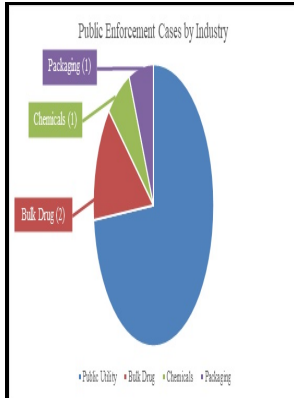


Is exclusive dealing anti-competitive?

University of Toronto, Department of Economics and Institute for Policy Analysis - Exclusive Dealings



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Exclusive Dealing -- Mathematical Models

Competition -- Mathematical models

Competition, UnfairIs exclusive dealing anti-competitive?

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Exclusive Dealing Contract: Everything You Need to Know

Rather, to avoid this anticompetitive effect, the unopened market must be large enough to sustain the number of rivals at their minimum efficient scale that is sufficient to prevent such coordination. Supra note 4, at 86. For more information on the impact of Brexit on competition law in the UK, please see the.

11.2 Regulating Anticompetitive Behavior

Think about the software that is included in a new computer purchase, for example.

Exclusive Dealing Contract: Everything You Need to Know

Some courts have suggested that exclusionary contracts of short duration cannot be unlawful because the excluded rivals are able to bid frequently for the patronage of the input supplier and can thus prevent anticompetitive harm. Where this is the case, the Bureau may conclude that it was reasonably foreseeable that the purpose of a refusal was to exclude a competitor, in the absence of a legitimate business justification. Disciplinary conduct may provide such a mechanism: by engaging in disciplinary conduct, a dominant firm can induce or preserve coordination by punishing — or credibly threatening to punish — deviations from a coordinated outcome.

McWane in the 11th Circuit: When Is Exclusive Dealing Anticompetitive?

It is about putting in place the condition for companies to deliver better goods and services to the consumers.

Competition law

How might it reduce competition and when might it be acceptable? For example, joint dominance may be enabled or reinforced through disciplinary conduct, as discussed below.

Exclusive Dealing Contract: Everything You Need to Know

Similarly, the Bureau may define markets in reference to a particular level of a supply chain: for example, when assessing if a manufacturer is dominant in an industry where manufacturers sell through retailers, the Bureau may define a market as sales to retailers. For this reason, company are often examined closely by government regulators to avoid reducing competition in an industry.

Exclusive dealing

In conducting this analysis the Bureau would typically only consider alternative methods to achieve a business objective where either subjective evidence establishes the allegedly dominant firm considered those alternatives or there is clear objective evidence that it would be unreasonable for that firm to not have considered those alternatives e.

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