



Hot Topics and Key Issues in Antitrust and Tech

Association of Corporate Counsel | June 6, 2019



Today's Panel

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Agenda



Key Antitrust Issues in Tech



Weighing Antitrust Risk



Considerations in the Deal Context



(Global) Antitrust Compliance



Questions



Key Antitrust Issues Facing Tech Companies

**Competitor
Collaborations**

**Dealing with
Suppliers**

**Non-Solicitation
Agreements**

IP Licensing

**Distribution
Models**

Content Control

**In an increasingly
regulatory/political
environment
focused on tech**

Weighing Antitrust Risk and Business Objectives



Complex Issues

Many tech issues do not fit into a simple box with respect to antitrust.



Business Objectives

In dynamic industries, antitrust (and other) risk is often times weighed against business objectives.



Risk of Scrutiny

In some cases, the risk will include scrutiny from an antitrust enforcer or private claimant.

Antitrust Considerations in M&A and Contracts

Some M&A Considerations:

- Due Diligence
- Substantive and Procedural Analysis
- Deal Terms
- Filings
- Review Period
- Pre-Closing Integration

Some Commercial Considerations:

- MFNs
- Non-Solicits
- Exclusivity
- Balance of Trade
- Rebates/Discounts
- Allowances

Ensuring Global Antitrust Compliance

Culture of Compliance

- ✓ Setting a “Tone from the Top”
- ✓ Creating tailored programs
- ✓ Conducting focused trainings
- ✓ Providing continued support
- ✓ Checking the process and results
- ✓ Compliance is part of the team



Questions

Baker McKenzie.

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