



Markus Langen

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Bars and Courts

Rechtsanwalt, 2004

Education

LLM, University of Sydney, 2006

Second State Exam, Higher Regional Court of Cologne, 2004

First State Exam, University of Würzburg, 2001

Awards and Recognition

Best Lawyers Germany 2020: Litigation

Highly Recommended Lawyer, JUVE 2020/2021 Dispute Resolution: Litigation

Mention, Legal 500, Germany, 2020, Commercial Litigation and Financial Litigation

Languages

German

English

Citizenship

Germany

Practice Experience

Markus serves as head of the Firm's EMEA Disputes Section for Commercial Litigation and White Collar and is a member of the Firm's Global Commercial Litigation Practice. Markus concentrates on high-stakes litigations in a variety of industries.

Recognized by leading industry guides as a "*highly recommended lawyer*" (JUVE and Legal500) and "*noted practitioner*" (Chambers), Markus represents national and multinational clients in a broad array of complex litigation matters involving considerable reputational, financial and regulatory risk and spurred by internal investigations as well as compliance and white collar criminal related issues.

Markus has extensive trial experience defending technology clients with a particular focus on tech, internet and social media law, involving intermediary liability, data protection and personality rights disputes as well as Cybersecurity issues.

Markus also has significant experience in the financial service industry with every kind of financial market crises related liability litigation and an emphasis on issues that arise from class action litigation defence and derivative-related claims. Furthermore, Markus handles broad array of post-M&A disputes and advises national and multinational corporations in follow-on cartel damage litigation matters.

Over the last years Markus also assisted clients in complex internal investigations and enquiries on potential compliance issues by German or foreign authorities and acted on behalf of companies in structuring, implementing or revising group compliance programs.

His deep local knowledge is matched by his international background, working on complex cross-border cases for multinational clients.

Educated in Australia and Germany, Markus also gained valuable experience at a specialized banking firm and a major law firm in Germany, where he worked prior to joining White & Case.

Matters

- Serving as a member of a team that handles litigation for Facebook.
- Internal investigations into a series of subsidy fraud cases involving considerable reputational and financial risk; review of the prospects of success of various recourse actions against financial brokers and purchasers and sellers of vessels involved; conducting action before the Regional Court for repayment of loans which had been obtained by way of fraud.
- Internal investigation into the GPS surveillance of a former

employee involving considerable reputational and financial risk and advice on litigation defence.

- Representation of Deutsche Pfandbriefbank, Helaba, Nord/LB, HSH Nordbank, Berlin Hyp, Landesbank Berlin and Sparkasse Cologne/Bonn in proceedings related to claims against HETA Asset Resolution AG.
- Advised an European financial institution on its internal investigation into an international corruption scheme (Canada, UK, Italy, Germany) related to software licenses, specifically on the impact on the agreements with its end customers under German and English civil law (compliance clauses, disclosure obligations, liability).
- Representation of a leading German bank in an €280 million victory relating to a major M&A contractual dispute involving considerable reputational and financial risk. We achieved a victory on behalf of our client before the Higher Regional Court (OLG) of Frankfurt am Main in an action for damages.

Publications

Cyber-Security Legal Handbook (Rechtshandbuch Cyber-Security), Gabel/Heinrich/Kiefner (Eds.), Frankfurt am Main, 2019, Chapter 10, Litigation and Liability (Co-author with Dominik Stier)

[Securities Litigation in Germany, Lexology](#)

Co-author, Federal Court: D&O Insurance Liability Cases – Broad Interpretation of the Term "Third Party" in § 108 of the Insurance Contract Act (VVG), Compliance-Berater, Issue 8, pp. 304-308, 2016 (BGH: Innenhaftungsfälle der D&O-Versicherung – weite Auslegung des Begriffs „Dritter“ in § 108 VVG) (co-author with Stefan Deller)

Co-author "Negative interest rates affect capital markets law" (Negative Zinsen beeinflussen Kapitalmarktrecht), p.9, Börsen-Zeitung August 8th 2015, (together with [Karsten Wockener])

Co-author, "US antitrust standards or the end of the assignment model? – Collective enforcement of compensation claims de lege lata (Amerikanische Verhältnisse im Kartellrecht oder Ende des Abtretungsmodells? – zur gebündelten Durchsetzung von Schadensersatzansprüchen de lege lata)", *BB*, Issue 149, Pages 1795-1801, 2014 (with Lars Teigelack)

Co-author, "Higher Regional Court of Schleswig-Holstein: Prerequisites for Tort Liability of the Management Board of an Investment Advisory Company. Commentary on the decision of the Higher Regional Court of Schleswig-Holstein of May 23, 2013 – 5 U 140/12 (OLG Schleswig-Holstein: Voraussetzungen einer Deliktshaftung des Vorstandes einer

Anlagevermittlungsgesellschaft. Anmerkung zum Urteil des OLG Schleswig-Holstein vom 23.5.2013 – 5 U 140/12)", *Compliance Berater*, Issue 8, Pages 349-352, 2013 (with Stefan Deller)

"Investment advice and prospectus liability limitation periods dependent on knowledge (Die kenntnisabhängige Verjährung bei Anlageberatung und Prospekthaftung)", *NZG*, Issue 3, Pages 94-97, 2011

Co-author, "Obligation to secure the insolvency estate and breach of duties by the supervisory board (Massesicherungspflicht und Versagen des Überwachungsorgans)", *NJW*, Page 192 et seq., 2011 (with Alexander Kiefner)

Co-author, "Court decisions in 2009/2010 on prospectus liability (Rechtsprechungsreport zur Prospekthaftung in den Jahren 2009/2010)", *RdF*, Issue 2, Page 98 et seq., 2011 (with Mareile Müller-Felsch)

Speaking Engagements

"Praxisseminar Cyber-Security » Cyber Attack & Data Breach – Preparedness & Response", 5/26/2020, Seminar in cooperation with Deutsche Fachverlag, White & Case Office Frankfurt, Germany

"Risiko Prospekthaftung – Typische Fehler erkennen und Haftung vermeiden", 16th May 2019, Spektrum – Fachkonferenz gegen Wirtschaftskriminalität, KölnSKY, Köln.

"Collective Litigation in Germany, the EU and the U.S.: Model Declaratory Proceedings under Scrutiny: Class action light?", 24 Oct: Client Seminar – White & Case Office – Frankfurt, Germany

"Organhaftung aktuell – Vorbeugen, Vermeiden, Verfolgen", 13/03/2018: WM Seminar, Sofitel Frankfurt Opera, Frankfurt

"Negative interest rates – Update 2016 (Negative Zinsen – Update 2016)", 13/07/2016: White & Case Seminar, Frankfurt

"Negative interest rates in the lending, deposit and capital markets business (Negative Zinsen im Einlagen-, Kredit-, Kapitalmarktgeschäft)", 07/07/2015: White & Case Seminar, Frankfurt (together with Prof. Peter Mülbart, Karsten Wöckener and Sebastian Glock)

"HETA ASSET RESOLUTION AG - practical Update: current situation - recent developments - future outlook (HETA ASSET RESOLUTION AG - Praktiker-Update: Bestandsaufnahme - Aktuelle Entwicklungen - Ausblick)", 27/05/2015: White & Case Spring Seminar Series (together with Roger Kiem, Dennis Heuer, Karsten Wöckener, Henning Berger)

Professional Associations

German Institution for Arbitration (DIS)

German Association of Banking Law

Working Group Bank & Capital Market Law of the German Bar
Association