

When Customer Supply Contracts Lead to Trouble

The Federal Trade Commission (FTC) continues to aggressively enforce the antitrust laws, reports **Melanie A. Hallas** of **McDermott Will & Emery**.

“On April 27, 2016, the FTC took action against Victrex, plc and its wholly owned subsidiaries, Invibio, Inc. and Invibio Limited (collectively, Invibio) because of exclusivity terms in its supply contracts. The consent order requires Invibio to cease and desist from enforcing most of the exclusivity terms in its current supply contracts and generally prohibits Invibio from requiring exclusivity in future contracts. Invibio is also prohibited from using other pricing strategies, such as market-share discounts, that would effectively result in exclusivity,” she writes.

In **her post**, she explains that exclusivity terms that arguably have the effect of harming competition may raise antitrust concerns.

Read the article.