

## Distribution

### Expertise

Our competition lawyers advise on the full range of agency and distribution issues that may be sensitive from a competition law perspective, especially if companies with strong market positions are involved. Such issues include pricing and discount arrangements, internet selling, reselling, licensing, franchise, promotional actions, non-compete clauses, territorial and quantitative restrictions, exclusivity and most-favoured customer clauses.

In our practice, we not only work closely with our colleagues who specialise in commercial contracts and intellectual property rights, but also – and more importantly – with our clients. They know their business best and by helping them to identify the efficiencies and pro-competitive effects, we together succeed in setting up a distribution structure that optimally meets their commercial needs while staying within the boundaries of competition law.

### Unique Insight

EC and national competition rules have a substantial impact on how companies doing business in Europe structure and operate their distribution systems. Pricing, distribution, franchise and licence, promotion and marketing strategies can all be subject to examination by the competition authorities and we can provide full advice on building compliance regimes into your organisational culture at all levels.

To establish the most appropriate form of distribution system for their business (for example, whether to opt for exclusive distribution, selective distribution or franchising) within the limits imposed by the EC competition rules, companies need advice on how to reconcile the possible restrictions of competition with the applicable competition rules. This always requires a deep understanding of the business, the efficiencies and pro-competitive effects caused by the agreement and the commercial interests at stake.

Industry sectors in which we advise our clients on vertical issues are wide-ranging and include food and beverages, luxury goods, the motor industry, electronics, IT, communications, media, clothing and pharmaceuticals, to name but a few.

Our strength lies in advising our clients on how best to structure agreements to fall within exemptions or safe harbours provided by EC or national competition laws, while meeting our clients' commercial objectives to the maximum extent possible.

### Case study:

Our group advises the American hardware and software manufacturer Network Appliance on the compliance of its distribution system with EU competition law and the national law of the fifteen countries where it operates..

### Case study:

Our group advises Tom Tom, the portable GPS and car navigation systems developer on all competition aspects of its distribution system in Europe. This involves several of our European offices.



## Contact details

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