

Luther.



Medical Technology

Dear Clients, Dear Entrepreneurs,

With a team of over 30 lawyers we are able to provide all our services to both manufacturers and users of medical technology and medical devices in Germany and abroad. We advise you not only on issues arising in day-to-day operations along the entire value-added chain but also support our clients in an advisory capacity with regard to strategic business issues such as, for example, corporate succession planning or M&A.

It is very important for us that our clients that are successful in the market as manufacturers or users of medical technology are supported by experts, who have in-depth sector and industry expertise and therefore provide effective and result-oriented advice. Our international offices in London, Luxembourg, Singapore and Myanmar among others complement the range of advisory services and provide a real benefit for our clients.

We are pleased to be able to present to you our range of services and your contact persons on the following pages. Please do not hesitate to contact us if you have any questions.

Yours sincerely



Dr Christoph von Burgsdorff



Dr Kuuya Chibanguza

Our Health Care & Life Science Industry Group

Health Care & Life Science represents one of the largest and at the same time socially most important industry sectors in Germany and Europe. With currently over seven million employees and health expenditure of around EUR 498 billion (2022) – equivalent to over 12.8% of Germany's gross domestic product – successful commercial enterprises focus on the health care industry. It is also a significant growth sector in Europe and on the world market. With its Health Care & Life Science Industry Group Luther is one of the leading advisers for your commercial success in the health care industry.



Germany's health care market comprises a large number of services and products. The focus of the health care industry is the provision of medical care to the population in addition to the pharmaceutical and medical technology industry that supports it. Furthermore, the so-called "second health care market" (home spa products, self-payer market) is making a significant and ever-increasing contribution to the health care industry.

Like no other sector of the economy, the provision of medical care to the population, the core area of the health care industry, is subject to legislative amendments nearly every year that are sometimes substantial: inpatient care (acute medicine and psychiatric hospital market) with ever new reform bills regarding hospital structure and strengthening of care and constant changes in the system of diagnosis-related groups for the remuneration of hospitals, in short DRG, and the lump-sum remuneration system in the field of psychiatry and psychoso-

matology, called PEPP, outpatient care and care provided by SHI-registered physicians with new structural requirements, introduced for instance by the so-called *Terminservice- und Versorgungsgesetz* (law regarding quicker appointments and better care) as well as rehabilitation medicine and provision of care for senior citizens and persons in need of care as outpatients and inpatients.

The objective is the provision of health care that is modern, patient-oriented, integrated across sectors but also very cost-efficient. At the same time, service providers and health insurance companies compete for "patients" in the face of increasing cost pressure. Providers of outpatient and inpatient services in such a heavily regulated market need an experienced and knowledgeable legal adviser who has in-depth knowledge of the market besides regulatory expertise.

We support service providers in all matters ranging from the structuring and approval of their range of medical care services offered, compliance of the service provider with the legal framework to remuneration for and billing of their services – on a comprehensive, targeted and pragmatic basis, in terms of forward-looking health care.

In combination with health care, but also operating in its own global market, the pharmaceutical and medical technology industry more than hardly any other sector is at the heart of advances in medicine and the driving force behind digitisation in health care. We advise clients on legal issues in the areas of medical technology as well as pharmaceuticals, organic products & life science, ranging from the approval, manufacture to the distribution of the products.

With regard to the new regulatory requirements of the EU Medical Device Regulation (MDR) and the German Act on Medical Devices (*Medizinproduktegesetz*, MPG) we ensure that we provide comprehensive and individual advice tailored to the clients' requirements. For example, we provide you with advice regarding the conformity assessment procedures, risk classification or CE certification process. Other examples are requirements regarding the provision of clinical data and for transition plans for old certificates.

The statutory regulations for medical devices cover any trade in such products and therefore affect both manufacturers and users of medical technology. Our expertise goes beyond regulatory issues and includes all legal aspects relating to medical technology.

In addition to their own business – promoting and maintaining human health –, "health care entrepreneurs" must today more than ever meet the challenge of keeping an eye on numerous statutory requirements, systemic regulations and guidelines for self-governing organisations, of providing statistical information and entering into cooperation agreements in order to optimise cost-effectiveness.

We also face this challenge – together with you!

Luther's Health Care & Life Science Industry Group stands for industry experience, legal expertise across sectors and sound, networked advice for the health care industry. With more than 30 specialised lawyers and tax advisers and extensive experience we assist companies in all matters relating to

the health care industry. Our team is familiar with the structures in the health care market, knows the regulatory environment and understands the economic objectives of our clients. We are in constant contact on the ground with governmental decision-makers, with health insurance companies, self-governing organisations, licensing authorities and a large number of cooperation partners from the medical economy in order to develop tailor-made solutions for you.

We have the right answer for any legal question asked by our clients: our Health Care & Life Science Industry Group can call upon experts who, with their specialised expertise in the "M&A for investors/strategists", "Medical law for inpatient and outpatient service providers", "Medical technology", "Pharma, biotech and life sciences" and "Digital health" segments, ensure that a quality-based and solution-oriented advice is provided to you.

However, Luther not only provides specialised advice from the Health Care & Life Science Industry Group, but offers you comprehensive support in all other fields of law, which are important for your success and essential for complete advice.

We are looking forward to our future cooperation.

Recommended in medical law by JUVE and Legal500 Germany



JUVE 2021/2022
Health care sector: hospitals,
medical care centres and
pharmacies



Legal500 Germany
Industry focus health

Medical technology

Our Medical technology team advises clients on all legal matters relating to the procurement, manufacture and distribution of medical technology. Thanks to their extensive experience the team members know how to deal with the complex statutory regulations under the law relating to medical devices and are therefore able to offer the client the best possible support. Together with the other units of the Healthcare & Life Science team of experts, Luther offers a broad range of expertise and experience. Our team ensures that detailed and individual advice tailored to the respective client is provided regarding the testing and clinical assessment of medical devices. The team is familiar with the constantly changing national and international legal frameworks such as the EU Medical Device Regulation (MDR), so that we always provide our clients with competent and innovative advice despite the ever-changing legal environment.

The statutory regulations for medical devices cover any trade in such products and therefore affect both manufacturers and users of medical technology. The expertise of our team goes beyond regulatory issues and includes all legal aspects relating to medical technology. Our team is familiar with the most current topics and the clients' interests through the exchange of industry-specific information with leading industry associations. This ensures that optimal advice is given in every respect. In addition to providing specific advice, the team also provides comprehensive support in all other fields of law and thereby provides complete advice to our clients.

Areas of expertise in detail:

For manufacturers/importers

- Advice on all regulatory aspects of medical device law (national and international)
- Providing support when dealing with the competent authorities
- Approval of medical devices, conformity assessment, risk classification, clinical trials
- Advice during the placing on the market and the market introduction of new medical devices
- Advising on product recalls
- Support in dealing with Notified Bodies regarding the clinical verification of medical devices
- Legal structuring of distribution channels in Germany and abroad
- Support during contract initiation and contract negotiations, advising on concluding contracts and their implementation

- Advising on defending against claims asserted against the manufacturer under manufacturer liability in the event of problems with the manufacturer's medical equipment
- Law regarding remedies and aids (Fifth Book of the German Code of Social Law (SGB V))
- Supplier and service contracts

For operators/users

- Advice on legal obligations regarding the use and operation of medical technology
- Advising on all contractual aspects of the procurement of medical devices
- Providing legal advice and support in the procurement process of medical devices from the competitive bidding stage, through the dialogue phase, to the drafting of the contract and the selection procedure
- Individual and innovative drafting of contracts for the procurement, management, maintenance and renewal of medical equipment
- Advice on all aspects of liability law and on the enforcement and defence of liability claims

Other areas of expertise

- Review and drafting of purchasing, delivery and service compliance advice terms and conditions (e.g. General Terms and Conditions and master agreements)
- Drafting of development, supply and quality agreements health data



- Advice on the negotiation and conclusion of distribution agreements (e.g. agency, distributor, commission or commercial broker agreements as well as franchise agreements)
- Comprehensive advice on employment law including advice on occupational safety, specific safety regulations for staff handling medical technology and provision of training courses
- Assistance with company acquisitions, mergers, joint ventures and cooperation arrangements
- Provision of support regarding patent issues, trademark law issues, know-how protection as well as all issues relating to industrial property rights
- Asserting and defending claims in arbitration and court proceedings, management of settlement negotiations taking due account of alternative possibilities for resolving the dispute
- Provision of advice regarding the competition law framework and compliance with anti-trust regulations, comprehensive compliance advice
- EU General Data Protection Regulation, German Federal Data Protection Act, sector-specific requirements for the protection of critical health data
- Preparation regarding and provision of support in the tender procedure on behalf of the company calling for tenders as well as on behalf of the bidder
- Restructuring and insolvency advice
- State aid law
- Advice in the case of insolvent contracting partners
- German and European merger control, coordination of international registrations
- Financing and advice related to restructuring
- Tax advice also on transactions and cooperation arrangements
- eHealth apps, eHealth platforms
- Funding programmes and innovation funds

Medical devices – major challenges in a dynamic market

An indication of the rapidly changing market for medical devices are not least the legislative developments in this area at the European Union level. For example, the EU Medical Device Regulation and the Regulation (EU) on vitro diagnostic medical devices were adopted in 2017. In addition, there are numerous national and international laws, regulations and recommendations, which currently must also be observed by market participants. The definition of medical devices also shows the variety existing in the industry sector. Under the Medical Device Regulation of the European Union (Regulation (EU) 2017/745 of 5 April 2017) the term 'medical device' stands for different product types intended to be used for specific medical purposes. These include the diagnosis and treatment of disease, injury or the replacement or modification of the anatomy. However, a product is only deemed to be a medical device if its principal intended action is not achieved by pharmacological, immunological nor metabolic means, in or on the human body. This repeatedly gives rise to definition issues, for example, with regard to "pharmaceutical law" and the legal issues arising from this. Irrespective of the foregoing, products used to control and support conception as well as such products needed for the cleaning, disinfection or sterilisation of the medical devices as defined shall also be deemed to be medical devices.

Against this background legal issues arise for the practice in the regulatory, applications and services, production, research/future areas as well as with regard to compliance and the internal organisation that require legal solutions.

Regulatory

The regulatory framework prescribed by the legislator will be redefined in future by the EU Medical Devices Regulation and the Regulation (EU) on vitro diagnostic medical devices that will become binding from 26 May 2022 (Regulation (EU) 2017/746 of 5 April 2017). Furthermore, the EU General Data Protection Regulation (GDPR) remains crucial, particularly with respect to critical patient data.

In this context, it is important that the market participants determine whether their products qualify as medical devices within the meaning of the Regulation and to what extent a classification and conformity assessment are required in order to bring a product to market. Due to changes in the Annex to the Medical Device Regulation cases may also arise where reclassification is required resulting in stricter requirements having to be met in future.



New challenges will arise for manufacturers on dealing with the newly introduced Notified Bodies or the appointment of persons responsible for regulatory compliance within the meaning of Article 15 of the EU Medical Device Regulation.

Applications and Services

Established as well as newly developed devices fall under the “Applications“ and “Services“ headings. Examples of these include robot technology (surgery robots), augmented reality, interventional medical technologies, home care, telemedicine, medical apps and neural engineering. All these topics give rise to issues regarding market access requirements and liability.

Production

The production of medical devices and use of 3D printing technology is set to increase in importance in the future. At the same time, it should be noted that the requirements to be complied with will become stricter under the EU Medical Device Regulation. Up until now it was mostly the case that implantable devices produced with a 3D printer did not generally need to be certified by a Notified Body. With the applicability of the EU Medical Device Regulation this will change such that 3D printed implantable devices will be equivalent to other medical devices. The resulting required classification should give rise to significant additional expense for manufacturers. We support you with our legal expertise in meeting these challenges.

Research/Future

The medical devices sector is also subject to constant development and the invention of new technologies and discovery of new possibilities for diagnosis, treatment and curing. “Living“ implantable devices that grow with and adjust to the body such as heart valves, skin, cartilage or also bones should already be mentioned in this context today. It is especially important that manufacturers also bear in mind patent and copyright law issues in this area. There are also significant opportunities to obtain funding in this field. Tender procedures and their course in particular must be taken into account by manufacturers in this regard.

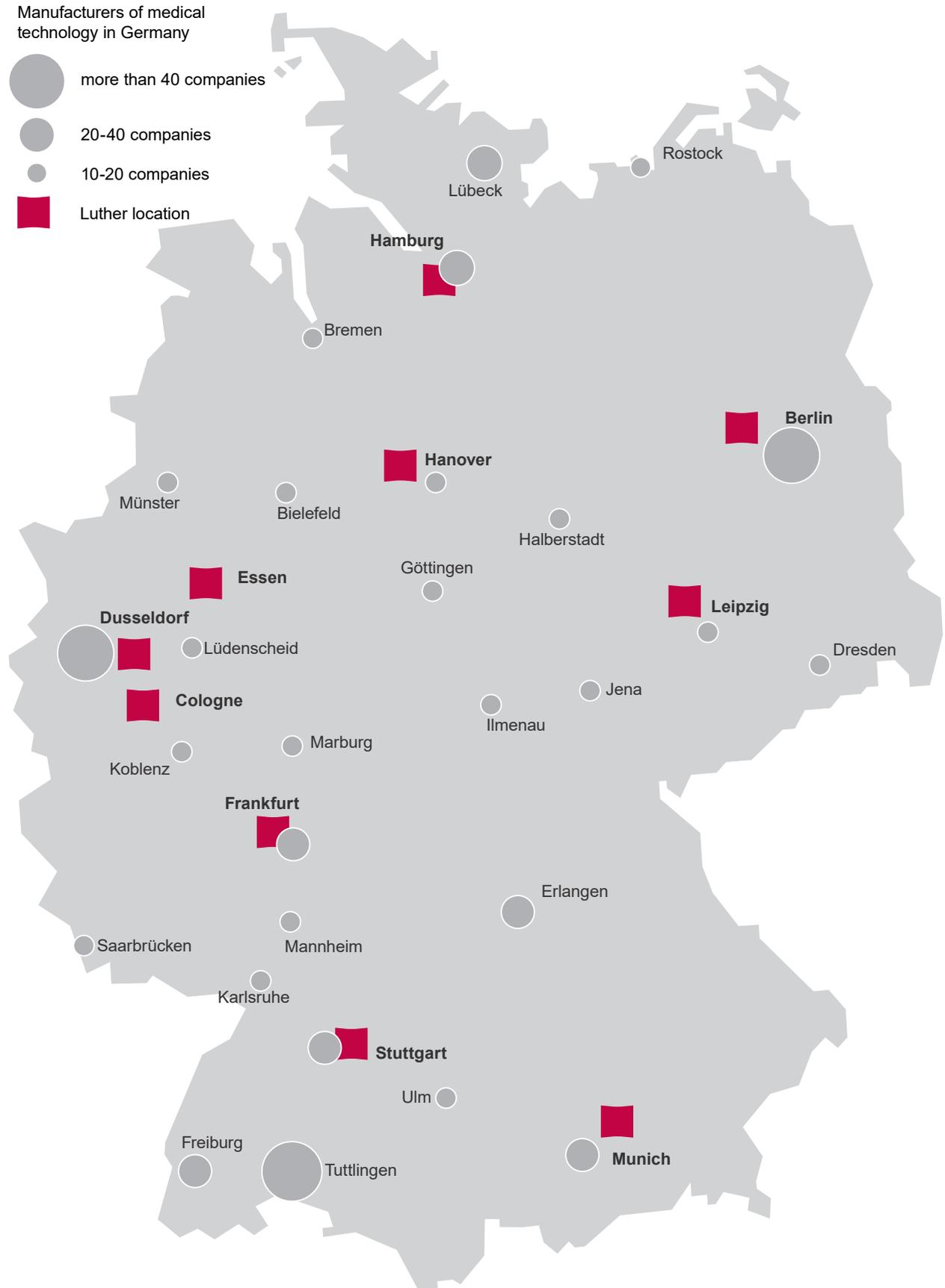
Compliance and Internal Organisation

The issue of compliance must not be ignored where medical devices are manufactured and traded. Compliance generally means observance of laws and regulations. Within a company these are rules and guidelines that need to be drafted and which shall be binding on all employees. This leads onto the need for an internal organisation and, for example in this case, compliance with adequate hygiene standards.

Conclusion

This overview shows that the medical devices market is developing rapidly at many levels. This is combined with an increasingly complex legal environment. Our advisory practice shows that the objectives of our clients can be effectively achieved by a comprehensive range of advisory services offered by a highly specialised full-service law firm. Take advantage of our many years of experience and industry expertise.

We are also close to you



Selected references

Alliance
Healthcare

ALLOHEIM
SENIOREN-RESIDENZEN

ANCHOR
orthopedics

Apollo

Beiersdorf

EVA
Berufsverband
der Augenärzte
Deutschlands e.V.

CareFusion

CloserStill

DEUKEGA

Dräger

ENDeCONTROL

gematik
Gesellschaft für Telematikanwendungen der Gesundheitskarte mbH

HUMANOPTICS

CAD-CAM
Fräszentrum Ortenau

LM
LAVOREL
MEDICARE

MOLECULAR
HEALTH

ottobock.

HARTMANN

sonova
HEAR THE WORLD

SPORLASTIC
ORTHOPAEDICS

Klinikum
Braunschweig

WIDEX

zyto
service

ZYTOVISION

Your contacts

Commercial / Dispute Resolution



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Dr Christoph von Burgsdorff studied law in Kiel (Germany) and Surrey (England) from 1994 to 1999. In 2000, he received a Master of Laws (LL.M.) degree from the University of Essex (England). In 2001, he obtained his doctorate for a thesis on European Union law from the University of Kiel (Germany). Christoph von Burgsdorff carried out his legal training at the Higher Regional Court of Schleswig-Holstein (Germany), which also included training periods at Freshfields Bruckhaus Deringer and Allen & Overy. He was admitted to the German Bar in 2003 and has been working for Luther ever since – since 2012 as a partner. In 2006, Christoph von Burgsdorff spent time on secondment at the international business law firm Pinsent Masons in London (England). Since 2007, he has additionally been a certified specialist in commercial and corporate law.

Dr Christoph von Burgsdorff is member of the industry group Health Care & Life Science, where he is one of the responsible partners for the area of medical technology.

Areas of practice

Dr Christoph von Burgsdorff specialises in negotiating and drafting commercial and distribution agreements, commercial leases, sales contracts, general terms and conditions and service agreements. Furthermore, he represents the interests of large and medium-sized companies in national and international litigation and arbitration proceedings, especially in accordance with the DIS, ICC and LCIA Rules, as well as in ad-hoc proceedings. Christoph von Burgsdorff has more than 20 years' experience providing strategic conflict advice and conflict management services. His main industry focus is Health Care & Life Science, the textile industry, logistics and plant construction, and Maritime & Shipping. His clients include medium-sized and large companies, as well as the public sector.

Christoph von Burgsdorff regularly publishes papers and articles on current international trade topics and gives lectures on current contract and liability law issues at events organised by industry associations.

Christoph von Burgsdorff is an International Chamber of Commerce (ICC) certified trainer of the Incoterms® 2020 rules, having passed the ICC examination.

Your contacts

Commercial



Dr Kuuya Josef Chibanguza, LL.B.

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Dr Kuuya Josef Chibanguza is a certified specialist in international business law. He studied law at the University of Osnabrück (Germany), completing at the same time a Bachelor of Laws (LL.B.) programme in business law. He was awarded his doctorate for a thesis on a European law topic. Kuuya Josef Chibanguza joined Luther as a lawyer in 2013.

In addition to working as a lawyer at Luther, Kuuya Josef Chibanguza also works as a visiting lecturer and is the author of various legal papers.

Areas of practice

Dr Kuuya Josef Chibanguza is frequently recommended as an advisor to national and international clients when it comes to minimising (product) liability risks in the context of digitalisation (Industry 4.0). In a series of events developed by him regarding “Legally sound project management”, he regularly holds workshops, in particular on the question of how to minimise risks in purchasing and distribution. Kuuya Josef Chibanguza additionally advises national and international clients on contract, commercial and distribution law. He has special expertise in dispute resolution, in and out of court, including as an advisor in arbitration proceedings.

Kuuya Josef Chibanguza is a member of Luther’s South Africa / Africa Desk. He is also Director of the Interdisciplinary Institute for Automated Systems (RifaS) in Hanover. In addition, Dr. Chibanguza is co-editor of the handbook “Künstliche Intelligenz” (Artificial Intelligence), published by Nomos-Verlag, as well as the “Zeitschrift für das Recht der digitalen Wirtschaft” (ZdiW).

Commercial / Product Liability



Jens-Uwe Heuer-James

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Jens-Uwe Heuer-James studied law in Hanover, Germany. He was admitted to the German Bar in 1996 and has been allowed to appear before the Higher Regional Court since 2001. He worked for a leading law firm in Hanover. In addition to working as a lawyer, he has published numerous articles, such as “Product Liability and Product Safety” and “The New Product Safety Act”. Jens-Uwe Heuer-James joined Luther’s commercial department as a partner in December 2011.

Areas of practice

Jens-Uwe Heuer-James advises on all issues pertaining to commercial law. He specialises in drafting and negotiating complex contracts, such as plant engineering agreements, as well as claim management. Another focus of his work is advising on product liability and product safety, particularly on special topics such as CE conformity evaluation and technical documentation. His clients are final manufacturers and suppliers from the engineering and electrical engineering sectors, and the consumer goods sector.

Your contacts

Corporate / M&A



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Dr Ulrich Philippi studied law in Tübingen and Berlin (Germany) and after passing his second State exam went on to do a doctorate in the area of corporate law. He joined Luther's predecessor firm in 1997.

Areas of practice

Ulrich Philippi advises on national and cross-border M&A transactions as well as reorganisations and carve-outs. He also focuses on providing comprehensive advice to shareholders of family-owned businesses, in particular in the context of corporate law and the implementation of strategic projects. Additionally, he serves as the key contact on legal matters for several large family-owned companies and international groups. His clients include private and strategic investors, family-owned companies and their shareholders as well as international groups.

Corporate / M&A



Dr Oliver Kairies

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After finishing his vocational training in banking, Dr Oliver Kairies studied law in Hanover, which included training posts in Frankfurt and London. He received his doctorate in 2001 and was admitted to the bar the same year. He joined Luther's predecessor firm in 2001.

Areas of practice

Dr Oliver Kairies specialises in assisting and coordinating complex, competitive tendering procedures, privatisations, and restructuring projects. He also coordinates national and international corporate transactions as well as assisting investors, sponsors, and athletes in issues concerning sports law. At Luther, Dr Kairies leads the Health Care & Life Science sector.

Your contacts

Regulatory



Cornelia Yzer

**Lawyer, Of Counsel, Former member of the Berlin Senate
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Cornelia Yzer not only has many years of experience as a lawyer but also demonstrable expertise as a manager, chairwoman/member of supervisory boards of companies and major research institutions and also from government positions.

In the past, she inter alia held the following positions:

- Executive employee at Bayer AG
- Chief Managing Director of the German Association of Research-based Pharmaceutical Companies (vfa) (1997-2012)
- Member of the German Parliament (1990-1998)
- Parliamentary State Secretary at the Federal Ministry for Education, Science, Research and Technology (1992-1997)
- Senator for Business, Research and Technology of the State of Berlin (2012-2016)
- Chairwoman of the Administrative Board of Investitionsbank Berlin, Chairwoman of the Supervisory Board of BWB, Member of the Strategic Advisory Board of Medidata Inc., New York (USA), Member of the European Advisory Board of the medical products manufacturer Guidant
- Chairwoman of the Boards of Trustees of major research institutions (German Cancer Research Centre (DKFZ), Max Delbrück Centre for Molecular Medicine (MDC))
- Board Member of the European Federation of Pharmaceutical Industries and Associations (EFPIA) and of the International Federation of Pharmaceutical Manufacturers & Associations (IFPMA)

Cornelia Yzer studied law and business at the Universities of Bochum and Münster (both Germany). She was admitted to the German Bar in 1990.

Areas of practice

Cornelia Yzer advises domestic and foreign companies on mergers and acquisitions and on regulatory issues, making them benefit from her many years of experience in industry and in government positions. A particular industry focus of Cornelia Yzer is life science and the digital economy. At Luther, Cornelia Yzer coordinates the industry group Health Care & Life Science and the practice group Digital Health. Furthermore, Cornelia Yzer advises her clients on all aspects of research funding.

Regulatory



Dr Hendrik Bernd Sehy

Lawyer, Counsel, Certified Specialist in Medical Law

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Dr Hendrik Bernd Sehy studied law from 1998 to 2003 at the Ruprecht Karl University in Heidelberg, Germany. He spent part of his traineeship at an international American economic law firm in Frankfurt and worked in the Corporate/M&A Department. He was admitted to the bar and joined the Luther team in 2006. In 2014/2015, Hendrik Sehy completed the training course to become a certified specialist in medical law and is a certified specialist in medical law since 2018. He is a member of the German association dealing with the laws governing registered physicians who treat persons insured under the statutory health insurance system (Deutsche Gesellschaft für Kassenarztrecht e.V.), and he is also a member of the medical law working group of the association of Hanover-based lawyers and civil-law notaries (Rechtsanwalts- und Notarverein Hannover e.V.).

Areas of practice

Dr Hendrik Bernd Sehy advises mostly companies that operate in the health care market on all issues pertaining to corporate and medical law, as well as during transaction processes and restructurings. He primarily advises service providers, such as hospitals, medical care centres, large medical practices, and rehab and nursing care providers, inter alia on regulatory and financing issues, and he further advises the public sector on structural measures in the health care industry. Hendrik Sehy also provides advice to start-ups and well-established manufacturers of medical products, for example, when they launch new products or with regard to reimbursement issues.

Hendrik Sehy additionally focuses on advising the public sector (inter alia, German states, municipalities and medical associations) on structural measures (in particular in the hospital market) or other regulatory issues relating to the health care industry and on providing support during arbitration proceedings pertaining to social law.

Together with Dr Eva Rütz, Dr Hendrik Sehy heads the working group “In-patient and out-patient service providers”, which is part of Luther’s Health Care & Life Science industry group.

Your contacts

Employment



Sebastian Fedder

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Sebastian Fedder studied law and was then admitted to the German Bar in 1994. He joined Luther's predecessor firm in 1999 and has been a Partner since 2004.

Areas of practice

- Collective and individual employment law advice on the restructuring of businesses, including reconciliation of interests agreements and social compensation plans, works constitution law, personnel representation law and public service law, collective bargaining law, including the negotiation of company-specific collective bargaining agreements and collective reorganisation agreements, supplementary pension law (VBL/supplementary pension funds) and company pension law
- Extensive experience advising private businesses and the public sector on complex transactions and restructuring with an emphasis on privatisation projects in the context of formal and informal procedures at federal, state and municipal level, including due diligence reviews
- Regular lecturing on employment law issues and various publications, including: Blanke/Fedder, Handbuch Privatisierung, 2nd edition, Nomos 2010, co-editor and co-author; co-author of Handbuch Konzernarbeitsrecht, 1st edition, C.H.Beck 2015

Employment



Hans-Christian Ackermann

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Hans-Christian Ackermann studied law at the Universities of Berlin and Cologne (Germany). His legal training at the Regional Court of Dusseldorf (Germany) included working for the Labour Court and the Higher Regional Court of Dusseldorf and for a renowned law firm in the USA. Hans-Christian Ackermann joined Luther's predecessor firm in 1993. He is a certified specialist in employment law.

Areas of practice

Hans-Christian Ackermann focuses on advising companies on all aspects of individual and collective employment law, particularly within the context of acquisitions, restructurings and outsourcing transactions, as well as with regard to company pension schemes. This includes conducting negotiations with works councils and trade unions. He further advises board members, managing directors and executive employees. In addition, Hans-Christian Ackermann lectures regularly on employment law topics at diverse seminars, conferences and training events on national and international level.

Your contacts

IP/IT



Dr Kay Oelschlägel

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Dr Kay Oelschlägel has provided advisory and litigation services in IT and data protection law for more than 20 years now. He has worked for Luther or its predecessor companies since he was first admitted to the German Bar. Kay Oelschlägel is one of the founding authors of the professional journal “IP-Rechtsberater”, which was first published by Otto Schmidt Verlag at the beginning of 2010, and, since 2020, has been a permanent author of the professional journal “IT-Rechtsberater” from the same publisher. In addition, he is a co-editor and author of the legal compendium “Online-Shop” and the author of numerous further publications. From 2005 to 2009, he worked as an assistant lecturer for industrial property and competition law at the University of Hamburg (Germany) and, from 2007 to 2009, was a lecturer for Dr Granneman & Fürstenberg, where he trained lawyers to become certified specialists in IT law (“Fachanwalt IT Recht”). From 2006, Kay Oelschlägel was the deputy chairman, and since 2019 has been the chairman of the expert committee IT law of the Hamburg Bar Association. He is a certified specialist in IT law.

Areas of practice

Dr Kay Oelschlägel is a certified specialist in information technology (IT) law. Based on over 20 years of experience working as a lawyer and his extensive expertise, he advises national and international clients on judicial and extrajudicial matters pertaining to IT law, in particular, when drafting and negotiating software licence agreements with large software producers (SAP (S/4 HANA), Microsoft, IBM, Oracle), IT outsourcing contracts, software supply agreements, IT migration projects and also in contract award procedures regarding IT services. Other important areas of work are data protection law (amongst other things, negotiating with supervisory authorities (notification obligations and administrative fine proceedings), protection of employee data, data protection and co-determination, e-health data protection, outsourcing and cloud computing) and advising on digital transformation projects. Additional areas of advice are e-commerce, trademark, copyright and competition law, as well as press law.

Tax



Jens Röhrbein

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Jens Röhrbein successfully completed his studies pursued during the period from 1986 to 1989, qualifying as Diplom-Finanzwirt (FH) before spending several years with the tax administration of Lower Saxony. From 1990 to 1995, he studied law at Leibniz University, Hanover, Germany. Jens Röhrbein was admitted to the bar in 1998 and was accredited as tax adviser in 2001. From 1998 to 2009, he worked for a global accountancy and tax consulting firm in the area of tax law (Corporate/International Tax) before joining Luther in 2009.

Areas of practice

Jens Röhrbein has more than 20 years' experience with tax law, of which over 11 years have been spent in consulting. His tax advisory services are addressed to internationally operating, listed companies as well as to family-owned companies. The range of Jens Röhrbein's advisory services includes not only assistance with the acquisition, sale and reorganisation of companies but also inheritance and gift tax law, as well as ongoing advice on tax law issues.

Your contacts

Real Estate



Achim Meier

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Achim Meier studied law at the Ruhr University in Bochum, Germany, and real estate economics at the European Business School. While at university, he began specialising in real estate law and has been advising his clients in this area of law since being admitted to the German Bar and joining Luther's predecessor firm in 2000. Achim Meier heads Luther's practice group "Real estate law", which comprises a team of about 60 lawyers. He is a member of the International Bar Association and of the Association of German Construction Law Lawyers (ARGE Baurecht) organised by the German Bar Association (Deutscher Anwaltverein).

Areas of practice

As a German lawyer and real estate economist (ebs), Achim Meier, coordinator of the Real Estate & Infrastructure sector at Luther, specialises in private sector building law, real estate law and public procurement law. His clients include university clinics, hospitals, building companies and institutional builders.

Achim Meier is a proven expert when it comes to providing legal advice during the construction process of complex building, infrastructure and structural engineering and plant construction projects. He provides project development advice and also advises on matters pertaining to architectural and engineering law and on how to structure national and international public contract award procedures (e.g. PPP projects).

Furthermore, he represents his clients in judicial and extra-judicial disputes. A particular focus of his work is providing strategic advice, defending and enforcing supplementary claims, and developing claim management strategies.

Capital Markets & Banking



Dr Andreas Kloyer

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After studying law in Passau and Munich and earning his doctorate at the University of Kiel, Andreas Kloyer worked for various renowned law firms in Munich. Andreas joined Luther in 2012. He was an assistant lecturer for German and European corporate law and banking and capital markets law at the University of Augsburg for more than ten years.

Andreas Kloyer is a partner with Luther lawfirm in Frankfurt, Germany, and London, UK. Andreas advises investors (private equity companies and strategic investors) in the areas of mergers & acquisitions, banking and capital markets law as well as on the structuring of complex national and international financings.

In addition, Andreas has extensive experience in advising family owned businesses and entrepreneurial families. He is a permanent lecturer at Universities on corporate and banking laws. Andreas is a member and officer in various international business law associations (e.g. the International Bar Association - IBA) and business circles. Being Luther's international representative, Andreas, among other assignments, represents Luther at unyer Global Advisors, acting as the actual chair of the unyer Assembly.

Areas of practice

Andreas Kloyer advises national and international investors (private equity companies and strategic investors) on mergers and acquisitions (M&A), banking and capital markets, and on the structuring of complex national and international investments. Furthermore, Andreas Kloyer has broad expertise in advising family-run businesses and entrepreneurial families. His very active international practice focuses on Private Equity and investments in the financial industry, the automotive, the technology and the mobility sectors.

Antitrust & Competition



Dr Helmut Janssen, LL.M. (King's College London)

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Dr Helmut Janssen studied law and political science at the University of Münster (Germany), was a research assistant at the Institute of International Business Law and later gained his Doctorate of Law Degree summa cum laude from the University of Münster. He was awarded his Master of Laws (LL.M.) from King's College London (England). He completed internships with the German Foreign Office, a Member of the European Parliament and a German court of appeal. He was admitted to the German Bar in 1997 and has worked in Hamburg (Germany), Toronto (Canada), Budapest (Hungary) and Brussels (Belgium). Helmut Janssen has been the head of Luther's Brussels office since 2003.

Areas of practice

Dr Helmut Janssen specialises in European and German antitrust law. His advisory services include, in particular, providing preventive advice (e.g. on compliance systems) and defending his clients against antitrust infringement allegations, assisting with foreign and domestic merger control proceedings, reviewing and structuring distribution systems and cooperation agreements between competitors. Helmut Janssen also advises on a wide range of public grant cases (EU state aid law). A further area of expertise is international trade law (WTO and EU anti-subsidy/antidumping law). Helmut Janssen has 20 years of experience dealing with EU institutions. Furthermore, he has authored a reference textbook on antitrust law (5th edition 2015) and numerous specialist and academic publications on antitrust and state aid law. He is a member of the antitrust sections of the International Bar Association, the American Bar Association and of the leading German antitrust and state aid associations.

Court-approved antitrust mediator

Dr Helmut Janssen is an antitrust mediator approved by the competent German Court of Appeal. As a mediator, he specialises in the out-of-court settlement of claims arising under antitrust law, e.g. for damages, supply and injunctive relief. A procedure before an antitrust mediator offers several advantages. An agreement concluded by the parties in front of a court-approved mediator has the same effect as a state court judgment.

Hits the mark. Luther.

Luther Rechtsanwaltsgesellschaft mbH is one of the leading corporate law firms in Germany. With some 420 lawyers and tax advisors, we can advise you in all fields of German and international corporate law. In addition to having offices in every economic centre throughout Germany, we are also present in 11 locations abroad: in Brussels, London and Luxembourg in Europe, and in Bangkok, Delhi-Gurugram, Ho Chi Minh City, Jakarta, Kuala Lumpur, Shanghai, Singapore and Yangon in Asia.

Our advisory services are tailored to our clients' corporate goals. We take a creative, dedicated approach to achieving the best possible economic outcome for each of our clients. The name "Luther" stands for expertise and commitment. With a passion for our profession, we dedicate all our efforts to solving your issues, always providing the best possible solution for our clients. Not too much and not too little – we always hit the mark.

We know how crucial it is to use resources efficiently and to plan ahead. We always have an eye on the economic impact of our advice. This is true in the case of strategic consulting as well as in legal disputes. We have complex projects on our agenda every day. At Luther, experienced and highly specialised advisors cooperate closely in order to offer our clients the best possible service. Thanks to our fast and efficient communication, permanent availability and flexibility, we are there for you whenever you need us.

Luther has been named "Law Firm of the Year: Germany 2024" by The Lawyer, one of the most well-known legal magazines worldwide.



About unyer

unyer is a global organisation of leading international professional services firms. Besides law firms, unyer is also open to other related professional services, especially from the legal tech sector. unyer is based in Zurich as a Swiss Verein. unyer is globally connected but has strong local roots in their respective markets.

unyer has an exclusive approach and only accepts one member firm from each market. unyer members offer its clients full services across all jurisdictions with a compelling industry focus. The organisation has an annual turnover of more than EUR 650 million and includes over 2,550 lawyers and advisors in more than 14 countries in Europe and Asia.

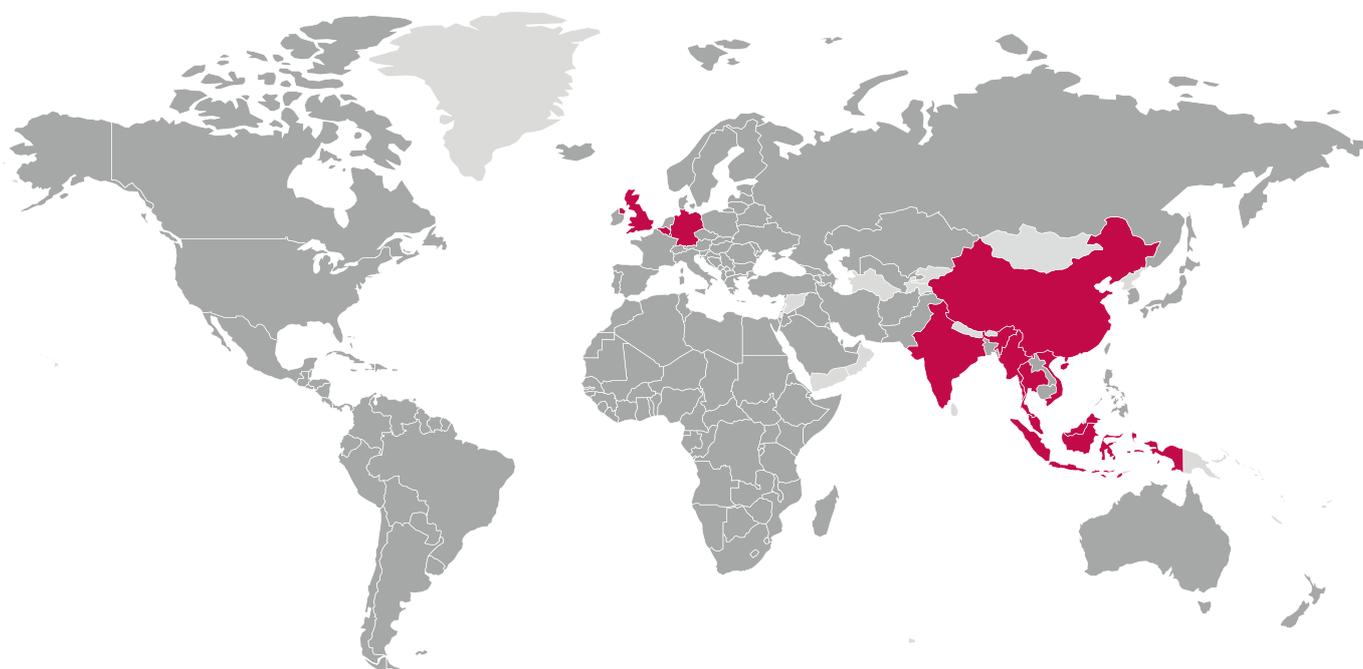
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Our locations

We have a global outlook, with international offices in 11 key economic and financial centres in Europe and Asia. We also maintain close relationships with other commercial law firms in all relevant jurisdictions. Luther is a founding member of unyer (www.unyer.com), a global organisation of leading professional services firms that cooperate exclusively with each other. This way, we ensure a seamless service for our clients throughout their demanding international projects.

Our partner firms are based in Africa, Australia and New Zealand, Europe, Israel, Japan and Korea, the Middle East, Russia and the CIS, South and Central America, the US and Canada.



- Luther locations
- Best friends

Our locations

Bangkok	Jakarta
Berlin	Kuala Lumpur
Brussels	Leipzig
Cologne	London
Delhi-Gurugram	Luxembourg
Dusseldorf	Munich
Essen	Shanghai
Frankfurt a.M.	Singapore
Hamburg	Stuttgart
Hanover	Yangon
Ho Chi Minh City	

Our industries

We focus on advising transactions with respect to targets in five industries.

Energy



Conventional or renewable energies: We work efficiently and sustainably.

Health Care & Life Science



With our expertise, we have our finger on the pulse of time.

Information Tech & Telecommunications



We connect today with tomorrow.

Mobility & Logistics



We understand what gets you moving and can set you on the right course.

Real Estate & Infrastructure



We lay the foundation for you to build on.

Our practice areas

Antitrust Law	Capital Markets & Banking	Commercial & Distribution Law, Product Liability/ Product Compliance	Complex Disputes
Compliance & Internal Investigations	Corporate/M&A	Data Protection Law	Employment Law
Energy Law	Environment & Planning Law Regulatory	Financial Services Investment Funds & Alternative Investments	Insurance Law
International Trade Law	IP & Copyright Law	IT Law	Media & Entertainment
Notarial Services	Public Procurement Law	Public Subsidies/ State Aid Law	Real Estate
Restructuring & Insolvency	Start-ups & Venture Capital	State, Administration, Public Undertakings	Tax Law
Telecommunications Law	White-Collar Crime & Tax Offences		

Our awards



The Lawyer European Awards

Luther has been named “Law Firm of the Year: Germany 2024” by The Lawyer, one of the most well-known legal magazines worldwide.



JUVE

In the JUVE Guide of Commercial Law Firms 2024/2025, 58 lawyers from Luther were recommended, and eleven of these were also listed as “leading advisors” and three as “up and coming”. The legal publisher JUVE ranked Luther in 33 areas of law. In 2024, Luther won the JUVE Award „Law Firm of the Year - Regulatory Law“. Luther was also nominated as ‘Law Firm of the Year for M&A’. In 2019, Luther received the highest award from JUVE as ‘Law Firm of the Year 2019’.



Chambers

In 2024, Luther was recognised by Chambers Europe for 14 practice areas in Germany as well as in two practice areas in Luxembourg. In addition, 20 partners were included in the Individual Ranking. Moreover, in 2024, Luther was recognised by Chambers Global in two practice areas in Germany and in one each in Luxembourg and Myanmar, while seven partners were also included in the Individual Ranking.



The Legal 500

The Legal 500 Germany 2024 recommends Luther in 37 areas of law, with “Top Tier” rankings in two of these areas. 73 lawyers are being recommended, 16 of whom have been specially recognised as “Leading Individual” or “Next Generation Partner”. “The Legal 500 EMEA 2024” recommends Luther for seven areas of law in Luxembourg, and nine lawyers are also recommended, two of whom have been specially recognised as “Leading Individual”. “The Legal 500 Asia Pacific 2024” recommends Luther and two of its lawyers for one area of law in Myanmar.



The Legal 500 Green Guide EMEA 2024

Luther has been included in the Legal 500 Green Guide EMEA 2024 for Germany, with three lawyers being recommended. The guide provides an overview of the law firms’ engagement with sustainability and covers both corresponding activities for clients and their own best practices and initiatives.



Kanzleimonitor

Kanzleimonitor 2023/2024 recommends Luther in 20 areas of law and has also included four Luther lawyers among the recommended lawyers mentioned by name.



„Best Lawyers in Germany 2024“

For the year 2024, 99 lawyers have been recommended by Luther as “Best Lawyers in Germany 2024”, an award presented by the US publisher “Best Lawyers” in cooperation with the German Handelsblatt, including one partner as “Lawyer of the Year” for his area of law, and 19 colleagues who have received the recommendation “Best Lawyers - Ones to Watch”.



WHO'S WHO LEGAL

WHO'S WHO LEGAL lists a total of 23 lawyers in December 2023, six of whom received the highest award Thought Leader and three of whom were recognised as Future Leaders.

Digitalisation

The digital revolution is well under way. In a highly competitive market new business models are always being developed and existing processes are continually being challenged. Groups, medium-sized businesses and start-ups are all looking for the best possible ways to position themselves in this environment. In this way, new, innovative forms of cooperation are constantly being created. This revolution is being driven by numerous recent technological developments: cloud computing, digital platforms, Big Data and artificial intelligence, the Internet of Things and blockchain technology.

Luther advises on all legal topics relating to digital business models, agile architectures and technical levers. Our team provides support in all phases of the necessary transformation processes within the company, the law firm or the group, from strategic dialogue to conceptual work and the realignment of value chains, also including the subsequent change process. When providing advice, the Luther team also considers relevant topics and changes in commercial and distribution, employment, IT and data protection law.



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For reasons of better legibility, the simultaneous use of gender-specific language forms is dispensed with. Corresponding terms apply in principle to all genders in the sense of equal treatment. The abbreviated form of language has editorial reasons and does not imply any valuation.

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Luther.

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Frankfurt a.M., Hamburg, Hanover, Ho Chi Minh City, Jakarta, Kuala Lumpur,
Leipzig, London, Luxembourg, Munich, Shanghai, Singapore, Stuttgart, Yangon**

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