

# Competition team of the year

## WINNER

# Ashurst

**Nigel Parr**

### *Achieving a succession of victories for Virgin Media*

As competition clients go, Virgin Media is something of a dream. In the mould of its founder, it is entrepreneurial, unabashed and will never take a kicking lying down. As such, it needs advice from competition lawyers that can keep up the pace and think laterally.

Nigel Parr's team has this in spades and responded to this key client's expectations to achieve a string of successes concerning its regulatory position in the pay-TV market. During 2008, the firm took a front-line role intervening in the Competition Commission's scrutiny of BSkyB's 17.9% shareholding in ITV, making sure that Competition Appeal Tribunal (CAT) upheld the decision saw Sky's stake cut back to 7.5%.

That wasn't the end of Virgin's rumpus with Sky: Ashurst helped settle the very public fight over the channels that each broadcaster supplied to the other. Against this backdrop, Ashurst represented Virgin on its participation in Ofcom's review of the Pay TV market, and specifically its concerns about Sky's dominance in this area. Not content with fighting Sky, Parr and his team were called also upon to voice Virgin's arguments to the OFT regarding

## HIGHLY COMMENDED

### ALLEN & OVERY

**Antonio Bavasso; Mark Friend**

A&O's competition group advised on a quartet of notable matters during 2008: getting clearance for the Co-operative's takeover of Somerfield; the high-profile merger of HBOS and Lloyds TSB in the midst of the banking collapse; representing BSkyB in various wrangles over its ITV stake; and obtaining Phase 1 EU clearance of WPP's £1.1bn acquisition of TNS.

### LATHAM & WATKINS

**Marc Hansen**

Hansen, along with fellow partners John Kallaugher and Omar Shah, took on some of Europe's finest competition firms in helping to bring a 70-year, pan-European cartel in music copyright licensing to an end for clients RTL and Music Choice, following an eight-year investigation. The decision was regarded as one of the most significant Article 81 cases in recent memory.

### MONCKTON CHAMBERS

**Paul Lasok QC**

2008 was a standout year for this highly popular competition set. Chambers enjoyed some notable wins in the European courts, including three significant

BBC Worldwide, Channel 4 and ITV's proposed Project Kangaroo video-on-demand joint venture.

In a crucial year for Virgin Media, Ashurst was its trusted adviser. According to the company's general counsel Bryan Hall, 'Ashurst... supplied a fantastic combination of pragmatic advice and creative, outside-the-box thinking.' Sir Richard would expect nothing less.



(L-R) Ashurst's Ben Tidswell, Duncan Liddell and Nigel Parr with David Lovett of AlixPartners

state aid cases: *Scott v European Commission*; *Ryanair v European Commission*; and *Bouygues Telecom & SFR v European Commission*. Monckton Chambers also played a significant role in UK-based competition matters in 2008, including the Competition Commission's investigation into supermarkets and the OFT's investigations into diary products and tobacco sales.

### OLSWANG

**Howard Cartlidge**

Cartlidge's strong competition team featured in some significant technology-related matters last year. This included winning a key appeal before the CAT for a consortium of eight fixed-network telecoms operators over the cost of terminating mobile calls across networks. In another high-profile case before the CAT, the team successfully appealed against an Ofcom ruling on behalf of directory enquiries operator The Number (118 118) over the supply of directory information from BT.

### SLAUGHTER AND MAY

**Philippe Chappatte**

Chappatte, along with Brussels partner John Boyce, extended Slaughter and May's superb track record in competition appeals before the European Court of Justice, this time successfully representing Bertelsmann in its appeal to overturn the prohibition of its recorded music joint venture with Sony. On the arguments presented by the team, the ECJ overturned the Court of First Instance's previous decision to annul a tie-up that the European Commission had already cleared, resulting in a comprehensive victory in keeping with the principles of natural justice.

**According to Virgin Media's GC Bryan Hall: 'Ashurst supplied pragmatic advice and creative thinking.'**

*AlixPartners Congratulates*

**ASHURST**

*– Competition Team of the Year –*

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