



## Overview

Distribution and retail arrangements which already require careful design and management can be infused with a whole new level of complexity when the counterparty in such arrangements is your competitor. When dealing with a customer who is a competitor, antitrust and competition agencies across the U.S., EU, UK and elsewhere expect companies to behave differently, they expect extra measures to be taken to ensure that a “vertical” arrangement does not become anticompetitive—in effect, a collusive arrangement.

Specific issues that may arise when dealing with customers who are competitors—for example in dual distribution scenarios (where a supplier may use a distributor to reach customers while also selling direct to end customers)—include management of information flows between suppliers and their distributors and customer; formulating distribution strategies that lawfully delineate customers or customer groups allocated between suppliers and distributors; and adoption of appropriate online sales strategies to avoid antitrust pitfalls.

Our team of antitrust specialists have extensive experience in counseling clients facing these “customer as competitor” situations. This is a fast-moving area of antitrust law, with many important changes to the relevant rules in the EU and elsewhere having a direct impact on clients in these situations. Our experience handling all conceivable types of customer as competitor issues means that we are ready to review your existing business strategy in this area and counsel on specific concerns that you may have—or which a counterparty may have raised with you.

## Contacts

To learn more about our experience, please contact the lawyers below.

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