



Ian S. Forrester, QC, LLD

Partner, Brussels

T +32 2 239 25 36

+32 2 219 16 20

E iforrester@whitecase.com

Bars and Courts

Brussels Bar (E list), 1999

England and Wales, 1996

Appointed Queen's Counsel, 1988

New York State Bar, 1977

Faculty of Advocates (Scottish Bar),
1972

Education

MCL, New Orleans, Louisiana, Tulane
University, 1969

LLB, University of Glasgow, 1967

MA, History and English Literature,
University of Glasgow, 1965

Languages

English

French

German

Citizenship

British

Practice Experience

Ian Forrester advises companies, as well as sovereign states and other governmental authorities, industry associations and private individuals, on European Union law, especially competition law, trade law, customs, internal market rules, intellectual property and constitutional rights in a variety of sectors, including broadcasting, chemicals, information technology, pharmaceuticals, software and sport.

Clients on whose behalf he has acted before national courts, national competition authorities, the European General Court and the European Court of Justice or the European Commission include the BBC, Canon, DuPont, the European Commission, GlaxoSmithKline, the Government of Gibraltar, the Liberal Democrat Party, Microsoft, Pfizer, Scottish Football Association, Toshiba, Toyota, UEFA and Union Carbide, as well as a number of private individuals, civil servants and their families.

He has been involved in a number of leading cases, including Magill, IMS and Microsoft (compulsory licensing), Bosman (transfer of professional football players), Syfait v. GlaxoSmithKline (parallel trade), Pfizer Animal Health (the precautionary principle) and A. v. National Blood Authority (whether blood transfusions causing hepatitis C were a "defective" "product").

He also practices trade law, having handled numerous customs and anti-dumping cases at both administrative and appeal stages, as well as a number of WTO matters. He has served as an arbitrator in ICC and ICSID proceedings.

Ian Forrester is the head of the Firm's Global Pro Bono practice. He has particular experience representing individuals and companies on questions of human rights as recognized by the European Convention on Human Rights and Fundamental Freedoms. The Convention is respected both by the European Union courts in Luxembourg and the ECtHR in Strasbourg. Notable cases include defending a journalist against attempts by Belgium and the European Commission to force him to reveal his sources, and various challenges to how the European Commission conducts competition cases. He has published a number of academic articles on the latter topic which has become increasingly important in light of the Lisbon Treaty, which from December 2009 made the case law of the Strasbourg court binding on the Luxembourg courts. He has forty years of involvement in pro bono work, going back to working on the successful appeal to the US Second Circuit Court of Appeals in 1971 on behalf of Louis Henry Burns, who was wrongly convicted on the basis of a coerced confession. See *Burns v. LaVallee*, 436 F.2d 1352 (2d Cir. 1970).

In 1981, Ian Forrester co-founded with Christopher Norall the Brussels EC law firm of Forrester & Norall, which subsequently became Forrester

Norall & Sutton and merged with White & Case in 1998.

Ian Forrester regularly lectures on European law and policy. He has written numerous articles and chapters on competition law, legal privilege, science and good regulatory practice, trade policy, customs and dumping.

Chambers & Partners (2011) recommend Ian Forrester as a "stand out figure" whose success has been founded on the "impressive quality" of his work. Chambers also highlight his "ability to swiftly get to grips with nuances of clients' individual sectors". Clients confirm Mr. Forrester's knowledge and expertise in the pharmaceutical sector "have been really helpful" and also note his "solid expertise" within the software and technology sectors. Mr. Forrester is also applauded by the Legal 500 (2011) as a "trusted adviser offering thoughtful and insightful advice" to clients.

Publications

"Post Plures Unum: Streamlining and Simplifying Merger Procedures in an Era of Multijurisdictional Merger Filings", European Competition Law Annual 2010: Merger Control in European and Global Perspective, Philip Lowe and Mel Marquis (Eds.) [to be published by Hart Publishing, 2012]

"A Long Way Still To Go", European Competition Law Annual 2011: Integrating public and private enforcement of competition law -- Implications for courts and agencies, Philip Lowe and Mel Marquis (Editors) [to be published by Hart Publishing, 2012]

"Public enforcement and remedies in EU antitrust law", Rights & Remedies in a Liberalised and Competitive Internal Market, Eugène Buttigieg (Editor), Gutenberg Press, Hal Tarxien, Malta, 2012

"Facts are chieftains that win a ding", Paper presented at the 38th Annual Conference on International Antitrust Law & Policy 2011, 2011 Fordham Corp. L. Inst. 175, B Hawk (Editor), Juris Publishing, Inc., New York, 2012

"A Challenge for Europe's Judges: The Review of Fines in Competition Cases", The Role of the Court of Justice of the European Union in Competition Law Cases, GCLC Annual Conference Series, M Merola and J Derenne (Eds.), Editions Bruylant, 2012

"Magill Revisited", chapter for *liber amicorum* in honour of Jacques Bourgeois, Edward Elgar, 2011

"A Challenge for Europe's Judges: The Review of Fines in Competition Cases" (2011) 36 E.L.Rev. 185

"Arbitrating Competition Law Matters in Pharmaceutical Matters", chapter in EU and US Antitrust Arbitration, G Blanke and P Landolt (Eds.), Wolters Kluwer, 2011 (co-author)

"A Bush in Need of Pruning: the Luxuriant Growth of 'Light Judicial Review'", European Competition Law Annual 2009: Evaluation of Evidence and its Judicial Review in Competition Cases, Claus-Dieter Ehlermann and

Mel Marquis (Editors), Oxford and Portland, Oregon, 2011

"Google Books: Game and Set to the Sceptics; the Match Continues",
Competition Policy International Antitrust Chronicle, June 2011 (2)

Co-author, "EC Competition Law Developments", Oxford Yearbook of
European Law, 1997-1998, 1999-2000, 2001-2002, 2003-2004, 2005-
2006, 2007-2009 (pending)

"Due process in competition proceedings: a practitioner's view from
Brussels", Due Process In Competition Proceedings, Concurrences No 3-
2010

"Compulsory Licensing in European Competition Law: The Power of the
Adjective", chapter in Intellectual Property and Competition Law: New
Frontiers, S Anderman and A Ezrachi (Eds.), Oxford University Press, 2010
(co-author)

"Creating new rules or closing easy cases? Policy consequences for public
enforcement of settlements under Article 9 of Regulation 1/2003",
European Competition Law Annual 2008: Antitrust Settlements Under EC
Competition Law, Hart Publishing, Oxford and Portland Oregon 2010

"Victa placet mihi causa: the compulsory licensing part of the Microsoft
trial" in Microsoft on Trial – Legal and Economic Analysis of a Transatlantic
Antitrust Case, Luca Rubini (Ed), Edward Elgar, September 2010

"European Competition Law and the Indian Experience: A practitioner's
view from Brussels" in Competition Law Reports (Commemorating the 1st
Anniversary of the Competition Appellate Tribunal), New Delhi, October
2010, Vol 1, 15

Co-author, Chapter on "Recent developments in relation to parallel trade in
the European pharmaceuticals sector", Biotechnology and Life Sciences
Sector – Strategies for Growth, Survival and Patent Protection, Financier
Worldwide, January 2010

"Due Process in EC competition cases: a distinguished institution with
flawed procedures", European Law Review, December 2009 (817)

"Google: The Benign Monopolist?", Global Competition Policy: The
Antitrust Chronicle, October 2009 (Release 2)

"The Interplay Between Standardisation, IPR And Competition Law", in
Competition Law and Intellectual Property: A European Perspective, M
Tavassi, G Muscolo, G Caggiano (Editors) (paper presented at the
Association of European Competition Law Judges: Annual Conference:
Rome, 11-13 June 2009) [to be published, Wolters Kluwer, 2011]

Co-author, "Exceptional Approval of Major Mergers: London and Brussels
Compared", Global Competition Policy, 18 May 2009

"On Remedies, Abuses and the Links Between (Article 82 EC and
Structural Remedies After Microsoft)", in "Current Developments on
European and International Competition Law", Carl Baudenbacher (Editor),
Fifteenth St. Gallen International Competition Law Forum, University of St.
Gallen, Helbing & Lichtenhahn Verlag, Basel 2009

WHITE & CASE

"Parallel trade in prescription medicines in the European Union: the Age of Reason?", *Yearbook of Antitrust and Regulatory Studies* (2008), Centre for Antitrust and Regulatory Studies, Warsaw University School of Management

"Ex Post Assessment of Regulation 1/2003", *Global Competition Policy*, 29 October 2008

"L'Europe des Juges. Recent criticism of ECHR and ECJ judgments; the American debate on judicial activism versus judicial restraint", "The Role of International Courts", Carl Baudenbacher and Erhard Busek (Editors), German Law Publishers, May 2008

"Sector-specific price regulation or antitrust regulation - A Plague on Both Your Houses?", *European University Institute Competition Law Annual 2007: A Reformed Approach to Article 82 EC*, Claus-Dieter Ehlermann and Mel Marquis (Editors), Hart Publishing 2008

"Remedies and Sanctions for Unilateral Conduct in Competition Cases", paper presented at the 34th Annual Conference on International Antitrust Law & Policy, Fordham Corporate Law Institute, October 2007 (2007 Fordham Corp. L. Inst. Juris Publishing, Inc., New York, 2008)

"Beneath The Cherry Tree, In The Garden: European Thoughts On How To Enhance The Task Of Uncovering And Thereby Deterring", *European University Institute, European Competition Law Annual 2006: Enforcement of Prohibition Of Cartels*, Claus-Dieter Ehlermann and Isabela Atanasiu (Editors), Hart Publishing 2008

"Unilateral conduct in global high-tech industries: the implications for the future of the Microsoft case – The Server Technology Issues", *International Bar Association 11th Annual Competition Conference, Fiesole, September 7/8, 2007* (to be published by the IBA in the volume of conference papers)

Co-author, "Agenda de Lisbonne et droit de la concurrence" (Editorial in *Concurrences* 3-2006, pp 1-2)

"The judicial function in European law and pleading in the European Courts" (Third Annual Wendell Gauthier Lecture, Tulane Law School, 2006; 81 *Tul. L. Rev.* 647, 2006)

"Regulating Intellectual Property Via Competition? Or Regulating Competition Via Intellectual Property? Competition and Intellectual Property: ten years on, the debate still flourishes", *European University Institute Competition Law Annual 2005: The Interaction Between Competition Law and Intellectual Property Law*, Claus-Dieter Ehlermann and Isabela Atanasiu (Editors), Hart Publishing 2007

Co-author, "The Tension Between Regulation And Competitive Market Forces in Europe", chapter in *Companions and Crossroads: Essays in Honor of Shael Herman*, Tulane European & Civil Law Forum, Volume 21, 2006)

Co-author, "[EU Administrative Law-Competition Law Adjudication](#)," *American Bar Association European Union Administrative Law Project*.

Co-author, "Precaution, Science and Jurisprudence: An Evaluation," *Journal of Risk Research*, Vol 9, No 4, 297-311, June 2006

"European competition law and IP", Twelfth St. Gallen International Competition Law Forum, Institute of European and International Business Law EUR-HSG, University of St. Gallen, Neueste

Entwicklungen im europäischen und internationalen Kartellrecht, Zwölftes St. Galler Internationales Kartellrechtsforum 2005, Helbing & Lichtenhahn Verlag, Basel, 2006

"EC competition law as a limitation on the use of IP rights in Europe: is there reason to panic?", European Competition Law Annual 2003: What is an Abuse of a Dominant Position?, Claus-Dieter Ehlermann and Isabela Atanasiu (Editors), Hart Publishing 2006

"Where Law Meets Competition: Is Wouters Like a Cassis de Dijon or a Platypus?", European University Institute Competition Law Annual 2004: The Relationship Between Competition Law and the (Liberal) Professions, Claus-Dieter Ehlermann and Isabela Atanasiu (Editors), Hart Publishing 2006

Co-author, Chapters on "Customs Valuation" and "Customs Classification", World Trade Organisation: Legal, Economic and Political Analysis Vol. I, Springer Science & Business Media Inc., 2005

"Modernisation: an extension of the powers of the Commission?", Modernisation and Enlargement: two major challenges for EC competition law, Antwerpen-Oxford, Intersentia, 2004

Co-author, "The use of comparative law in A & Others v. National Blood Authority", chapter in Comparative Law Before the Courts, British Institute of International and Comparative Law, 2004

Contribution to "Roundtable on Trinko" Global Competition Review, Volume 7, Issue 2, March 2004

Co-author, "Trademark Exhaustion in Europe", published in Japanese under the title "Yohroppa niokeru syouhyou no syoujin mondai nituite", the CIPIC Journal, Vol 139, 2003/8

"The EFTA Court confronts re-labelling (Paranova AS v. Merck & Co., Inc. and Others, Judgment of the EFTA Court of 8 July 2003, Case E-3/02)", in European Law Reporter, 278, 7-8/2003

"The Dangers of Too Much Precaution", chapter in A True European: Essays for Judge David Edward, Hart Publishing, Oxford and Portland, Oregon, 2003

Co-author, "The exhaustion of trademark rights in the EU and the possible action against pirated and counterfeit goods", published in Japanese only under the title "Ousyu-niokeru heikou-yunyu-mondai oyobi mohouhin/kaizokuban no torishimari nituite", CIPIC Journal, Vol 142, 2003/11

["Compulsory licensing of intellectual property rights in Europe: a rare cure to aberrant intellectual property rights"](#), paper presented at the US Department of Justice/Federal Trade Commission Hearings on Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy: Comparative Law Topics, May 22, 2002, published in October

2002 in English in the *Chinese International Business Daily*, published in Chinese in 2003 in *The Forum of Politics and Law*, published in Japanese in two parts under the title "Yohroppa niokeru kyousei raisensingu mondai nituite: ikinaikoku no ijyoutomoieru chitekizaisanken no enyou o naosu ryoyaku to naruka," *CIPIC Journal*, Vol. 134, 2003/3, and Vol. 136, 2003/5

"Diversity and Consistency: Can They Cohabit?", European University Institute Competition Law Annual 2002: Constructing the EU Network of Competition Authorities, Claus-Dieter Ehlermann and Isabela Atanasiu (Editors), Hart Publishing 2004

"The Reform of the Implementation of Articles 81 and 82 Following Publication of the Draft Regulation", published in Volume 28, 2001-02 of *Legal Issues of Economic Integration*, 2001-02

Co-author, Chapter on "The European Law Background", *European Employment Law and the U.K.*, Sweet & Maxwell, London, 2001

"The EU and Japan: Priorities and Prospects for the Coming Decade", published in Japanese in *JMC Journal*, Spring 2001

"The role of comparative law in the development of European law", paper on Intellectual Property aspects presented at the Swiss Institute of Comparative Law colloquium, April 2000, *Publications de l'Institut suisse de droit compare*, Volume 43, Schultheiss Zürich, 2002

"The Repackaging of Trademarked Pharmaceuticals in Europe: Recent Developments", paper presented at the Eighth Annual Conference on International Intellectual Property Law and Policy at Fordham University School of Law, April 2000, *European Intellectual Property Review*, Issue 11, p. 512, 2000

"The Modernisation of EC Antitrust Policy: Compatibility, Efficiency, Legal Security", European University Institute Competition Law Annual 2000: The Modernisation of EC Antitrust Policy, Claus-Dieter Ehlermann and Isabela Atanasiu (Editors), Hart Publishing 2001

"Regulating Deregulation: Achieving and Safeguarding Conditions for Fair and Efficient Competition in the Telecommunications Industry: To Whom Should the Task Be Entrusted?", European University Institute Competition Law Annual 1998: Competition Policy in Communications Network Markets, Claus-Dieter Ehlermann and Louisa Gosling (Editors), Hart Publishing 2000

"Modernisation of EC Competition Law", paper presented at the 26th Annual Conference on International Antitrust Law & Policy, Fordham Corporate Law Institute, October 1999, Fordham Corporate Law Institute 2000, Juris Publishing, Inc., New York, 2000; *Fordham International Law Journal*, Volume 23, Number 4, April 2000

Co-author, chapter on "Community Customs Law", *Practitioners Handbook of EC Law*, Bar European Group/Trenton Publishing/Bar Council, 1998

"Current Goals of EC Competition Law", European University Institute Competition Law Annual 1997: Objectives of Competition Policy, Claus-Dieter Ehlermann and Laraine L. Laudati (Editors), Hart Publishing 1998

"The Role of the Lawyer" in: Claus-Dieter Ehlermann & Laraine L. Laudati

(Editors), Robert Schuman Centre Annual on European Competition Law 1996, Kluwer Law International, 1997

Co-author, "Pharmaceuticals: Test Bed for European Themes on Trademarks & Free Movement of Goods", paper presented at the Fifth Annual Conference on International Intellectual Property Law and Policy at Fordham University School of Law, April 1997, Fordham Intellectual Property, Media & Entertainment Law Journal, Volume VIII, Number 1, Autumn 1997

Co-author, chapters on Costs, Legal Aid, Discontinuance, Service, Time Limits and Stay of Proceedings in European Courts Practice and Precedents, Sweet & Maxwell, London, 1997

Numerous papers delivered at conferences in Europe, Japan and North America on customs, trade, competition, constitutional reform and intellectual property.

Professional Associations

Honorary Professor in European Law at Glasgow University

Honorary Doctor of Laws, Glasgow University, 2009

Master of the Bench, Middle Temple, 2012