



## Prof. Dr. Thomas Höppner

Prof. Dr. Thomas Höppner is a Partner at Hausfeld in Berlin, specialising in EU and German competition law and intellectual property law. His practice covers the full range of contentious and non-contentious competition law matters, including related regulatory areas such as media, telecommunications, broadcasting and energy.

He has spearheaded complaints before the European Commission and taken competition claims before German courts, particularly in the context of an abuse of dominance and damage claims. Thomas has particular expertise in technology, media and network industries where he regularly advises clients in complex proceedings and litigations at the interface of competition law, sector-specific regulation and intellectual property law. Recent cases include representing several complainants in big data investigations relating to Google Search, Android, Amazon and YouTube at European and national levels, private enforcement of competition law claims to compulsory licenses as well as advising on regulatory reforms in the area of digital markets, postal services and the press.



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### Experience

Having studied in Berlin, Glasgow and Dundee, Thomas holds a Ph.D and an LL.M in competition law. He is a professor of business law and intellectual property law at the Wildau Technical University of Applied Sciences and a Visiting Professor for telecoms law at the University of Strathclyde, Glasgow. Thomas has published, inter alia, three books on the regulation of networks and regularly speaks on current topics of competition and intellectual property law.

Thomas is recommended by *Legal 500* as “outstanding” in particular in “cases relating to the digital network economy.” The German legal directory *JUVE* recommended him as “simply a first-rate lawyer.”

Prior to joining Hausfeld, Thomas worked several years in the competition and TMT groups of Hogan Lovells and Olswang in Berlin and London.

### PRACTICE AREAS

Competition Disputes

Intellectual Property

### EDUCATION

Dr. iur, Humboldt University, Berlin – Summa Cum Laude and Karlheinz-Quack Prize

LL.M, University of Dundee

Bar Exam / 2. State Exam, Berlin – Distinction

LL.B / 1. State Exam, Berlin – Distinction and Graduation Prize

### AFFILIATIONS & MEMBERSHIPS

*Best Lawyers Germany 2019 - Media Law*

*Legal 500 Germany 2019 (Competition Law)*

*Leaders in Law 2019 (Competition & Media Law)*

### PUBLICATIONS

Author, "Platform regulation light: on the concept of companies with paramount cross-market relevance in the 10th amendment of the German Act against Restraints of Competition" (in German), *Wirtschaft und Wettbewerb* February 2020

Co-Author, "The modernization of the law on abuse of dominance according to the draft bill for a 10th amendment of the German competition act" (in German), *Kommunikation & Recht* January 2020

Co-Author "The EU regulation 2019/1150 on fairness and transparency of online-intermediation services ("P2B-Regulation") (in German), *Zeitschrift für Wirtschaftsrecht* December 2019

Co-Author, "Abrupt End to 'Hipster Antitrust'? Tackling Facebook's Expansion Following the First Court Ruling in Germany", *Hausfeld Bulletin* 3/2019

Author, "Google for Jobs: Revolution einer Branche auf Kosten Dritter?" (revolution of an industry at the expense of third parties?), *Focus Online*, 2019

Co-Author, "Taking a Bite at the Apple: Ensuring a Level-Playing-Field for Competition on App Stores", *Hausfeld Bulletin* 2/2019

Author, "Saving Face(book) - Why the FCO didn't 'like' the social media giant's data practices", *Competition Law Insights* 3/2019

Author, "Data Exploiting as Abuse of Dominance: The German Facebook Decision", *Hausfeld Bulletin* 1/2019

Author, "Fair Competition in Online Commerce: Amazon in the Focus of Competition Law" *Kommunikation & Recht*, Editorial 3/2019 (in German)

Co-author, "Google Search (Shopping) as a Precedent for Disintermediation in Other Sectors: The Example of Google for Jobs", *European Competition Law & Practice*, 2019

Co-author, "The EU's Competition Investigation into Amazon's Marketplace", *Hausfeld Bulletin* 4/2018

Author, "Google Search (Shopping): Etablierte Missbrauchskriterien für digitalen Präzedenzfall" (established criteria of abuse for digital precedent), *Wirtschaft und Wettbewerb*, September 2017

Co-author, "Frame sucht Einwilligung: Die neue Google-Bildersuche auf dem Prüfstand" (frame in search of consent: the new Google Images Search under scrutiny), *Multimedia und Recht*, August 2017

Author, "Duty to Treat Downstream Rivals Equally: (Merely) a Natural Remedy to Google's Monopoly Leveraging Abuse", *European Competition and Regulatory Law Review*, September 2017

Author, "Medienkartellrecht – die aktuelle Fallpraxis" (media competition law – the current case law), *Kommunikation und Recht*, September 2016

Co-Author "Moving towards a World of Selfies? A Critical View of the EU legislative framework for the use of images online", *GRUR International*, July 2016

Co-author, "Regulatory Challenges of the Internet of Things," *Computer and Telecommunications Law Review*, December 2015

Author, "Defining Markets for Multi-Sided Platforms," *World Competition*, September 2015

Co-author, "The EU Competition Investigation of Internet Search," *Computer Law Review International*, April 2013

Author, "Google: Friend or Foe of Ad-Financed Content-Providers?," *Journal of Media Law*, 2013

Co-Author, "Telekommunikationsrecht. Berliner Kommentar", *Deutscher Fachverlag*, 2009, 2013

Author, "Competition Law in Intellectual Property Litigation," *European Competition Journal*, 2011

Author, "Zeitliche Grenzen für die Rückforderung überhöhter Infrastrukturentgelte," *Netzwirtschaften und Recht*, 2010

Author, "Abuse of Market Dominance: The Refusal to Supply Competitors under Article 82 EC," *VDM Publishing*, 2009

## PRESENTATIONS & SPEECHES

Panelist, "Amazon's monopoly power: threats to a fair marketplace", UNI Europe Amazon Symposium, Brussels 2019

Moderator & Panelist, "Do We Have the Tools to Regulate? Reviewing Recent Reports and Proposals", 28th Advanced EU Competition Law Conference, Brussels 2019

Panelist, "Das Leistungsschutzrecht für Presseverleger" (the ancillary copyright for press publishers), DAV AGEM Herbsttagung, Berlin 2019

Speech, "Antitrust Investigations Against Amazon - Current State of Affairs", EIBF Annual Conference, Frankfurt 2019

Moderator, "The Future of Competition Law", Big Data & Competition Law Conference, Brussels 2019

Panelist, "Damages Claims in E-commerce Cases", UIA's 10th Annual Business Law Forum, Vienna 2019

Speaker, "Tech Platforms and Antitrust – Different approaches on both sides of the Atlantic?", DAJV annual conference, Berlin 2019

Panelist, "Effective Competition Law Remedies", Lexxion Symposium on Online Platforms & Competition Law, Brussels 2019

Speaker, "Competition (law) in the internet" (in German), Juristische Gesellschaft zu Berlin, 2019

Panelist, "Online Platforms: Competition Law & Regulation", Podcast, 2019

Speaker "EU Regulation on Online Intermediaries: Limitation of Digital Power or Bureaucracy Paper Tiger?" (in German), 18th @kit-Congress, Berlin 2019

Speaker "Expansion of Dominance in the Digital Sphere", Studienvereinigung Kartellrecht, Berlin 2019

Panelist, "Opportunities for Damages Actions Beyond Cartels", Private Enforcement of Competition Law Conference, Brussels 2019

Speaker, "Abuse of Dominance on Multi-Sided Markets: Current Cases at EU and national level", 2. Berliner Kartellrechtstag, 2019

Chair, "Ensuring Intellectual Property Rights in the Digital Sphere", PolicyExchange Forum, Brussels 2019

Speaker, "Private Enforcement of Competition Law in the Digital Sphere", 27th Advanced EU Competition Law, Brussels 2018

Panel moderator, "Regulating the Digital Economy: Are the Old Tools Fit for the New World?", 27th Advanced EU Competition Law, Brussels 2018

Speaker, "Update Internet Competition Law", 7th @kit conference, Berlin 2018

Panelist, "EU-wide Level Playing Field for Platforms", Münchner Medientage 2017

Panelist, "Indirekte Netzwerkeffekte" (indirect network effects), L&A-Wettbewerbstag 2017, Hamburg 2017

Panelist, "Neutrality, Equal Treatment and Fairness – New 'Gold Standards' under Article 102 TFEU?", CoRe/CCIA Conference, 2017, Brussels 2017

Speaker, "Private Enforcement in the Digital Sphere", 26th Advanced EU Competition Law 2017, Brussels

Panelist, "Better Regulation for Copyright", European Parliament, Brussels 2017

Speaker, "Licensing for News Intermediaries", European Copyright – Quo Vadis?, EUI Florence, 2017

Panelist, "Streitgespräch zum Presseverleger-Leistungsschutzrecht für Europa," re:publica Berlin 2017

Panelist, "Internet Giants and their Impact on the Online Market" and "Google in the EU and the US: Search, Complaints and Licensing", CEPIC World Conference, Berlin 2017

Panelist, "The Link is Safe: Publisher's Rights in the Digital Age", Future Media Lounge, European Parliament, Brussels 2017

Speaker, "Algorithms and Search Engines", Algorithm Workshop, University of Strathclyde, Glasgow 2017

Speaker, "Publishers' Rights", Hearing on Copyright, European Parliament, Brussels 2017

Speaker, "Briefing on the Proposed Directive on Copyright in the Digital Single Market", Workshop for Legal Affairs Committee, European Parliament, Brussels, 2017

Speaker, "Legal Aspects of the Internet of Things", 10. Forschungskolloquium, TH Wildau, 2017

Speaker, "New EU-Directive for an Ancillary Copyright for Press Publishers?", 45th FIW Informationstagung, Brussels, 2016

Speaker, "Internetökonomie und Recht" (internet economy and law), Technical University Wildau, 2016

Panelist, "Press Freedom in a Digital World: The Value of Copyright", ENPA event, Brussels 2016

Speaker, "Law and Economics of Behavioural & Targeted Advertising" and "Regulatory Approaches to Intermediation Platforms", Florence School of Regulation, Annual Training, EUI, Florence 2016

Speaker, "One size fits all? Getting Europe's tech policy right", ICOMP Debate, Brussels, 2015

Speaker, "Abuse of Dominance in Digital Markets: The Case against Google", 6th GRUR/JIPLP Joint Seminar, Munich 2015

Speaker, "The EU Commission's Investigation of Internet Search", ICOMP Brussels, 2014

Speaker, "Regulating Search: Competition Law, Copyright and Sector-Specific Approaches", CILP, Glasgow, 2014

Speaker, "Economics of E-Commerce Platforms", University of Strathclyde, Glasgow, 2014

Speaker, "Press Publishers' View on Google's Commitment Proposals", FairSearch Press Conference, Brussels, 2013

## IN THE NEWS

November 28, 2019

Google Shopping: 41 European Founders and CEOs Write to Commissioner Vestager

October 14, 2019

Three Hausfeld Clients Granted Permission To Intervene In EC's Google Android Decision Appeal

August 16, 2019

JUVE Shortlists Hausfeld For Dispute Resolution Law Firm Of The Year

June 28, 2019

Three Hausfeld Partners Singled Out by 'Best Lawyers' in Germany

April 15, 2019

Hausfeld and Freshfields Advise idealo in >€500 Million Suit Against Google for Abuse of Dominance

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Hausfeld and Freshfields Advise idealo in a €500+ Million Suit Against Google for Abuse of Dominance

## EVENTS

October 3, 2019

Advanced EU Competition Law Conference – 25 - 27 November 2019, Brussels

September 2, 2019

DAJV Annual Conference – 12-14 September 2019, Berlin

January 29, 2019

Private Enforcement of Competition Law - 26 February 2019, Brussels

## ARTICLES

November 20, 2019

Abrupt End to "Hipster Antitrust"? Tackling Facebook's Expansion Following the First Court Ruling in Germany

May 13, 2019

Taking a Bite at the Apple: Ensuring a Level-Playing-Field for Competition on App Stores

May 10, 2019

Lexxion Turns to Thomas Höppner for Expert Views on “Competition Law and Online Platforms”

February 26, 2019

Data Exploiting as an Abuse of Dominance: The German Facebook Decision

November 9, 2018

The EU’s Competition Investigation into Amazon’s Marketplace

November 8, 2017

Monopoly Leveraging & Equal Treatment: the EU Commission’s Google Shopping Decision

## PERSPECTIVES

April 3, 2019

Google AdSense: the EC’s 3rd Infringement Decision against Google