

## Robert O'Donoghue KC

YEAR OF CALL: 1996 YEAR OF SILK: 2017

*Head and shoulders above his contemporaries,  
He is a brilliant and outstanding advocate. Clever  
and creative in his understanding of competition  
law, but he also has the human touch with his  
clients*

(Chambers & Partners 2024)

Clerk's Email: [TonysClerkingTeam@brickcourt.co.uk](mailto:TonysClerkingTeam@brickcourt.co.uk)



## Practice Overview

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Robert O'Donoghue KC has extensive experience of competition law, EU law, utility regulation, and related aspects of commercial and public law. He has appeared in major cases in the High Court, Competition Appeal Tribunal, Court of Appeal, Supreme Court, EU Courts, Irish courts, international arbitral bodies, and in oral hearings before competition authorities and sectoral regulators in these matters. He also frequently gives expert evidence on his areas of expertise in foreign courts and arbitral bodies, including in recent class actions in Canada and Israel, as well as litigation in Sweden. Whilst his practice focuses mainly on private clients, Robert also frequently acts for and advises public authorities within and outside the EU, including in Hong Kong, Australia, and Ireland. Robert is also a full member of the Brussels Bar, and so retains full rights of audience in the EU Courts and the courts of the EU Member States.

Robert has consistently appeared as a leading barrister in legal directories such as Chambers and Partners and Legal 500. Further awards and accolades include:

- Shortlisted for Competition Law Silk of the Year by Chambers and Partners (2020)
- Listed in Global Competition Review Thought Leaders: Competition 2020
- Listed in Who's Who Legal 2017: Competition Future Leaders
- Listed as the "Leading Junior" in Competition Law by Who's Who UK Bar 2016
- Short-listed as "Competition Law Junior Of The Year" in 2015 by Chambers and Partners
- Listed in the "40 Under 40" of global competition lawyers by Global Competition Review—one of only three practising UK barristers listed (2012)
- Profiled as one of five junior barristers in the Global Competition Review UK Barrister Survey (2013)
- The youngest nominee and only practising barrister to feature in the Who's Who of Competition Lawyers & Economists (2011)

- Outstanding EU Competition Lawyer Fellowship Award, Global Competition Law Centre, College of Europe (2003)

## Competition

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Robert acts across the full spectrum of competition law matters, including appeals against decisions of competition authorities, business-to-business private actions, follow-on damages actions, and claims for interim injunctions. His practice comprises domestic cases, cases before the EU Commission and EU Courts, and proceedings before competition authorities at a national level both within and outside the EU. He has acted in a several of the leading competition law cases in the UK and elsewhere, including:

- ***Phones 4U v Vodafone and others*** (acted for Deutsche Telekom in securing dismissal of £1 billion claim for Phones 4U that the mobile operators colluded to end their distribution contracts with Phones 4U)
- ***Value Licensing v Microsoft*** (acting for Microsoft in respect of claim under competition law concerning allegations of limiting second-hand licence resale)
- Case 1421/1/12/21 ***Liothyronine*** (acting for Cinven concerning CMA unfair pricing decision) (currently on appeal to the Court of Appeal)
- ***Hong Kong Competition Commission v Linde HKO and others*** (acting for Hong Kong Competition Commission in major competition law trial)
- Case 1412/1/12/21 ***Hydrocortisone*** (acting for Cinven concerning CMA anticompetitive agreement decision)
- Case 1524/1/12/22 ***Pfizer Inc. and Pfizer Limited v Competition and Markets Authority*** (acting for Pfizer in remitted unfair pricing case)
- ***OntheBeach.com v Ryanair*** (acted for OntheBeach in respect of Ryanair blocking alleged 'screenscraping' online travel agents from booking flights)
- Case number 50616 ***CMA investigation into the Atlantic Joint Business Agreement*** (acting for American Airlines in CMA investigation into American Airlines / IAG airline alliance)
- ***The Federal Deposit Insurance Corporation v Barclays Bank Plc and others*** (acting for Natwest in respect of LIBOR claims brought by FDIC)
- "Paroxetine": ***Generics (UK) Ltd and others v CMA*** [2018] CAT 4 Case C1307/18, ***Generics (UK) Ltd and others v CMA***, EU:C:2020:52 (acted for Alpharma in the CAT in an appeal against the first-ever "pay for delay" decision in the UK)
- ***Prevetnx v Royal Mail plc*** [2020] EWHC 2276 (Ch) (obtained interim injunction against Royal Mail based on abuse of dominance)
- ***FP McCann v Competition and Markets Authority*** (acted for FP McCann in appeal against

Pre-Cast Concrete decision fining FP McCann over £25 million)

- ***Ryanair v Skyscanner*** (acting for Skyscanner in resisting an interim injunction claim by Ryanair) (Irish High Court)
- ***Facebook Inc v Competition and Markets Authority*** (acted for Facebook in respect of a challenge to a refusal to grant derogations from an interim enforcement order in a merger case)
- ***Pfizer UK Limited and others v Competition and Markets Authority*** [2018] CAT 11, on further appeal ***Competition and Markets Authority v Pfizer UK Limited and others*** [2020] EWCA 339 (acted for Pfizer in overturning £85 million fine for excessive pricing)
- ***Ping v Competition and Markets Authority*** (acted for Ping in respect of an online sales selling restriction for custom fit golf clubs)
- ***Balmoral Limited v Competition and Markets Authority*** (acted for Balmoral in appeal against Galvanised Steel Tanks information-sharing decision)
- ***Micula and others v Romania*** [2017] EWHC 31 (Comm), [2017] WLR(D) 35 [2020] UKSC 5 (acted for Romania in respect of enforcement of ICSID Award found contrary to EU competition law)
- ***Unwired Planet Inc v Google & others*** (IP action involving FRAND licence terms)
- ***Foundem v Google*** (acted for Google in follow-on damages action brought by Foundem alleging abuse of dominance)
- Case T-48-11 ***British Airways v Commission*** (acted for BA in securing refund of €104 million fine in cartel case)
- Case T-851/14 ***Slovak Telekom v Commission*** (acting for Slovak Telekom in appeal to the General Court against €35 million fine for breach of Article 102)
- ***Terravision Limited v Stansted Airport Limited*** (acted for winning bidders in competition law complaint over procurement)
- ***Swedish Competition Authority v Nasdaq OMX*** (acted for Nasdaq OMX in defence to litigation brought by Swedish Competition Authority)
- ***GTS Gas Turbines SA v Rolls-Royce*** (acted for GTS in abuse of dominance action against Rolls Royce in relation to “aftermarkets”)
- Acted for Glencore in a confidential arbitration (LCIA) concerning a \$43 billion industrial supply contract
- ***BT & T-Mobile v OFCOM*** [2011] CAT 24, on appeal ***Telefónica O2 UK Limited and others v British Telecommunications plc*** [2012] EWCA Civ 1002 (Court of Appeal) and on a further appeal to the Supreme Court in [2014] UKSC 42
- ***Toshiba Carrier UK Ltd and Ors v KME Yorkshire Limited and Ors*** (follow-on damages

action) Case T-344/12 *Virgin Airways Limited v EU Commission*, acted for British Airways as intervener in appeal by Virgin against Commission approval of British Airways/BMI transaction

- Case T-260/13 *Ryanair v EU Commission*, acted for British Airways as intervener in appeal by Ryanair against Commission prohibition of the Ryanair/Aer Lingus transaction.
- *Asda and others v Office of Fair Trading* [2011] CAT 41 (acted for Asda in successful appeal against OFT decision in Tobacco)
- *EWRG and CEF v Recolight and others* (acted for claimants in major claim involving environmental law and competition law)
- *Raleigh v Mail Order Cycles Limited*, judgment of Norris J of 28 April 2010 (acted for Raleigh in successfully resisting a resale price maintenance claim)
- *Plus Markets plc v London Stock Exchange plc* (High Court) (breach of competition law and equities trading rules)
- *Idealing v London Stock Exchange* (breach of contract and abuse of dominance in information services)
- *Sel-Imperial Limited v British Standards Institution* (standards and breach of competition law)
- *Tesco v Competition Commission* [2009] CAT 6 (acted for Marks & Spencer in appeal against Competition Commission market investigation)
- *T-Mobile v Ofcom* (appeal against donor conveyance charge decision by Ofcom)
- *European Climate Exchange Limited v LCH.Clearent Limited* (High Court) (abuse of dominance in clearing facilities)
- Case C-95/04 P *British Airways Plc v Commission & Virgin* (rebate practices)
- Case T-15/02 *BASF AG v Commission* (secured a €60 million fine reduction for BASF in cartel case)
- Case T-184/01 R, *IMS Health Inc. v Commission*, [2001] ECR II-3193 (compulsory licensing of IP rights under EU law)
- Case C-481/01 P(R), *NDC Health Corp. & NDC Health GmbH & Co. KG v IMS Health Inc*, [2002] 5 CMLR 1 (conditions for grant of interim measures against Commission decisions)

## Collective/class proceedings

Robert is one of the most active barristers in the area of collective proceedings orders (CPOs), for both claimants and defendants. Current publicly-known cases include:

- Case 1601/7/7/23 *Sean Ennis v Apple Inc*

- Case 1433/7/7/22 *Gormsen v Meta Inc*
- Cases 1572/7/7/22, 1582/7/7/23 *Ad Tech Collective Action LLP v Alphabet Inc*
- Case 1568/7/7/22 *Hunter v Amazon.com Inc*
- Case 673/7/7/24 *Professor Barry Rodger v Alphabet Inc & others*

## Competition law – follow-on damages



Robert has acted in dozens of follow-on damages actions, for both claimants and defendants, including:

- *DS Smith v Daimler and others* (acting for DS Smith in respect of the Trucks cartel)
- Case 1415/5/7/21 *The Secretary of State for Health and Social Care & Others v Lundbeck Limited & Others* (acting for Alpharma in follow-on case from *Lundbeck* decision)
- *Glasgow City Council v VFS Financial Services Limited* (acting for multiple Scottish public authorities in respect of the Trucks cartel)
- *Fiat Chrysler N.V. & Ors v NSK Europe Ltd & Ors* (acting for NTN defendants in follow-on action)
- *Nokia v AU Optronics and others* (acted for Samsung in follow-on damages action)
- *W. H. Newson Holding Limited v IMI plc and others* (acted for Delta defendants in follow-on action)
- *Britned Limited v ABB* (acted for claimant in relation to damages for Power Cables Cartel)
- *Tom Tom v AU Optronics and others* (acted for Samsung in follow-on damages action)
- *Iiyama Corporation & others v Samsung Electronics Corporation & others* (acted for Samsung in follow-on damages action and jurisdiction strike-out)
- *Vodafone v Infineon and Renesas* (acted for Part 20 party in follow-on action arising out of Smart Chip cartel)
- *Leeds City Council and others v Samsung Electronics Corporation* (acted for Samsung in respect of claim by public authorities)
- *Emerald Supplies Limited v British Airways plc* [2011] 2 WLR 203 (CA); [2009] 3 WLR 1200 (ChD) (test case on scope for competition law class actions in civil litigation in England & Wales)

## Mergers

Robert has substantial merger control experience at the UK and EU levels, since, prior to his return to the Bar, he worked in a major US firm in Brussels, focusing to a significant extent on merger control matters, including Phase 2 mergers before the EU Commission and OFT/CMA. He has

advised on numerous Phase 2 merger cases before the CMA. Representative matters include:

- ***Facebook Inc v Competition and Markets Authority*** (acting for Facebook in respect of a challenge to a refusal to grant derogations from an interim enforcement order in a merger case)
- Case 1586/4/12/23 ***Dye & Durham Limited and Dye & Durham (UK) Limited v Competition and Markets Authority*** (appeal concerning variation of undertakings offered to CMA)
- Case T-344/12 ***Virgin Airways Limited v EU Commission***, acted for British Airways as intervener in appeal by Virgin against Commission approval of British Airways/BMI transaction
- Case T-260/13 ***Ryanair v EU Commission***, acted for British Airways as intervener in appeal by Ryanair against Commission prohibition of the Ryanair/Aer Lingus transaction
- ***ICE/Trayport***
- ***Ticketmaster/LiveNation***
- CASE M.5650 ***T-Mobile/Orange***
- Case ME/3787/08 ***Chiral Technologies Europe SAS/Chromtech Limited***
- M.2546 ***EADS/NORTEL*** 
- M.4297 ***NOKIA/SIEMENS*** 
- M.1383 ***EXXON/MOBIL***
- M.1940 ***FRAMATOME/SIEMENS/COGEMA***
- M.1512 ***DUPONT/PIONEER***
- M.1363 ***DUPONT/HERBETS***
- M.2946 ***IBM/PWC CONSULTING***
- M.1847 ***GM/SAAB***
- M.2452 ***BELGACOM/BAS HOLDING/SECURITAS***

## Pharmaceuticals

Robert has worked for over two decades on the application of competition law to pharmaceutical markets. He has acted in several of the leading cases in this area:

- “Paroxetine”: ***Generics (UK) Ltd and others v CMA*** [2018] CAT 4 Case C-307/18, ***Generics (UK) Ltd and others v CMA***, EU:C:2020:52 (acting for Alpharma in the CAT in an appeal against the first ever “pay for delay” decision in the UK)
- ***Pfizer UK Limited and others v Competition and Markets Authority*** [2018] CAT 11, on further appeal ***Competition and Markets Authority v Pfizer UK Limited and others*** [2020] EWCA 339

(acted for Pfizer in overturning £85 million fine for excessive pricing)

- Case 1421/1/12/21 **Liothyronine** (acting for Cinven concerning CMA unfair pricing decision) (currently on appeal to the Court of Appeal)
- Case 1412/1/12/21 **Hydrocortisone** (acting for Cinven concerning CMA anticompetitive agreement decision)
- Case 1524/1/12/22 **Pfizer Inc. and Pfizer Limited v Competition and Markets Authority** (acting for Pfizer in remitted unfair pricing case)
- **Nitrofurantoin** (CMA investigation into suspected alleged Article 101 agreements/concerted practices)
- **Prochlorperazine** (CMA investigation into alleged anti-competitive agreements in relation to the supply of prochlorperazine)
- Case T-184/01 R, **IMS Health Inc. v Commission**, [2001] ECR II-3193 (compulsory licensing of pharmaceutical sales data under EU law)

## EU law

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Robert has acted in a number of leading EU law cases before both the EU and English courts.

Cases include, in addition to those listed under other headings:

- **Micula and others v Romania** [2017] EWHC 31 (Comm), [2017] WLR(D) 35 [2020] UKSC 5 (resolution of conflict between EU law and international investment treaties)
- **Heathrow Hub Limited and others v Secretary of State for Transport** [2019] EWHC 1069 (Admin) [2020] EWCA Civ 213 (acted for Heathrow Hub in EU law challenge to designate Heathrow third runway in National Policy Statement)
- **Lebara Mobile Limited v Lycamobile Limited** [2015] EWHC 3318 (Ch.) (acted for Lyca in “net neutrality” challenge)
- **Hemming and others v Westminster City Council** (acted for the Bar Standards Board, Solicitors Regulation Authority, Architects Registration Board in appeal to the Supreme Court on the Services Directive)
- **Marine Management Organisation v Craig and others** (acted for the MMO in criminal proceedings against overfishing vessels where EU law issues were raised as a defence before the Crown Court and Court of Appeal (Criminal Division))
- **Butler v Nikon Metrology BV** (acted for principal in an arbitration involving the Commercial Agency Directive)
- **Montpellier Estates v Leeds City Council** [2010] 132 Con LR 129 (public procurement)
- **The British Airline Pilots Association v British Airways Plc** (Freedom of establishment and

trade union activities (*Viking*))

- *Plus Markets plc v London Stock Exchange plc* (High Court) (Freedom of establishment/services and MiFID Directive)
- Case C-381/98, *Ingmar GB Ltd and Eaton Leonard Technologies Inc.* [2000] ECR I-9305 (status of Commercial Agency Regulations as *ordre public* under Rome Convention I)
- *U. v W.* (Attorney-General Intervening) [1998] Fam 29 (High Court) (Freedom to receive fertility services under EU law)

## Utility Regulation

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Robert has had a long-standing interest in utility regulation, particularly in energy and telecommunications law. In the energy sphere, he has acted for leading producers, pipeline operators, and downstream operators in the Ukraine and Central and Eastern Europe in confidential arbitral and litigation matters, as well as complaints to competition authorities and regulators.

His interest in telecoms stems from his secondment to DG Competition's Telecommunications Unit in 1998. Since then he has acted for both private undertakings and sectoral regulators in telecommunications matters. He is standing counsel to the Commission for Communications Regulation on telecommunications matters. He has an extensive advisory practice on all aspects of telecoms regulation, including spectrum auctions, price control measures, access issues, local loop unbundling, national broadband plans, State aid, public procurement, and net neutrality.

Leading Court-related matters he has been involved in include:

- *Eir v British Telecom plc* (acting for eir in first-ever damages case arising from breach of an *ex ante* regulatory decision).
- *Three Ireland (Hutchison) Limited and others v ComReg* (acted for ComReg on a challenge to a spectrum auction decision)
- *Phones 4U v Vodafone and others* (acted for Deutsche Telekom in securing dismissal of £1 billion claim for Phones 4U that the mobile operators colluded to end their distribution contracts with Phones 4U)
- Case T-851/14 *Slovak Telekom v Commission* (acted for Slovak Telekom in appeal to the EU Courts concerning intersection between *ex ante* regulation and *ex post* competition law)
- *Lebara Mobile Limited v Lycamobile Limited* [2015] EWHC 3318 (Ch.) (acted for Lyca in "net neutrality" challenge)
- *Vodafone v Commission for Communication Regulation* (acted for the Commission for Communication Regulation in relation to the regulation of mobile termination rates)

- *BT v Ofcom (NCCN 1046)* (acted for Telefónica in a CAT appeal against an Ofcom Determination in relation to termination charges)
- *BT & T-Mobile v OFCOM* [2011] CAT 24, on appeal *Telefónica O2 UK Limited and others v British Telecommunications plc* [2012] EWCA Civ 1002 (Court of Appeal) and on a further appeal to the Supreme Court in [2014] UKSC 42
- *Eircom v Commission for Communication Regulation* (bundling as a breach of regulatory obligations)
- *Eircom v Commission for Communication Regulation* (pricing of Line Share access)
- *Vodafone Ireland Limited v Commission for Communication Regulation* (regulation of mobile termination rates)
- *T-Mobile v Ofcom* (appeal against donor conveyance charge decision by Ofcom) CASE M.5650 *T-Mobile/Orange* (merger)
- *British Telecom/Wanadoo* (price squeeze)(Ofcom)
- *Portugal Telecom/Sonaecom* (price squeeze, refusal to supply) (EU Commission)
- *Spectrum auctions* (advice to both private undertakings participating in spectrum auctions and to governments designing spectrum auctions, including State aid)

## State aid

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Robert advises extensively on State aid matters across a range of public and private clients and industries. He has also acted for governmental and other public and private bodies in respect of State aid notifications to the EU Commission. He has also been involved in major State aid cases litigated at the appellate level in the United Kingdom including:

- *Micula and others v Romania* [2017] EWHC 31 (Comm), [2017] WLR(D) 35 [2020] UKSC 5 (enforceability of State aid decision in light of international investment treaty arbitral award)
- *Marine Management Organisation v Craig and others* (acted for the MMO in criminal proceedings against overfishing vessels where EU law issues were raised as a defence before the Crown Court and Court of Appeal (Criminal Division))

## National Security and Investment Act

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Robert has developed an extensive practice advising on notification and other regulatory matters arising from the National Security and Investment Act 2021.

# Qualifications

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## Legal career

- 1997-1998: Brick Court Chambers, Brussels
- 1999: secondment, DG Competition, Brussels,
- 2000-2006: Cleary Gottlieb Steen & Hamilton LLP
- 2007-to date: Brick Court Chambers, London and Brussels

## Scholarships

- Bar Council Scholarship to the European Commission (1998)
- Hubert Greenland Major Scholarship (Lincoln's Inn) (1996)
- Entrance Scholarship, Carmelite College (1986)

# Publications

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## Books

*The Law and Economics of Article 102 TFEU* , Hart Publishing (2020) (Third Edition) (co-authored book with Jorge Padilla). This work has been cited with approval before the High Court, Irish Supreme Court, Court of Justice of the European Union, and in submissions to the US Supreme Court. It was also selected as runner-up for the Inner Temple Book Prize in 2008, out of a total of 79 entrants. Extracts from reviews include:

- "*This is a truly outstanding book...*" Common Market Law Review, Vol 44. No 4
- "*[A] seminal guide for all those interested in Art.82 EC* " The Journal of Business Law March 2007
- "*This scholarly, practical and very substantial work is warmly welcome* " Professor Valentine Korah, World Competition Law and Economics Review June 2007
- "*[A] first-rate piece of work that will be highly influential in the years ahead and that will be gratefully referred to by everyone interested in this fascinating but difficult topic. It is very highly recommended*" Professor Richard Whish, Competition Policy International Journal, Autumn 2006, Vol. 2, No. 2

*Competition Litigation: UK Practice and Procedure* , N Green and M Brealey eds, OUP, Second Edition 2020 (co-authored the chapter on Jurisdiction)

The UK Competition Regime: a Twenty Year Retrospective, B Rodger ed, OUP (2021) (sole author of chapter on unfair pricing)

"Verbalising A Test For Exclusionary Conduct" Chapter in CD Ehlermann & M. Marquis eds, " *A Reformed Approach To Article 82 EC*," Hart Publishing (2008)

"Dealing With *Viking & Laval*: From Theory To Practice," *Cambridge Yearbook of European Legal Studies* (2008-2009), Vol 11

"Over-Regulating Lower Prices: Time For a Rethink on Pricing Abuses Under Article 82 EC" Chapter in CD Ehlermann & I. Atanasiu eds, " *What is an abuse of a dominant position?* ", Hart Publishing (2006)

"*The Treatment of Loyalty and Target Rebate Practices Under Article 82 EC*," Chapter in the Finnish Yearbook of EU law (2004)

## Articles

Hitting the "Return" Key: Disgorgement in UK/EU Antitrust Laws", *Competition Policy International* (2023) (co-authored with Sarah O'Keeffe)

Net Neutrality in the EU: Unresolved Issues Under the New Regulation (co-authored with Tom Pascoe), available at [ssrn.com](https://ssrn.com) (2016)

Notes From a Small Island: Natural Justice and the Institutional Design and Practice of Competition Authorities and Appellate Courts, *Competition Policy International Journal* (September 2014) (co-authored with Tim Johnston)

Injunctions And Standard Essential Patents (SEPs): The Problems Of Arguing From The Particular To The General, *Competition Policy International*, May 2013

Europe's Long March Towards Antitrust Damages Actions

Recent Developments In Antitrust Class Actions in The United Kingdom

Casenote on *GlaxoSmithKline*, *Competition Policy International*, April 2009

Regulating the Regulated: *Deutsche Telekom v. European Commission* , *Competition Policy International*, May 2008

*Microsoft v. European Commission* : Sounds Good In Theory But . . . , *Competition Policy International*, September 2007

Are Article 82 EC and Intellectual Property Interoperable? The State of the Law Pending the Judgment in *Microsoft v. Commission* , *Competition Policy International* , April 2007 (with Maurits Dolmans and Paul-John Loewenthal)

The Final Piece In The Jigsaw: An Analysis Of The Draft European Commission Guidelines On Non-Horizontal Mergers, *Competition Policy International*, March 2007 (with David Parker)

Memorandum by John Temple Lang and Robert O'Donoghue, published in "An EU Competition Court – Report with Evidence (published in the Written Evidence of the 15th Report of Session 2006-07 by the European Union Committee of the House of Lords, ISBN 978 0 10 401052 5).

The EU Leniency Programme Comes of Age, (2004) 27 *World Competition*, Issue 1, pp. 75–99 (with Nicholas Levy)

Casenote on *Airtours*, *Common Market Law Review* 2003 p.1171-1185 (with Christoph Feddersen)

Defining Legitimate Competition: How to Clarify Pricing Abuses Under Article 82 EC, *Fordham International Law Journal*, Volume 26, Issue 1 2002 Article 5 (with John Temple Lang)

## Teaching

- Lectureship at the MBL-Freie Univ. Berlin 2015/2016
- Professor at the Brussels School of Competition Law since 2013
- Distinguished Alumni Lecture, University of Bristol, 2015
- Guest lecturer at King's College London LL.M program since 2008
- ***Applying Viking in practice: the view from the Bar*** , University of Cambridge, 5 November 2008
- ***IP rights & competition law*** , University of Oxford, Centre for Competition Law & Policy , 18 February 2005
- ***Future Trends in European Antitrust Law, Including Decentralisation***, EC Competition Law Summer School, organized by IBC UK Conferences, Downing College, Cambridge, 15 August 2003
- ***Modernization of EC Competition Law*** , lecture given at Cornell Law School Summer Program, Université de Paris II (Sorbonne), July 2003
- International Legal Cooperation (LL.M) Program, VUB-ULB (Brussels University), 2003 & 2004
- ***Application and Evolution of EC Merger Control*** , lecture to Executive Management & Leadership Program, University of Cambridge, 25 April 2003
- ***Essential Facilities and IP Rights*** , lecture given at Cornell Law School Summer Program, Université de Paris II (Sorbonne), July 2002

## Directory Quotes

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- "Robert is an obvious standout leader of the Competition Bar. His legal knowledge is immense, and he is such a powerful and fearless advocate." (Chambers & Partners 2025)
- "Robert O'Donoghue KC is very knowledgeable and creative." (Chambers & Partners 2025)
- "Robert is a very good strategist and very knowledgeable." (Chambers & Partners 2025)
- "Robert is an absolute star, the best KC to work with. He is very smart, always available and a great advocate. He has a unique ability to tackle complex questions in a simple and effective manner, which is particularly important in highly technical cases." (Legal 500 2025)
- "Robert is a prime litigator, and a prime competition lawyer. Not many at the London Bar can claim that, and it makes him an incredible resource for complex antitrust claims, where one can only prevail if substance and process go hand in hand." (Legal 500 2025)
- "Robert O'Donoghue is a standout leader in his field and one of the top silks at the competition Bar." (Chambers & Partners 2024)
- "Robert is a market leader in competition disputes, with excellent judgement honed from his many years of experience." (Chambers & Partners 2024)
- "He is a fantastic advocate who is excellent with clients." (Chambers & Partners 2024)
- "He is an excellent advocate and a very clear thinker." (Chambers & Partners 2024)
- "Head and shoulders above his contemporaries, Robert is a brilliant and outstanding advocate. He is clever and creative in his understanding of competition law, but he also has the human touch with his clients." (Chambers & Partners 2024)
- "Robert has it all: a fine mind, tactical astuteness, supreme advocacy skills, commercial awareness and an ability to communicate with the clients." (Chambers & Partners 2024)
- "Excellent all round – sharp intellect, incredibly responsive and always superbly prepared. A very persuasive advocate who is able to think clearly and quickly on his feet. His ability to explain what can be very complex concepts and arguments in a clear, digestible and affable manner is something often appreciated by clients and judges alike, and invariably works to his clients' advantage." (Legal 500 2024)
- "A clear, persuasive and powerful advocate with a mastery of competition law. He is a particularly effective cross-examiner, who had the other side's witnesses reeling from their experience in the box during trial last year." (Legal 500 2024)
- "He is really responsive, incredibly smart and extremely helpful." "He provides clear pragmatic advice, is available and has a fantastic presence in the courtroom." (Chambers & Partners 2023)
- "His advocacy is very powerful and he has a good feel for the issues. He's got unparalleled experience with abuse of dominance issues in the pharma sector and even more so in the

tech sector." (Chambers & Partners 2023)

- "He is lively and sharp-witted, and quickly appreciates the dynamic of the cases. He has impressive tactical awareness." "Robert has an excellent way of getting the clients on board and explains the issues in a simple way." "He has encyclopedic knowledge of competition law and as a result he can generate creative arguments." "He is good at seeing the big picture and is a strategic." (Chambers & Partners 2022)
- "He has an excellent understanding of the telecoms business environment and the operational grid. His legal advice always strikes the right balance of commercial awareness with legal risks." (Chambers & Partners 2022)
- "Robert is a tenacious and creative advocate, he is robust and pragmatic in his advice and extremely client-friendly. His deep experience before the Competition Appeal Tribunal in challenging CMA decisions is second to none." (Legal 500 2022)
- "Robert has unparalleled knowledge of abuse of dominance and is extremely thoughtful and authoritative." "He is easy to work with, friendly and a very good team member." "He's very lively and sharp and quickly appreciates the dynamics of cases." "He is very responsive and a very good advocate; he is practical, down to earth and has the ear of the court." (Chambers & Partners 2021)
- "An excellent drafter and advocate, who is a pleasure to work with." "A very balanced advocate, who has a good eye for detail and understands the sector well. He is very responsive and a go-to for complex regulatory matters." (Chambers & Partners 2021)
- "He is always available and willing to assist and a pleasure to work with. His drafting is crisp, succinct and engaging and he is authoritative on all aspects of substantive and procedural law. His advocacy is focused, clear and powerful." (Legal 500 2021)
- "One of the Bar's foremost names in competition practice, with peers describing him as 'a very experienced and reliable silk who is active in many of the biggest cases'." (Who's Who Legal 2020)
- "A very fine performer who is as good orally as he is on paper. He is strong on substance and he thinks very logically." (Chambers & Partners 2020)
- "One thing that stands out is his encyclopedic knowledge of abuse of dominance questions; he works for all sorts of clients in high-profile cases and is the authority in that area." "He is extremely collaborative and is open to others' ideas, exploring them and working out the best strategy taking into account all of the circumstances." (Chambers & Partners UK & Global 2020)
- "He aptly threads very complex legal issues into the context of the clients' business." (The Legal 500 2020)
- Robert O'Donoghue KC is "a truly outstanding talent" say market sources who add he is "superb in court". He enjoys a stellar reputation among peers as "an excellent communicator" who is "above all, superbly sharp". (Who's Who Legal - Competition 2019)

- Robert O'Donoghue KC is praised as "one of the real go-to barristers" who is "incredibly bright and a joy to work with". His knowledge of Article 102 matters is singled out in particular by respondents. (Who's Who Legal – UK Bar: Competition 2019)
- "He offers the full package; he has a lot of litigation experience and is a pleasure to work with." (Chambers & Partners UK & Global 2019)
- "He is fully trusted by clients because he really knows their business and gives very commercial advice. He always tries to step back, think about things with reference to the key principles and come up with creative ideas." (Chambers & Partners 2019)
- "Well regarded and in high demand, he is very strong on Article 101/Chapter 1 and 102 TFEU issues." (The Legal 500 2018–19)
- Robert O'Donoghue KC is a well-known and well-respected practitioner in the space who is frequently instructed for his expertise in telecoms regulatory and competition matters. (Who's Who Legal – UK Bar: Telecoms 2018)
- Robert O'Donoghue KC is a leading figure in competition law across Europe and frequently acts in both commercial and public law cases. His reputation as "an article 102 supremo" is borne out by his vast experience working with and representing sectoral regulators. (Who's Who Legal – UK Bar: Competition 2018)
- Thought Leader Robert O'Donoghue KC is "a leader" in the field, despite only taking silk in 2017, and "really understands how judges think". According to one impressed solicitor, "He is, without a doubt, one of the brightest lights in competition law". (Who's Who Legal – Competition 2018)
- "We go to him for abuse of dominance cases – his drafting is brilliant and he manages to make the most complex arguments appear simple." (Chambers & Partners 2018)
- "He has the gift of working seamlessly with the instructing solicitor for the best possible outcome for the client." (Chambers & Partners 2018)
- "Robert O'Donoghue KC was described as "the number-one junior" by several solicitors we interviewed and it is no surprise he has taken silk this year. He is highlighted for his cutting edge work in the pharmaceutical sector, including acting on behalf of Pfizer in relation to the suspected unfair pricing of its phenytoin sodium capsules. He is also described as "the outstanding expert on Article 102" by peers." (Who's Who Legal – UK Bar: Competition 2017)
- "Until recently taking silk, Robert O'Donoghue KC was one of the top competition law juniors. He has a strong practice in the telecoms sector, working with major clients including Telefonica." (Who's Who Legal – UK Bar: Telecoms 2017)
- Robert O'Donoghue KC is "an all-round EU competition law authority" as well as "a clear expert in Article 102 cases", according to sources. (Who's Who Legal – Competition 2017)
- "Extremely impressive and an absolute pleasure to work with. He's incredibly hard-working, highly intelligent and articulate, and has a great grasp of the economic arguments." "A very

thorough adviser who knows case law inside out." (Chambers & Partners 2017)

- "He has an excellent intellect and analytical capabilities, as well as deep understanding of competition law and practice. He's clear when explaining things and great on his feet." (Chambers & Partners 2017)
- Robert O'Donoghue is "very well known" and a "truly excellent barrister". With particular experience relating to the energy sector, respondents describe him as "one of the brightest competition law stars of the English Bar". (Who's Who Legal - Competition 2017)
- "A creative thinker and strong advocate with an encyclopaedic knowledge." (The Legal 500 2016)
- "Has a wealth of knowledge and is a calming presence." "He's extremely helpful and his knowledge of Article 102 is encyclopaedic." (Chambers Global 2016)
- "Praised for his excellent advocacy skills, and singled out by many as one to watch." (Chambers Global 2015)
- "He is praised for his 'encyclopaedic knowledge of the area.'" (Who's Who Legal UK Bar 2015)
- "A lawyer with a very sharp intellect, who is articulate and clear." "He's extremely responsive and client-aware. There's no ivory tower around him." (Chambers & Partners 2015)
- "A really top-class litigator." "He was so involved that it felt as if he was part of the team, and was just working in the office next to us." (Chambers & Partners 2015)
- "He has an incredibly sharp intellect and a strong knowledge of the sector." (The Legal 500 2014)
- "Praised for his in-depth knowledge and his enthusiasm for competition law." (Chambers & Partners 2014)
- "'He has very good analytical skills and an obvious interest in legal developments.' 'He is a very thorough thinker and a persuasive speaker.'" (Chambers & Partners 2014)
- "continues to attract praise from the market for his 'ability to distil down and quickly identify the legal issues of complex competition cases in a clear way.' Sources identify his 'really good breadth of expertise' and note that he offers particular strength in matters concerning abuse of dominance." (Chambers & Partners 2013)
- "he is described as 'hugely knowledgeable and very personable,' and commended for his economics expertise" (GCR UK Barrister Survey 2013)
- "'has all the qualities one looks for in a barrister' in that he has a 'quick turnaround,' comes up with 'very bright and creative solutions' and has 'good presence in court.' He is a renowned expert on competition law, in particular on the abuse of dominant positions." (Chambers & Partners 2012)
- "has carved out a solid reputation as a star junior barrister" (Global Competition Review Barristers Survey 2011)

- "The 'highly intelligent', 'user-friendly' Robert O'Donoghue consistently impresses with his European experience." (Legal 500 2010)
  - "will be the star of the competition bar in years to come" (Legal 500, 2009)
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