



Antitrust and Competition

Understanding global antitrust and competition rules is a necessary and prudent part of any successful business strategy in today's global economy. These laws are complex, but they govern a broad range of business conduct: interaction with competitors; obtaining and maintaining a dominant market position; forming supplier and customer arrangements; participation in trade associations; conduct in joint ventures and corporate mergers and acquisitions. Indeed, these laws have the potential to impact virtually every aspect of a company's business plan and activities in the marketplace.

Whether your company is large or small, if it is considering forming a business alliance, moving into a new market, taking a new tack with its competitors, implementing a new production, marketing or distribution strategy, or growing through corporate development, advice concerning the requirements of antitrust and competition laws is essential. The risks and consequences of non-compliance can be severe.

CAPABILITES

Investigations

Our investigations experience is market leading and diverse. Our lawyers have represented companies in a full range of competition investigations and enforcement actions conducted by, for example, the US DOJ, US FTC, the European Commission, the UK Office of Fair Trading, UK Competition Commission, the Australian ACCC, the French Autorité de la Concurrence, the German Bundeskartellamt, the Austrian Kartellgericht, the Dutch ACM, the Spanish Competition Authority, and the Korean FTC.

Counselling

We counsel our clients on national and international competition and antitrust laws, unfair trade practices, prospective acquisitions, price discrimination issues, abuse of dominance and intellectual property issues.

Mergers and Acquisitions

We have a strong multi-jurisdictional merger practice that can seamlessly coordinate filings in jurisdictions

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worldwide.

We are able to help clients analyse any potential competition issues, coordinate multijurisdictional merger clearances, represent clients before regulatory agencies, analyse and negotiate potential remedies, deal with in-depth investigations and advise on merger litigation.

Compliance Audits and Programs

Our experience is diverse and includes representing companies in a full range of competition matters. This diversity in expertise allows us to provide advice to our clients on all areas of competition compliance including auditing existing policies and procedures and enables us to provide clients with commercial and practical solutions. This includes with regards to the implementation of a compliance programme, the provision of training including on raids, or any changes to existing policies and procedures.

Cartel Enforcement Defence

Criminal cartel enforcement is a top priority of competition Regulatory Authorities and cartel investigations, in particular those with international aspects, are on the rise.

Our team acts regularly for multinational clients and provides a globally coordinated approach in representing client before the regulators and in negotiating resolutions. The team has much experience in assisting client with leniency and amnesty applications and where necessary defends clients through litigation.

Civil Litigation / Class Actions

Private litigation is fast becoming as important as public regulation as a means of enforcing competition law.

We have considerable experience in advising claimants and defendants in competition based litigation in a number of jurisdictions, and representing clients appealing regulator decisions to the European and domestic Courts.

Criminal Antitrust Defence

Our team provides criminal defence to clients including in response to raids, managing disclosure, leniency negotiations with Regulators, defence of Criminal Litigation and in relation to Trials and Appeals.

State Aid

We have a strong track record in State aid work, acting for funding bodies, recipients of aid and those who feel that their interests have been damaged by unlawful aid awarded to their competitors.

EXPERIENCE

- Acting for two pharmaceutical companies in separate 'pay for delay' pharmaceutical patent settlements in Europe.
- Represented Church & Dwight in the Church & Dwight v. Mayer Labs antitrust case and related FTC investigation. In granting our summary judgment motion, the California federal judge held that a C&D shelf share discount incentive rebate program involving Trojan condoms did not constitute anti-competitive monopoly behaviour. This is a significant win for the client, who has been engaged in hotly contested litigation for more than four years with competitor Mayer Laboratories. We also convinced the FTC to drop its three year investigation without a consent decree or any conditions and the FTC agreed to destroy all documents.
- Advised Etihad Airways in relation to their equity investment in Air Berlin which required both merger control and regulatory advice, as well as competition law advice in relation to commercial co-operation agreements between the two airlines.
- Advised two of the largest companies in provision of secure electronic payment technologies a complex acquisition. This involved creating cooperation between a number of competition authorities.

- Building a global compliance function with particular emphasis on antitrust, anti-corruption, antimoney laundering, international trade regulation/OFAC, government relations, and privacy/data security for an international insurance and financial services company.
- Representing a global airline in the General Court against the European Commission's air cargo cartel decision, with simultaneous damages litigation in the UK and the Netherlands.
- Advising one of the world's largest freight forwarders in the context of a European Commission cartel investigation and a subsequent appeal to the General Courts. The team successfully secured a significant fine reduction for the client which was being investigated by anti-trust authorities, notably the European Commission and US Department of Justice, following global dawn raids across the industry in 2007.
- Acting for a global airline in complex class action cases currently pending in the US including in the Southern District of New York, Eastern District of New York and the Northern District of California District Courts. The Plaintiffs allege billions of US dollars in damages.
- Advising a Japanese manufacturer of electronic equipment, in multi-district class action antitrust litigation alleging violations of the Sherman Act and state laws in the optical disk drive industry.
- Acting for Pool Corporation and its subsidiaries in a multi-district litigation alleging violations of the antitrust laws in regard to the distribution of swimming pool products and supplies. The case is pending in the United States District Court for the Eastern District of Louisiana and is in the discovery stage.

INSIGHTS

Publications

Chile's electric sector under the regulatory magnifying glass

14 August 2019

Implications of recent activity by Chile's Competition Monitoring Unit, an arm of the Electric Coordinator.

Antitrust Matters - May 2019

13 MAY 2019

ANTITRUST MATTERS SERIES

We are pleased to share with you a New Edition of our periodical global publication Antitrust Matters.

Top franchise developments of 2018

11 APR 2019

DLA Piper IPT attorneys Barry Heller, John Hughes and Karen Marchiano recently conducted a webinar reviewing 2018's top franchise developments. Two stand out from the rest.

Top of Mind: Litigation

20 MAR 2019

In this issue, our coverage of 10 big topics businesses have been thinking about this quarter.

FTC announces annual revisions to HSR Act thresholds

19 FEB 2019

Reportable threshold, when Size-of-Persons Test applies, filing fee tiers.

Global Merger Control Handbook

28 JAN 2019

With an increasing number of cross-border transactions taking place in today's fast-changing global environment, an understanding of, and compliance with, national and regional legislation and requirements are of vital importance.

5 antitrust trends to watch in 2019

14 JAN 2019

2018 was a memorable year for antitrust law and all signs point to 2019 being equally memorable.

Global Anticorruption Newsletter

5 DEC 2018

DLA Piper's *Global Anticorruption Newsletter* offers practical guidance on complying with international bribery laws.

FTC finds keyword search advertising agreements anticompetitive

19 NOV 2018

A decision that could have far-reaching implications for retailers and manufacturers engaged in direct online sales.

Antitrust Matters - July 2018

24 JUL 2018

[ANTITRUST MATTERS SERIES](#)

We are pleased to share with you a New Edition of our periodical global publication Antitrust Matters.

COFECE launches abuse of dominance investigation on e-commerce platforms in Mexico

12 FEB 2018

The investigation encompasses an array of e-commerce market participants.

FTC announces annual revisions to HSR Act thresholds

29 JAN 2018

The new thresholds will affect all transactions closing after the effective date.

Antitrust Matters - November 2017

23 NOV 2017

[ANTITRUST MATTERS SERIES](#)

We are pleased to share with you a Special Edition of our periodical global publication Antitrust Matters.

Big or small, it's all hardball: merger enforcement actions *below* the HSR threshold - top ten tips in non-reportable transactions

23 JUN 2014

No anti-competitive deal is immune from challenge, even if it is small - 10 important points to keep in mind in M&A transactions

A new test for Mexico's structural changes: antitrust reform – key points in one chart

16 JUN 2014

This entirely new framework should be carefully analyzed by investors in structuring their Mexico-related M&A transactions and managing their existing operations

Hong Kong Competition Ordinance implementation update

26 NOV 2012

On 23 November 2012, the Hong Kong Legislative Council (LegCo) gazetted the Competition Ordinance (Commencement) Notice (Notice), which announced that certain provisions in the 14 June 2012 Competition Ordinance (Cap 619) will come into effect during 2013.

[Events](#)

[Previous](#)

Current Issues in Competition

3 June 2019
Tel Aviv-Yafo

Antitrust trends 2019

4 FEB 2019
Webinar

Antitrust aspects of big data and algorithms

23 JAN 2018

Webinar

NEWS

Frank Ryan discusses the trade war with Yahoo Finance

9 Sep 2019

Highlight: “Where we are right now is in a political phase in this debate, and... we need to get to a practical phase,” says @DLA_Piper’s Frank Ryan on the trade war. “The sooner we get stability for major multinationals in China regarding IP protection, the better off we’ll be.” pic.twitter.com/u0y kzF8m89

— Yahoo Finance (@YahooFinance) September 9, 2019

General James Mattis to join the Cohen Group

9 Sep 2019

General James Mattis will join The Cohen Group as a Senior Counselor in October, the firm announced today.

Paul Hemmersbaugh joins DLA Piper’s Litigation practice as chair of Transportation Regulatory group

3 September 2019

DLA Piper announced today that Paul Hemmersbaugh has joined the firm's Litigation practice as a partner and chair of its transportation regulatory and litigation group, in Washington, DC.

Tony Samp joins DLA Piper as policy advisor in Washington, DC

10 July 2019

DLA Piper announced today that Tony Samp has joined the firm's Government Affairs practice as a policy advisor in Washington, DC.

DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

DLA Piper hosts leading business and diplomacy conference

14 MAR 2019

DLA Piper's London office has hosted the Annual Conference of the International Diplomatic and Business Exchange (IBDE).

Paul Tiburzi named to the *Daily Record's* 2019 Influential Marylanders list

1 FEB 2019

DLA Piper is pleased to announce that Paul Tiburzi, chair of the firm's Maryland Public Policy and Administrative Law practice, was named to the *Daily Record's* 2019 Influential Marylanders list.

Dean Fealk named honorary senator of German economy

6 DEC 2018

DLA Piper is pleased to announce that Dean Fealk has been named an honorary senator of the German economy (Senat Der Wirtschaft) in recognition of his efforts to strengthen transatlantic relations by leading trade, investment and innovation initiatives between Germany and California.

Former Congressman Charlie Dent to join DLA Piper as Senior Policy Advisor

30 MAY 2018

DLA Piper announced today that former US Representative Charlie Dent will join the firm's Government Affairs practice in June as a Senior Policy Advisor based in Philadelphia and Washington, DC.

DLA Piper announces partnership promotions for 2018

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

DLA Piper advises Timor-Leste on historic maritime treaty

6 MAR 2018

DLA Piper has been advising the Government of Timor-Leste, for more than four years, on its historic maritime treaty with the Australian Government, signed today at the United Nations Headquarters in New York, following the successful outcome of a compulsory conciliation process.
