



Antitrust & Trade Regulation

In this increasingly global economy, new business opportunities abound. But, there are also concerns about heightened competition. At Hinshaw, we have experience counseling clients on a broad array of commercial activities potentially implicating civil and/or criminal antitrust concerns. We also represent businesses in administrative proceedings, enforcement actions and litigation brought by both governmental entities and private parties.

We can assist you with antitrust issues presented by pricing, distribution and sales practices, marketing and joint conduct, and by joint ventures, mergers and other business combinations. Our capabilities include:

- Assisting not-for-profit entities in establishing specific, exclusive territories for constituent entities
- Avoiding price fixing and other potential antitrust violations when associating with or entering into a joint venture with a competitor
- Creating guidelines for use of joint advertising rates by competitive media companies
- Creating permissible means to enforce minimum advertised price policy on sales of a client's products by Internet resellers
- Designing manufacturers' programs to require continuing use of the company's consumables by purchasers of its equipment while minimizing antitrust risks
- Federal reporting requirements implicated by mergers and acquisitions
- Permissible practices for businesses when negotiating prices with third-party payors
- Permissible use of suggested resale prices
- Revising distribution systems, including cutting off resellers or restricting them to specific territories and limiting our client's sales to authorized resellers
- Setting up group purchasing programs with other companies in our client's industry while avoiding antitrust challenges
- Structuring programs for the sale of a single brand of equipment and other products to avoid charges of illegal exclusive dealing under the Sherman Act or illegal price discrimination under the Robinson-Patman Act

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For companies accused of civil or criminal antitrust violations, Hinshaw has a team of highly skilled antitrust litigators experienced in defending such actions, including claims under Sections 1 and 2 of the Sherman Act; price fixing claims; and Federal Trade Commission investigations.