,
- Counsel to leading bank in investigation of alleged misconduct relating to FX, 2014-ongoing,
- Counsel to premium car manufacturer in investigation of alleged collusion with regard to leasing conditions, 2014-ongoing,
- Counsel to major construction company in investigations of alleged bid rigging, 2009-2018,
- Counsel to BMW as defendant in a major parallel import case, 2017,
- High-profile transactions including competition law and IP, among others, the takeover of Actelion by Johnson & Johnson, 2017, and the cooperation between Navistar Inc. and MAN/Volkswagen, 2017,
- Counsel to Procter & Gamble for competition law and IP, ongoing,
- Counsel to Coop Genossenschaft, major Swiss retailer, for competition law, ongoing,
- Counsel to Chr. Hansen Holding A/S on matters concerning intellectual property, including in particular technology transfer and licensing, in the context of its agreement with Lonza AG to establish a 50/50 joint venture
- Counsel to ASSA ABLOY AB on matters concerning intellectual property in the context of its acquisition of a 54% controlling stake in agta record ag
- Disputes including competition law and IP.

## Market Perception

In competition and antitrust matters we work with Nicolas Birkhäuser, who is an outstanding lawyer. He is very responsive and is always up to date with the latest legal developments. He can present complex material in an understandable way and always delivers very useful and implementable advice. (Chambers 2024)

"Nicolas Birkhäuser is a top partner for legal issues'. 'We have an excellent cooperation with Mr. Birkhäuser. He is always in a good mood and offers high quality and excellent service'. 'He is always responsive, accurate and thorough'." (Chambers 2024)

"Nicolas Birkhäuser is very competent, customer-oriented, flexible and professionally excellent." (Legal 500 2024)

## NIEDERER KRAFT FREY

"Nicolas Birkhäuser has an excellent expert knowledge and provides understandable advice despite the complexity of the topic." (Legal 500 2024)

"We were pleased with the performance of the services and the knowledge and experience shared by Nicolas and would definitely engage him again." (Chambers 2023)

"He is proficient in advising on complex antitrust matters touching on multiple jurisdictions." (Chambers 2023)

"Nicolas responds in a timely manner and always has sound advice in a very challenging business climate.; He works quickly and professionally." (Legal 500 2023)

"Nicolas Birkhäuser is held in high esteem as 'one of the best' competition lawyers, particularly when it comes to transactional work in the IP sector." (Who's Who Legal 2022)

"Nicolas Birkhäuser stands out as 'one of the best' at representing companies in cartel and abuse of dominance investigations, as well as merger control proceedings." (Who's Who Legal 2022)

"Nicolas Birkhäuser has an outstanding knowledge of competition law matters. His availability for questions is exceptional and his answers are always very well-founded. He takes into consideration the business models and always strives for best solutions." (Legal 500 2022)

"Nicolas Birkhäuser handled the matters exactly how we needed him to. He was fully committed, fully dedicated, always available and passionate about the job to be done. We achieved all our goals and he did a great job." (Chambers 2022)

"Nicolas Birkhäuser 'has an astute understanding of our requirements as a complex, global organisation and is able to tailor his advice to cover the specific Swiss antitrust aspects and at the same time tie into the multi-jurisdictional environment in which we operate,' and 'He routinely handles merger control procedures, leniency programmes and complex investigations.'." (Chambers Europe 2021)

"Nicolas Birkhäuser has a good breadth of experience advising on trade mark strategy, unfair competition and domain names. One satisfied client describes him as 'intelligent, practical and deeply familiar with trade mark law,' as well as 'always available and willing to make things a priority when required.'" (Chambers Europe 2021)

"Nicolas Birkhäuser and his team have a solid understanding of our clients' offerings, (which they've mastered in their own time). This is instrumental in efficient intellectual property prosecution, and helps to avoid costly mistakes and omissions. I always trust that my work is in good hands when this team is involved." (Legal 500 2021)

"Nicolas Birkhäuser provides very valuable and straight to the point advice. He addresses the critical aspects of competition and antitrust law with the necessary thoroughness and his expertise allows him to answer very concrete, practical questions." (Legal 500 2021)

"Nicolas Birkhäuser is a great lawyer, very knowledgeable about competition law and the industry. He is a pleasure to work with, very responsive and with great business understanding and results driven." (Legal 500 2021)

"Nicolas Birkhäuser: very smart, concise and flexible (also under time pressure)." (Legal 500 2021)

"Nicola Birkhäuser, a complete and enthusiastic business lawyer, with outstanding skills, very creative, knows the Swiss market and its particularities. Nicolas Birkhäuser impresses with in-depth knowledge and expertise. He is also hardworking and very responsive." (Legal 500 2021)

"Nicolas Birkhäuser 'executes his work well' and is 'a fixed star' in IP-related competition matters." (Who's Who Legal 2021)

"Clients are impressed with Nicolas Birkhäuser's 'outstanding responsiveness, hands-on approach and ability to communicate even complex subject matters in a concise and clear manner.' 'He is a real antitrust expert with a lot of enthusiasm and a fighting spirit,' affirms another interviewee." (Chambers Europe 2020)

"Nicolas Birkhäuser is very diligent, provides timely and comprehensive advice, even if he is on holiday." (Legal 500 2020)

## NIEDERER KRAFT FREY

"Nicolas Birkhäuser 'is a real antitrust expert with a lot of enthusiasm and a fighting spirit'. His strengths include 'his cordial and professional style of communication and his capacity to provide tailor-made solutions to clients' specific needs'." (Who's Who Legal 2020)

"With his potent blend of competition, commercial and IP law know-how, Nicolas Birkhäuser provides holistic counsel that is widely sought after. He has a knack for hunting out promising commercialisation opportunities and is a judicious problem solver when crucial assets are on the line." (IAM Patent 1000 2020)

"Clients describe him as 'an extraordinarily client-focused attorney.'" (Chambers Europe 2019)

"Nicolas Birkhäuser of Niederer Kraft Frey provides 'impeccable responsiveness and thorough legal analysis, paired with a profound understanding of his clients' commercial intentions.'" (Chambers Europe 2019)

"Eager, trustworthy and always available, Nicolas Birkhäuser is a client's dream. He can operate across the whole spectrum of technical areas and is in his element negotiating the most complex deals'." (IAM Patent 1000 2019)

"Clients say he is 'experienced and very much to-the-point when it comes to antitrust law,' while other sources report that 'he combines academic rigour with a user-friendly and practical approach.'" (Chambers Europe 2018)

Nicolas Birkhäuser is a "Terrific team player" and a "pleasure to work with". (Legal 500 2018)

"Nicolas Birkhäuser has particular expertise in investigation proceedings, IP issues, co-operation agreements, distribution systems and merger control matters." (Chambers Europe 2016)

"Clients identify him [Nicolas Birkhäuser] as 'incredibly conscientious, diligent and thoughtful. A pleasure to work with.'" (Chambers Europe 2016)

"The 'very client-oriented' Nicolas Birkhäuser." (Legal 500 2016)

"Sources describe Nicolas Birkhäuser as 'very diligent, extremely thorough and very responsive'." (Chambers Europe 2015)

"Nicolas Birkhäuser is 'praised for being very analytical and great at developing strategy'." (Chambers Europe 2014)

"Nicolas Birkhäuser is 'very diligent, with a sharp intellectual mind'." (Chambers Europe 2013)

