



Nicolas Birkhäuser, LL.M.

Partner

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Languages

German, English, French

■ Areas of Practice

Mr. Birkhäuser specializes in Competition Law, Intellectual Property, Insurance (Regulatory and Insurance Contract Law) and Contracts.

Mr. Birkhäuser regularly advises and represents clients in litigious and non-litigious Competition Law matters concerning, among others, merger control notifications and proceedings, group-internal compliance, horizontal and vertical contractual relationships (including, in particular, cooperation, distribution and parallel import, supply), lawful use as opposed to abuse of market dominance, investigation proceedings, dawn raids, sanction proceedings, risks and opportunities of leniency (bonus) programs. As Competition Law has an increasing impact on the undertakings' behaviour and strategy, one of the central themes of Mr. Birkhäuser's advice is to elaborate solutions which create a maximum of freedom of action in each specific case.

Mr. Birkhäuser advises and represents clients in litigious and non-litigious Intellectual Property Law matters concerning, in particular, trademarks, designs, copyrights, licensing, distribution including parallel import, unfair competition, piracy, protection of know-how and business secrets, domain names, advertising including regulatory aspects, IT, and data protection. This includes, among others, conceptual work to define domestic and worldwide Intellectual Property strategies, the implementation of concepts and strategies, contracts, extrajudicial negotiations, the representation before public authorities and courts.

Mr. Birkhäuser is distinguished as adviser to insurance and reinsurance undertakings in various transactions including Regulatory and Insurance Contract Law. Among others, he advises insurance and reinsurance undertakings with regard to reorganisation, regulatory approval, re-domiciliation, and contracts. Mr. Birkhäuser advised in the first re-domiciliation of a Swiss reinsurance undertaking to a foreign jurisdiction.

Mr. Birkhäuser is a member of the Committee of the Swiss Association of Competition Law (asas), which is the Swiss Group of the International League of Competition Law (LIDC).

■ Professional Career

- 2011 – Partner, Niederer Kraft & Frey
- 2003 – 2010 Associate, Niederer Kraft & Frey
- 2000 – 2002 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 (*Rechtsanwalt*)
- 1993 – 1998 Studies in law at Law Faculty of University of Basel, Licentiate/Master

NIEDERER KRAFT & FREY

■ Market Perception

“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 at Niederer Kraft & Frey has a ‘diligent manner and strategic approach’ to client needs, and those we surveyed said they ‘wouldn’t hesitate to recommend him’.” (Who’s Who Legal 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)

