

Antitrust & Unfair Trade Practices

The challenges surrounding antitrust and competition laws and regulations and the creation and implementation of successful trade practices often strike at the core of a company's business strategy. The ability to properly manage and avoid antitrust and unfair competition lawsuits while stopping competitors from illegal conduct is a critical element to realizing the full potential for ROI. At Masuda Funai, we understand the complex laws, regulations, obstacles and roadblocks associated with antitrust and trade-related matters, as well as the complications of doing business with competitors, and the interplay between antitrust and distribution law.

Our attorneys advise on arrangements with competitors and distributors, including mergers, acquisitions and joint ventures, as well as assist with pre-merger notification to the Federal Trade Commission (FTC) and the Department of Justice (DOJ), including Hart Scott Rodino filings. We advise on antitrust issues concerning product distribution, including OEM arrangements with competitors and provisions concerning exclusive dealing and other distribution restrictions. Our firm works with clients on pricing issues and policies, including Minimum Advertised Price (MAP) policies and discount and incentive programs. We are also involved in other antitrust issues including product "tying" and refusals to deal.

Our attorneys provide a wealth of experience in creating and implementing policies, procedures and protocols that are practical and enforceable. Moreover, we work closely with businesses to design and customize proactive and effective antitrust compliance policies and training programs. We also assist clients in critical and sensitive internal investigations of antitrust complaints and issues.

In the event litigation ensues, we represent clients regarding a variety of civil antitrust litigation, including pricing, price discrimination and distribution claims spanning a number of jurisdictions. We also navigate clients through and beyond government investigations involving the DOJ and the FTC. In addition, we help "quarterback" multi-jurisdictional investigations and disputes by coordinating and liaising with counsel in other countries engaged to assist our clients.