

Patrick Smith

Partner, Johannesburg & London



Patrick Smith applies economics, econometrics and industrial expertise to competition policy, litigation and arbitration. He has testified and consulted to parties, agencies and interveners in high-profile, complex and multi-jurisdictional proceedings over the past 20 years.

Patrick has acted as an expert witness in investigations of mergers, horizontal and vertical agreements, and abuse of dominance inquiries, covering excessive pricing, price discrimination, margin squeeze and predation, as well as in the assessment of pricing, profitability valuation and damages estimation within mediation, dispute resolution, and international arbitration.

He has particular expertise in advising clients through in-depth merger investigations before the European Commission as well as authorities in South Africa, Germany, Spain and the UK, and has worked on several transactions involving the coordination of economic advice and analysis across multiple jurisdictions globally. His merger experience includes leading roles in Dow/DuPont, AB InBev/SABMiller, PRS/GEMA/STIM, Chiquita/Fyffes, Federal Mogul/Honeywell, Syniverse/MACH, Universal/EMI, Kenilworth Racing/Gold Circle, Thaba Chueu/SamQuarz, Sun Capital/DSP, Dow/Rohm & Haas, InBev/Anheuser Busch, ABF/GBI Business, Thomson/Reuters, Syniverse/BSG, Universal/BMG Music Publishing, and Inco/Falconbridge. Work for government agencies and third parties includes Vodacom/Neotel, Pioneer/Futurelife, Cisco/Tandberg, T-Mobile/Orange UK and Anglo American/Kumba/Avmin.

Mr Smith previously trained and worked as a chemical engineer, and often combines his knowledge of chemical processes with economic analysis in sectors such as mining, metals and minerals processing, oil, gas and petrochemicals, and food and beverage processing. He has also has particularly extensive experience in the fields of: technological platforms and network industries; telecommunications; music publishing and recorded music, copyright, media and information processing; sports administration, audio-visual rights, gaming, gambling and betting; and financial services.

Patrick holds a BSc (Hons. First Class), and MSc in chemical engineering from the University of Cape Town, and a BA (First Class) in economics and management and an MSc in economics for development from Oxford University. Mr Smith is an affiliate member of the Institute of Chemical Engineers.

Recent Case Experience

Heineken/Distell/NBL
Merger, Multi-jurisdictional

VW NOx Emissions
Class Action damages, England and Wales,
and Australia

City of Cape Town vs WBHO, Stefanutti
Stocks, Aveng
Follow on damages arbitration, South Africa

Online Intermediation Platforms
Market inquiry, South Africa

NSW Ports
Anticompetitive agreements, Australia (FCA)

GUG v NERSA
Price regulation, South Africa
(Constitutional Court)

Pacific National/Aurizon
Merger, Australia (FCA)

Dischem Masks
Excessive pricing allegations (pandemic
regulations), South Africa (SACT)

Streemap v Google
Abuse of dominance claim, England and
Wales (High Court)

Bread
Class action follow on damages, South Africa
(Constitutional Court)

First Quantum v DRC
International arbitration, ICC, ICSID

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