

Distribution Law Antitrust Principles And Practice

Since 1890, US federal antitrust law has been there every step of the way, drawing the line between permissible and impermissible restraints. This book summarizes those antitrust lines today. As antitrust jurisprudence underwent a revolution in the late 20th century, the location of many of those lines changed. The more recent rise of e-commerce has meant that those antitrust principles had to be applied to new fact patterns. Those changes in legal interpretations and distribution practices are covered here in ways designed to give manufacturers and retailers, franchisors and franchisees a concise description of antitrust risks from any distribution scheme.

Introduces the emerging field of brand law and explores its interaction with the economics of modern branding.

. . . those who are dealing with antitrust issues the book is very useful and if somebody has already acquired the basic economic principles underlying antitrust regimes, one should read [this] book. . . Pal Bela Szilagyi and Dorina Juhasz, Erasmus Law and Economics Review The book is quite often an interesting read and provokes plenty of unexpected thoughts. . . Scholars familiar with the public choice literature and American antitrust law could benefit from the stimulating questions McNutt raises throughout and for the wealth of examples from European competition law. Scott E. Graves, The Law and Politics Book Review Patrick McNutt s book is a brilliant exposé of the interaction between law, economics and antitrust. The author, an economist and distinguished regulator, handles both the legal and economic material deftly. It is provocative particularly when dealing with issues such as the efficiency of competition and the effectiveness of antitrust rules. His case-studies are particularly compelling. The book is written with huge flair and great learning. It combines theoretical and practical considerations. The comparative coverage is excellent. A "must-read" for all interested in law and economics. Antitrust specialists will discover many novel and valid insights. David O Keeffe, University College London, UK and College of Europe, Bruges, Belgium This book continually stimulates the reader to think about the issues in non-standard and illuminating ways, following new and significant directions. Yet the discussion always is authoritatively grounded in the author s extensive knowledge of the pertinent law and the relevant economic analysis. William J. Baumol, New York University, US and Princeton University, US Professor McNutt provides a refreshing and different perspective on the important fundamental issues underlying competition law and policy. Barry E. Hawk, Skadden, Arps, Slate, Meagher & Flom LLP, US In this accessible yet rigorous textbook, Patrick McNutt presents a clear and refreshing approach to a wide range of topics in law, economics and antitrust. The issues covered include duty and obligation, contracting, liability, property rights, efficient entry, compensation, oligopoly pricing, issues in strategic antitrust and merger analysis. Using a selection of case studies where appropriate, and examples based in game theory, the book examines these issues from both a law and economics and a microeconomics perspective. Emphasis is placed on a thorough assessment of the economic and legal arguments, blending the rigours of microeconomic analysis with common law standards. The analysis contained in the book will not only review, and indeed adapt neoclassical economic analysis but will also apply some of the methodology from the relatively new paradigm known as law and economics to many of the issues. The book also addresses the increasing overlap between emerging approaches in public choice and in law and economics. Practitioners in competition law and regulation of utilities will draw great value from this original and pertinent volume, as will scholars in the areas of regulation, competition law, competition policy and law and economics.

When it was first published a quarter of a century ago, Richard Posner's exposition and defense of an economic approach to antitrust law was a jeremiad against the intellectual disarray that then characterized the field. As other perspectives on antitrust law have fallen away, Posner's book has played a major role in transforming the field of antitrust law into a body of economically rational principles largely in accord with the ideas set forth in the first edition. Today's antitrust professionals may disagree on specific practices and rules, but most litigators, prosecutors, judges, and scholars agree that the primary goal of antitrust laws should be to promote economic welfare, and that economic theory should be used to determine how well business practices conform to that goal. In this thoroughly revised edition, Posner explains the economic approach to new generations of lawyers and students. He updates and amplifies his approach as it applies to the developments, both legal and economic, in the antitrust field since 1976. The "new economy," for example, has presented a host of difficult antitrust questions, and in an entirely new chapter, Posner explains how the economic approach can be applied to new industries such as software manufacturers, Internet service providers, and those that provide communications equipment and services. "The antitrust laws are here to stay," Posner writes, "and the practical question is how to administer them better-more rationally, more accurately, more expeditiously, more efficiently." This fully revised classic will continue to be the standard work in the field.

Distribution Law: Antitrust Principles & Practice, 3rd Edition Wolters Kluwer

The cornerstone reference on antitrust issues that arise from distribution arrangements. Establish a sound manufacturer-distributor relationship in full compliance with federal and state antitrust law; understand enforcement factors and the effect of antitrust regulation on distributor behavior; handle pricing, vertical restraints, exclusivity, tying, and refusal to deal. For insightful analysis and practical guidance on the antitrust issues that arise from distribution arrangements, turn to Theodore Banks. With this unique resource you'll be able to prepare for, or even prevent, the antitrust-based disputes that all too often mar the manufacturer-distributor relationship. Distribution Law: Antitrust Principles and Practice, Third Edition shows you how to: Establish a sound manufacturer-distributor relationship in full compliance with federal and state antitrust law Understand enforcement factors and the effect of antitrust regulation on distributor behavior Handle problems arising from such areas as pricing, vertical restraints, exclusivity, tying, and refusal to deal. You will get factual analysis of virtually every significant distribution antitrust case. You will find in-depth, practical analysis of such specific issues as: lost profits, predatory pricing, market definition, antitrust damages, and judicial latitude in discovery. Note: Online subscriptions are for three-month periods. Previous Edition: Distribution Law: Antitrust Principles and Practice, Second Edition, ISBN: 9780735502680

This clear and concise textbook presents EU competition law in political, economic and comparative context. It combines excerpts from key EU rulings with discussions of enforcement policy issues and comparisons with US antitrust cases. Untangling the complex set of factors driving individual outcomes, it is the perfect companion for any student or practitioner in the field. Successive chapters explore the tools used by competition authorities in Europe: to punish cartels that fix prices or divide markets; assess cooperative agreements between rival firms and supplier-customer relationships; to establish a dominant position and find abuses; and review the competitive effects of mergers and acquisitions. The book also explains how authorities determine when business restraints infringe on the principles governing the EU internal market, and when Member States contravene the rules protecting the European competition system including by means of subsidies known as State aids. More than a reference tool, this innovative book provides a rounded account of the various dimensions of EU competition law, of its place at the heart of the EU market integration project and of its relevance for the enforcement of antitrust principles worldwide. Key features: * provides a clear, concise and up-to-date presentation

of the law* includes important excerpts from all seminal competition decisions and judgements of the European Commission and the EU Courts* explains the critical nuances of cases by means of contextual notes and questions* integrates law, economics and other policies, providing a holistic sense of competition law and its place in the European system * compares EU competition law with US antitrust law, analysing the root of their differences and enabling the reader to derive comparative insights* supports general and advanced EU and international competition law courses.

Here For The first time is a comprehensive one-volume analysis that helps you to evaluate and successfully bring or defend a private antitrust suit. With Private Antitrust Actions you'll know exactly what it takes to determine if a party has standing to bring a civil antitrust suit, take advantage of (or overcome) available exemptions and immunities, and counsel any business on effective antitrust strategy. With detailed information on how the amount of the award is calculated, you'll be able to evaluate each case for potential recovery (or costs) and attorney's fees. And you'll also see how the federal courts are now interpreting and applying standards governing such matters as: Antitrust injury and standing Federal preemption Insurance exemption for HMOs and managed care plan Labor exemption and professional sports State action immunity Statute of limitations and fraudulent concealment Class certification and settlement Summary judgment and judgment as a matter of law Expert testimony in establishing damages ...plus in-depth exploration of areas where conflicting authority and unresolved questions persist.

The authority of Areeda and Hovenkamp's Antitrust Law is second to none. It has been cited more than 50 times by the Supreme Court, more than 50 times by the FTC, and more than 1050 times by the federal courts. No other source gives you all the law

Antitrust Law and Economics of Product Distribution explores the economics of product distribution and examines whether the courts have formulated legal standards consistent with those economic principles - focusing on the sale of goods through dealers, distributors, and franchisees.

The hands-on guide to antitrust issues that today's courts confront most often, with guidance on developing litigation strategy, counseling clients on compliance, representing clients before regulators, and advising on mergers and acquisitions; confidently advise clients on Sherman Act compliance, Hart Scott Rodino, distribution and pricing issues, and complex commercial litigation. By Herbert Hovenkamp and Phillip E. Areeda. Now published in a single-volume with an annual update, Fundamentals of Antitrust Law, Fourth Edition provides sophisticated coverage of the topics most cited or litigated in the field. Whether you are developing litigation strategy, counseling clients on compliance, representing clients before regulators, or advising on mergers and acquisitions, Fundamentals of Antitrust Law, Fourth Edition has all the information you need, at your fingertips.

Turn to this invaluable volume when: Advising clients on specific aspects to comply with the Sherman Act Developing litigation strategies Representing clients before regulators Advising clients on mergers and acquisitions Advising clients on Hart Scott Rodino Handling complex commercial litigation Handling distribution and pricing issues for clients And more Organized by issue, Fundamentals of Antitrust Law, Fourth Edition covers the full range of anticompetitive conduct, as well as procedural issues. It is keyed to the leading Areeda and Hovenkamp treatise, Antitrust Law: An Analysis of Antitrust Principles and Their Application and includes extensive cross references, organization that follows the main work, and a thorough index that allow you to get to the information you need quickly and easily.

After thirty years, the debate over antitrust's ideology has quieted. Most now agree that the protection of consumer welfare should be the only goal of antitrust laws. Execution, however, is another matter. The rules of antitrust remain unfocused, insufficiently precise, and excessively complex. The problem of poorly designed rules is severe, because in the short run rules weigh much more heavily than principles. At bottom, antitrust is a defensible enterprise only if it can make the microeconomy work better, after accounting for the considerable costs of operating the system. The Antitrust Enterprise is the first authoritative and compact exposition of antitrust law since Robert Bork's classic The Antitrust Paradox was published more than thirty years ago. It confronts not only the problems of poorly designed, overly complex, and inconsistent antitrust rules but also the current disarray of antitrust's rule of reason, offering a coherent and workable set of solutions. The result is an antitrust policy that is faithful to the consumer welfare principle but that is also more readily manageable by the federal courts and other antitrust tribunals.

Distribution Law of the United States has extensive discussions of the various methods for distribution and applicable laws, including locating and recruiting distributors, UCC Article 2, product liability, product warranties, trade regulation, antitrust considerations, the intellectual property laws -- patent, trade secret, and copyright -- which have varying degrees of importance in product distribution, and an extensive treatment of trademark law and labeling, which are almost always important in product distribution. The text also has brief discussions of other areas of law that are relevant to product distribution, including United States import regulation. Sample forms are provided in the Appendix.

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