

## **Industry Group Competition Law Compliance Policy**

All Industry Groups shall comply with applicable antitrust/competition law rules. This document sets forth the relevant compliance rules, and participants of Industry Groups must adhere to them.

Industry associations, such as the International Trademark Association (“INTA”), perform many beneficial functions for their members including lobbying and government relations, education and awareness campaigns, and promotion of INTA member industries and interests. Industry Groups within INTA also serve the membership of INTA through providing increased awareness and discussion of and participation in policy discussions surrounding trademark and related IP issues relating to that industry. In light of INTA’s status as a non-profit organization, each Industry Group must focus its activities on the enhancement and understanding of IP rights within the context of its particular industry. More specifically, the Industry Group shall promote common business interests of IP owners in the relevant industry generally, rather than focusing on industry-specific non-IP issues or favoring Industry Group participants over non-group participants.

Additionally, due to the nature of their activities, Industry Groups bring together competitors and advocate on behalf of their participants. This creates a risk that an Industry Group could be used directly or indirectly as a vehicle or safe-haven for anti-competitive activities or could be perceived as doing so. To prevent this, the Industry Group shall do the following:

1. Have an open and inclusive approach to participation and, depending on the situation, encourage the participants to obtain independent competition law advice relating to their participation. The criteria for participation will be transparent, proportionate, non-discriminatory, and based upon objective standards. Any questions regarding participation should be directed to Stacey Sutton, Associate, Pro Bono Program at [ssutton@inta.org](mailto:ssutton@inta.org)
2. Ensure participation in the Industry Group is voluntary. No one should be pressured to participate in it or penalized for not doing so.
3. Not make any decisions, directly or indirectly, that could lead to a breach of competition laws. This includes any recommendations that may result in anticompetitive behavior of Industry Group participants, such as pricing recommendations.
4. Not restrict how participants of the Industry Group decide to conduct their respective businesses. All actions of participants in relation to the Industry Group remain voluntary. Each individual participant is free to, and should, make its own independent, commercial decisions.
5. Ensure every meeting/call (“meeting”) of the Industry Group has a specific purpose. An agenda will be prepared and circulated to all participants before the

meeting and shall be adhered to during the meeting.

6. Take minutes of each meeting and circulate the minutes to all participants after each meeting.
7. Give a competition law reminder to all participants at the beginning of each meeting and refer to the existence of this policy.
8. Advise participants of the Industry Group to not discuss, communicate or exchange any commercially sensitive information, including non-public information relating to pricing, marketing and advertising strategy, costs and revenues, trading terms and conditions with third parties. Examples include purchasing strategy, terms of supply, trade programs or distribution strategy, other commercial strategies and current and certainly future business practices aiming at restricting competition. This applies not only to discussions in the meetings but also to informal discussions or written communications before, during and after the meetings.
9. The Industry Group shall not issue formal or informal pricing or output directions or recommendations to members, nor should they prevent participants from using different contractual conditions from any IG developed standard conditions, if they wish to do so.
10. The Industry Group shall not have rules, or issue formal or informal recommendations, that prevent the participants of the IG from making independent commercial decisions; or develop rules or practices that restrict participants from advertising their prices or discounts, soliciting for business or otherwise competing with other participants of the Industry Group.
11. Advise participants of the Industry Group to not discuss or suggest any form of coordinated reaction to the legitimate business activities of any third party relating to pricing or competition. For example, blacklists of vendors should not be created.
12. Be mindful of discussion of third parties' legitimate business activities. Participants of the Industry Group shall not discuss or suggest willingness to deal or unwillingness to deal with any third party conducting legitimate business activities for pricing or competition related reasons.
13. Advise participants of the Industry Group that they should raise any competition compliance concerns as soon as members become aware of them.

Participants of the Industry Group are required to conduct all activities connected with their participation in accordance with all applicable antitrust/competition law rules and this Policy. Participants who intentionally or negligently breach the Policy will be subject to investigation and disciplinary action which may result in temporary suspension and/or withdrawal from the Industry Group.

Any questions regarding Industry Groups should be directed to Stacey Sutton, Associate, Pro Bono Program at [ssutton@inta.org](mailto:ssutton@inta.org)

## **Industry Group Competition Law Compliance Policy Reminder**

***[To be given to all participants at the beginning of each Industry Group meeting.]***

This Industry Group is a great opportunity to discuss common IP issues facing our industry. However, in view of the organizations represented at today's meeting/on today's call, please be aware that the Industry Group's activities must comply with competition rules and further, must adhere to the Competition Law Compliance Policy of the Industry Group. All participants are expected to read and understand the Policy. If you have not yet done so, please do so now. Copies of the Policy are available should you require one.

Remember that Industry Group participants shall not discuss, or engage in any conduct that may violate competition law. Industry Group participants should make their own independent commercial decisions.

Furthermore, participants in today's meeting should not communicate or exchange any commercially sensitive information, including non-public information relating to pricing, marketing and advertising strategy, costs and revenues, trading terms and conditions with third parties, and current and future business practices relating to pricing and competition. This applies not only to the main discussions today, but also to any informal discussions surrounding the meeting and or call.

If you have any questions or concerns regarding competition law compliance, please raise these immediately.