



Pietro Merlino

Partner

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Pietro Merlino is the Head of Orrick's Italian Antitrust & Competition practice group, based in the Rome office.

Practice Areas

- Antitrust & Competition

Honors

- **Consumer Protection Lawyer of the Year – Legalcommunity 2020**
- *Legal 500 EMEA*, Italy - EU and Competition Law (2019, 2020)
- *Chambers Europe*, Italy - Competition/European Law (Band 4) (2019)
- *Who's Who Legal*, National Leader in Italy - Competition (2019, 2020), Global Leader in Competition (2020)
- *Milano Finanza*, Élite/Band 1 (2020)

Education

- Ph.D., EU competition law, Università Federico II, Naples, 2004
- LL.M., University of Michigan Law School, 1999, *Fulbright Scholar, Merit Award for outstanding performance in EU Antitrust*
- LL.M., Advanced European Legal Studies, College of Europe at Bruges, Belgium, 1998,

Pietro assists clients in connection with the application of EU and Italian competition rules across a wide range of industry sectors, from energy to media, pharmaceuticals, chemicals, automotive, consumer goods and transportations. He advises and represents Italian and international players in all areas of competition law, including abuse of dominance, cartel and restrictive practices investigations, merger control, licensing and distribution, as well as on general EU law issues.

He regularly appears before the EU courts and Italian civil and administrative courts, as well as before the European Commission and the Italian Competition Authority.

Over the years, Pietro has developed a particularly strong expertise in the application of competition rules in the life sciences' sector, where he was involved in some of the most prominent antitrust cases of the past decade, as well as in the energy and transportation sectors. In addition, he focussed extensively on the interplay between antitrust law and intellectual property rights.

Pietro is recognised as a leading individual in Italy for EU, regulatory and competition law by *Chambers and Partners*, *The Legal 500* and the *Global Competition Review*, as well as for healthcare and life sciences by *The Legal 500* and the most reputed Italian legal directories. Pietro frequently authors publications on antitrust matters, and lectures at various Italian universities – most recently in the European Competition Law Course at the Law School of the Università degli Studi Roma Tre – and he regularly participates as a speaker at conferences and seminars in Italy and abroad.

Prior to joining the firm, Pietro worked in the Rome and Brussels offices of a leading international law firm for almost two decades.

Publications

- The chapter “Antitrust Assessment of Co-marketing Agreements: a Diverging Approach between EU and Italy?” (co-author) in *Competition and Patent Law in the Pharmaceutical Sector. An International Perspective*, Kluwer Law International, 2016.
- “Edison: a Glimpse of Hope for Parent Companies Seeking to Rebut the Parental Liability Presumption?”, *Journal of European Competition Law & Practice*, 2014 (Vol.5, Issue 7)
- “Strategic Underinvestment as an Abuse of Dominance under EU Competition Rules” (co-author), *World Competition*, 2013 (Issue 4)
- “The Duty to Invest in the Development of Infrastructures: Some

Mention: Très Bien

- J.D., Università Federico II, Naples, Facoltà di Giurisprudenza, 1996, *summa cum laude*

Memberships

- Associazione Antitrust Italiana
- Società Italiana degli Avvocati Amministrativisti

Considerations on Two Parallel Stories”(co-author), Mercato Concorrenza Regole, 2012 (Issue 2).

Speeches and Programs

- V National Conference of the Italian Antitrust Association, “Main Developments in European and Italian Competition Law”, in the session “Horizontal restraints: by object, by effect and standard of proof”, Florence, May 2019
- Abuse of Dominant Position and IPRs, European Competition Law Course, Università degli Studi Roma Tre (A.Y. 2016/2017, 2017/2018, 2018/2019)
- Abuse of Dominant Position and IPRs, Florence Competition Forum, European University Institute of Fiesole (A.Y. 2017/2018)
- XIII Treviso Antitrust Conference, “Antitrust Between EU Law and National Law”, in the session “Business and Market”, Treviso, May 2018
- IV National Conference of the Italian Antitrust Association, “Main Developments in European and Italian Competition Law”, in the session “Not Only Europe: The Challenges of Antitrust Enforcement in the New Millennium”, Capri, May 2017.
- Conference “Competition law, IP and Regulation in the Pharmaceutical Sector”, Università degli Studi Roma Tre, November 2017.
- 25th Annual EU Pharmaceutical Law Forum 2016, Informa, with a presentation titled “The Italian Roche/Novartis Case”, Brussels, May 2016.
- Competition Law in the Pharma Sector 2014, IBC Legal, with a presentation titled “Co-operative Agreements: (i) Licensing and Off-label Use in light of the Italian Roche/Novartis Case; and (ii) Co-marketing and Co-promotion”, Brussels, November 2014.
- Piercing the Corporate Veil: A practical approach, AIJA – Association Internationale des Jeunes Avocats, with a presentation titled “Piercing the Corporate Veil in Antitrust Cases: the Notion of Parental Liability under Competition Rules in Europe”, Rome, October 2013.
- Best Practices for Preventing Antitrust Infringements and Unfair Commercial Practices, Rome Bar Association and Eni S.p.A., Rome, April 2011.
- Seventh Annual Conference of the Italian Society for Law and Economics, Università degli Studi di Torino, with a presentation titled “The Duty to Invest in the Development of Infrastructures: Some Considerations on Two Parallel Stories”, Torino, December 2011.
- Antitrust and Intellectual Property, Master in European Union Law, Università degli studi di Napoli Federico II’ (A.Y. 2009/2010)
- Lecture at the IPR session of the Master in International Business Law, Università degli Studi di Roma ‘La Sapienza’ (A.Y. 2008/2009 e 2009/2010)
- Abuse of Dominant Position, Post-Graduate Course in Economic Law and Competition in the European Union – Law & Business in Europe, Istituto Universitario di Studi Europei di Torino (A.Y. 2008/2009)
- Antitrust and Intellectual Property, Transatlantic Intellectual Property Summer Academy, Università Bocconi di Milano (2007)

Languages

- Italian

- English
- French

Admissions

- Italy

Court Admissions

- Supreme Court of Cassation