

Pietro Merlino

PARTNER

Pietro Merlino is a partner in the EU, Antitrust and Regulation department at Legance and focuses on EU and Italian competition law. He assists clients in connection with the application of EU and Italian competition rules across a wide range of sectors (from life sciences to energy, tech and digital economy, banking, insurance, transportations, consumer goods). Pietro advises and represents international and Italian clients in all areas of competition law, including abuse of dominance, cartel and restrictive practices investigations, merger control, civil antitrust litigation (follow-on or stand-alone damages actions), licensing and distribution, as well as on consumer protection and on general EU law issues.

Pietro appears frequently before the EU courts in Luxembourg and the Italian civil and administrative courts, as well as before the Directorate General for Competition of the European Commission and the Italian Competition Authority.

Over the years, Pietro has developed a strong, specific expertise in the application of competition rules in the pharmaceutical, energy and transport sectors as well as on the interplay between antitrust law and intellectual property rights (IPRs).







Pietro Merlino is distinguished as a leading professional in EU and Competition Law by Chambers and Partners, where impressed sources state: "He is very smart - he learns and understands the whole picture in a holistic manner and in a very short time", "Pietro Merlino is very attentive to customer needs, with a great ability to find solutions and to solve complex issues" (2024), "He provides a high level in delivering to and matching client expectations" (2023), "Pietro makes the hardest things easy, and this is very important for the client" (2022), as well as by The Legal 500 – also in healthcare and life sciences – where he is mentioned as follows: "Pietro Merlino has excellent interpersonal skills, as well as undisputed leadership skills that make him appreciated in all contexts, even by his counterparts", "He is a skilled, motivated and tough, yet fair, counterpart" (2023), "Pietro is a lawyer, who in addition to being highly competent, is very brilliant and imaginative. Thanks to this, he is able to identify winning solutions that are not within everyone's reach" (2022). Pietro is also recognized by Global Competition Review (GCR 100) where he is referred to as "renowned for his work in the life sciences sector" (2023). In addition, Pietro is mentioned as Most Highly Regarded by Who's Who Legal (in both the global and national rankings).

Pietro Merlino was honored as "Pharmaceutical and Life Sciences Lawyer of the Year" at the TopLegal Industry Awards 2023, as "Competition & Regulatory Lawyer of the Year" at the TopLegal Awards 2021 and as "Consumer Protection Lawyer of the Year" at the Legalcommunity Litigation Awards 2020.

Pietro Merlino has authored numerous publications on competition law. He lectures at several Italian universities and he is a regular speaker at conferences and seminars in Italy and abroad. Pietro is currently a member of the steering committee of the association Concorrenze (which brings together lawyers and economists with expertise in competition law and economics) and a member of Associazione Antitrust Italiana (Italian Antitrust Association).



INFO

-  **Date of Birth**
22nd July 1972
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-  **Languages**
Italian
English
French
Portuguese

PRACTICE AREAS



EU, Antitrust and Regulation



Life Sciences & Healthcare

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PARTNER

PROFESSIONAL EXPERIENCE

- Partner** | 2023
Partner, Legance – Avvocati Associati, Rome, Italy
- Partner and Head of the Italian Antitrust practice** | 2018 – 2023
Orrick, Herrington & Sutcliffe LLP Rome, Italy
- Counsel** | 1999 – 2018
Cleary Gottlieb Steen & Hamilton LLP, Rome, Italy and Brussels, Belgium
- Associate** | 1999 – 2004
Studio Legale Tizzano, Brussels, Belgium

EDUCATION

- 2016**
Admitted to practice before the Supreme Court and other Highest Jurisdictions.
- 2004**
Ph.D. in EU competition law, Università degli Studi di Napoli "Federico II", Naples, Italy.
- 2000**
Admitted to the Bar. Member of the Naples Bar, Italy.
- 1999**
LL.M. (*Fulbright Scholar, Merit Award for outstanding performance in EU Antitrust*), University of Michigan Law School, Ann Arbor, Michigan, U.S.A.
- 1998**
LL.M. in Advanced European Legal Studies (*Mention: Très Bien*), College of Europe, Bruges, Belgium.
- 1996**
Law Degree, *summa cum laude*, Università degli Studi di Napoli "Federico II", Naples, Italy.

PUBLICATIONS

- > "Antitrust and economic sustainability of the National Healthcare System" in "La sostenibilità della Salute - Nuovi equilibri tra dati, welfare e SSN", Fondazione Roche – Edra, 2023;
- > "Abuse of Dominant Position and Intellectual Property Rights", in "Trattato di diritto antitrust", Giuffrè, 2021;
- > "Antitrust and Data Protection Law: A Relationship in Search of Clear Boundaries", in "Antitrust between EU and National Law, XIII Conference", Larcier, 2019;
- > "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, Vol.5, Issue 7, 2014;
- > "Strategic Underinvestment as an Abuse of Dominance under EU Competition Rules" (co-author), World Competition, Issue 4, 2013;
- > "The Duty to Invest in the Development of Infrastructures: Some Considerations on Two Parallel Stories" (co-author), Mercato Concorrenza Regole, Issue 2, 2012.



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CONFERENCES AND SEMINARS







- > "Main Developments in European and Italian Competition Law", in the session "Below-thresholds concentrations", VII National Conference of the Italian Antitrust Association, Florence, Italy, June 9, 2023;
- > "The Rise of Antitrust Enforcement in Labor Markets: a Transatlantic Discussion", Lear Competition Festival, Rome, Italy, September 23, 2022;
- > "Life Sciences regulation and competition rules: an interplay that needs some fixing?", Lear Competition Festival, Rome, Italy, June 11, 2021;
- > "Conversation with Antonio Tizzano on 'the State of the (European) Union'", Seminar of Concorrenze, Rome, Italy, May 21, 2020;
- > "Main Developments in European and Italian Competition Law", in the session "Horizontal restraints: by object, by effect and standard of proof", V National Conference of the Italian Antitrust Association, Florence, Italy, May 2019;
- > "Roche/Novartis – implications and perspectives", Seminar of Concorrenze, Rome, Italy, November 7, 2019;
- > "Antitrust Between EU Law and National Law", in the session "Business and Market", XIII Treviso Antitrust Conference, Treviso, Italy, May 2018;
- > "Competition law, IP and Regulation in the Pharmaceutical Sector", Università degli Studi Roma Tre, Rome, Italy, November 2017;
- > "Main Developments in European and Italian Competition Law", in the session "Not Only Europe: The Challenges of Antitrust Enforcement in the New Millenium", IV National Conference of the Italian Antitrust Association, Capri, Italy, May 2017;
- > "The Italian Roche/Novartis Case", 25th Annual EU Pharmaceutical Law Forum 2016, Informa, Brussels, Belgium, May 2016;
- > "Co-operative Agreements: (i) Licensing and Off-label Use in light of the Italian Roche/Novartis Case; and (ii) Co-marketing and Co-promotion", Competition Law in the Pharma Sector 2014, IBC Legal, Brussels, Belgium, November 2014;
- > "Piercing the Corporate Veil in Antitrust Cases: the Notion of Parental Liability under Competition Rules in Europe", Piercing the Corporate Veil: A practical approach, AIJA – Association Internationale des Jeunes Avocats, Rome, Italy, October 2013;
- > "The Duty to Invest in the Development of Infrastructures: Some Considerations on Two Parallel Stories", Seventh Annual Conference of the Italian Society for Law and Economics, Torino, Italy, December 2011;
- > "Best Practices for Preventing Antitrust Infringements and Unfair Commercial Practices", Rome Bar Association and Eni S.p.A., Rome, Italy, April 2011..

LECTURES

- Dal 2016**
"Abuse of Dominant Position and IPRs", European Competition Law Course at Università degli Studi Roma Tre, Rome, Italy;
- Dal 2020**
"Relationships between antitrust and intellectual property in the pharmaceutical sector", Master of II level in Business Law at LUISS School of Law in collaboration with Associazione Italiana Giuristi d'impresa, Rome, Italy;
- 2020**
"Relationships between antitrust and intellectual property in the pharmaceutical sector", High qualification course "Il Sistema sanitario e le imprese farmaceutiche" at Link Campus University in collaboration with Farmindustria;
- 2019 – 2020**
"Antitrust, Big Data and personal data protection", Master of II level in Business Law at LUISS School of Law in collaboration with Associazione Italiana Giuristi d'impresa, Rome, Italy;
- 2017 – 2018**
"Abuse of Dominant Position and IPRs", Florence Competition Forum at European University Institute of Fiesole, Florence, Italy;
- 2009 – 2010**
"Antitrust and Intellectual Property", Master in European Union Law at Università degli studi di Napoli "Federico II", Naples, Italy;
- 2008 – 2010**
"Antitrust and Intellectual Property", Master in International Business Law at Università degli Studi di Roma "La Sapienza", Rome, Italy;



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2008 – 2009







"*Abuse of Dominant Position*". Post-Graduate Course in Economic Law and Competition in the European Union – Law & Business in Europe at Istituto Universitario di Studi Europei di Torino, Turin, Italy;

2007

"*Antitrust and Intellectual Property*", Transatlantic Intellectual Property Summer Academy at Università Commerciale Luigi Bocconi, Milan, Italy.



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