

When Can a Trademark Settlement Be Unlawful Collusion? A Discussion of the FTC's Case Against 1-800-Contacts

*Presented by the Antitrust Section and Intellectual Property Section
of the New York State Bar Association*

December 4, 2018

Willkie, Farr, & Gallagher LLP | 787 Seventh Avenue | New York, NY

1.5 MCLE credits | 6:00 – 7:30 pm

Complimentary program

If a trademark owner secures a commitment from a competitor not to purchase advertisements on online search engines that target consumers searching for the owner's trademarks, can that violate the antitrust laws? Late last year, an FTC Administrative Law Judge held that a series of agreements between 1-800-Contacts and rival online contact lens sellers that restricted the competitors from purchasing advertising on search engine results pages for trademarks owned by 1-800-Contacts violated the antitrust laws. The decision is now on appeal. This panel will explore the legal, economic, and policy implications raised by the FTC's case, and how it could affect the enforcement of trademarks in the online marketplace.

Panelists:

Ted Davis, Kilpatrick Townsend & Stockton LLP

Sean Durkin, CRA

Scott Hemphill, New York University School of Law

Jonathan Lutinski, American Express

Moderator:

Eric Stock, Gibson Dunn & Crutcher LLP

LICENSE

COPYRIGHT

REGISTER

PATENT

RSVP:

www.nysba.org/anti

www.nysba.org/ips

