

Antitrust Compliance and Business Strategy



HIGHLIGHTS

Critical Legal Counsel

Wilson Sonsini provides strategic legal and compliance advice to established technology and life sciences companies, as well as growing innovators.

OVERVIEW

Our team provides extensive compliance and strategic business advice to clients on antitrust issues involved in the licensing of intellectual property, as well as classic antitrust issues associated with the pricing, distribution, and advertising of products. Examples of situations in which we have provided compliance and/or strategic counseling to clients include the following:

IP Licensing

Our clients are leading developers of IP across a range of industries, including the pharmaceutical, medical device, software, and hardware sectors. Working with the firm's technology transactions practice—the largest of its kind in the United States—Wilson Sonsini's antitrust team advises clients on the full gamut of IP licensing practices, including how to bundle licenses with services, cross-license IP to competitors, and enter exclusive IP licensing arrangements. For example, we have counseled biotech companies on the tying of reagents to patent licenses for such reagents; pharmaceutical companies on the tying of diagnostic equipment to drugs; and software companies on the tying of operating systems to applications.

Standard Setting and Patent Pooling

We have counseled companies that are organizing to form standard-setting bodies, as well as clients participating in standards associations. Examples include advising companies on their IP disclosure obligations to standard-setting organizations that they have contemplated entering and setting up bylaws for some of the more significant organizations in which our clients participate.

We also represent companies seeking to collaborate to facilitate the wide adoption of new technologies through patent-pooling arrangements. We have counseled clients on how to structure the arrangement, appoint neutral experts to evaluate the necessity of adding patents to the pool, and set appropriate royalty rates, taking into consideration the complex antitrust rules governing this practice.

Pricing and Distribution

We regularly assist our clients with the adoption of new pricing, distribution, and advertising policies. We have advised clients on pricing and commercial strategies (including establishing resale pricing programs); on structuring distribution, licensing, and supply agreements (including the termination of distributors and suppliers); and on establishing and maintaining antitrust compliance procedures (including for Sarbanes-Oxley purposes).