



# Limited Distribution and Distribution Exclusivity

Antitrust & Competition Consumer Products

## Overview

Limited distribution is a form of distribution as part of which a company, typically a manufacturer, seeks to control and restrict the manner in which its products are distributed throughout the supply chain. For example, a manufacturer may decide to market its products only through specific distribution channels, or only through specific distributors. While limited distribution is a widely used distribution method, the restrictions that it entails may under certain circumstances raise antitrust concerns.

Two forms of limited distribution that are common in the EU include selective distribution and exclusive distribution. In a selective distribution model, a manufacturer distributes its products exclusively through a network of authorized distributors which meet qualitative or quantitative selection criteria. In an exclusive distribution model, a manufacturer tasks only one distributor (or a limited number of distributors) with the distribution of its products in a specific territory and/or to a specific customer group, and grants that distributor a degree of territorial/customer exclusivity in that regard.

## Representative Experience

- Representing a major beer brewer in multiple U.S. litigations regarding distributor termination, exclusive territories and product agreements, and pricing
- Representing a major airline in an Italian litigation accusing the airline of abuse of dominance by failing to allow third party online travel agents to sell airline tickets
- Representing a car distributor for Ireland in relation to an EU complaint of restriction of parallel imports
- Representing a major record label in an Italian investigation of alleged restriction of parallel imports
- Advising a manufacturer of running shoes and sport equipment on selective distribution and other EU distribution issues
- Advising a manufacturer of ice hockey equipment in the review of EU distribution contract terms and compliance with EU Vertical Block Exemption Regulation
- Advising a manufacturer of golf and ski consumer products on selective distribution, dealer termination and related matters

## Contacts

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

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