



ICAC Antitrust Statement

Group activities of competitors are inherently suspect under the antitrust laws. Many agreements and activities between and among competitors, however, are both legal and beneficial to society and the industry. It is expected that all member representatives involved in the ICAC activities, as well as ICAC consultants and meeting participants, will be sensitive to the legal issues involving trade associations and take all measures necessary to comply with U.S. antitrust laws and similar foreign competition laws.

Whether seriously or in jest, **do not discuss** or exchange information regarding:

Prices, including:

- Individual company prices, price changes, price differentials, pricing patterns or policies, terms and conditions of sale affecting price such as discounts, allowances, credit terms, warranties, rebates or special financing, indemnification agreements.
- Industry pricing policies, price levels, price changes, pricing procedures, profit margins or other data that bear on price.
- Individual company data on costs, production, capacity, inventory, sales, profit margins or other data that bear on price.

Production, including:

- Individual company plans concerning the design, production, distribution or marketing of particular products or product features, including possible or proposed customers or territories.
- Agreements with competitors (1) to control or limit production, (2) restrict or allocate exports or imports, (3) control or limit product quality or research or (4) allocate sales according to customers, territories or products.

Marketing procedures, including:

- Matters relating to dealing or not dealing with actual or potential individual suppliers, customers, or competitors that might excluding them from the market;
- Territorial restrictions, allocations of customers, restrictions on types of products or any other kind of market division.

Meeting Guidelines

- An agenda will be prepared and distributed before the start of the meeting.
- Meeting discussions will be limited to agenda items unless the President approves additional topics.
- Minutes of a meeting represent the legal record of what transpired. Carefully review draft minutes and call for corrections if the meeting minutes are not accurate.
- Obtain prior approval by counsel/ICAC staff before submitting statistics or other sensitive data to the Institute or any of its committees.
- Object to any discussions or activities that appear to violate these guidelines. Disassociate from any such activities and leave the meeting if they continue.
- Avoid colloquial language that might be mischaracterized later (*e.g.*, “dominance,” “only game in town,” “control of market”).

This list is not exhaustive and understanding and acting in compliance with U.S. and foreign antitrust and competition laws sometimes can be difficult. If you have a question about the propriety of ICAC activities or discussions in an ICAC meeting, you are encouraged immediately to contact ICAC staff or counsel or your company’s legal counsel.