



Antitrust/Competition

Die Winston & Strawn's Anwälte für weltweites Kartellrecht/Wettbewerb unterstützen Klienten in unzähligen Branchen dabei, auch äußerst komplexe Probleme zu lösen. Da sich unsere international anerkannten Anwälte regelmäßig mit Fragestellungen unabhängig von deren Größe und Umfang befassen, sind wir stolz darauf, Ihnen eine Vielzahl von Zusatzleistungen anbieten zu können, dazu zählen Beratung und Vertretung in allen Aspekten der weltweiten Kartellverteidigung, zivil- und strafrechtliche Prozesse, behördliche Untersuchungen, Fusionen und Akquisitionen, regulierungsrechtliche Beratung und Compliance sowie Kartell-/Wettbewerbsrecht.

Unser Team, welches aus mehr als 100 Anwälten für Kartellrecht besteht, ist in der Lage, für unsere Klienten die Kartell- und Wettbewerbsarbeit zu koordinieren, und zwar unabhängig davon, an welchem Ort. In den Vereinigten Staaten von Amerika ist unsere Kenntnis der staatlichen und bundesstaatlichen Gesetzgebung (einschließlich der Clayton, Sherman und Robinson-Patman Acts) unübertroffen. Weltweit bieten unsere Erfahrung und unsere Kenntnis der lokalen gesetzlichen Bestimmungen in nahezu jedem größeren Land durch unsere eigenen Niederlassungen - unter anderem in New York, Washington DC, Brüssel und London - sowie unser zuverlässiges Netzwerk aus lokalen Kanzleien unseren Klienten die einzigartige Möglichkeit, nahezu jedes kartell- und wettbewerbsrechtliche Problem, mit dem sie konfrontiert werden, zu lösen. Wir bearbeiten oder überwachen außerdem regelmäßig grenzüberschreitende Wettbewerbsstreitigkeiten vor der Weiterleitung an die Aufsichtsbehörden und Gerichte in aller Welt, insbesondere in den USA und der Europäischen Union.

Unsere Anwälte für Kartellrecht verfügen über umfassende Erfahrung in sämtlichen Bereichen des Kartell-/Wettbewerbsrechts. Viele waren zuvor beispielsweise beim US-Justizministerium (DOJ), der US-Federal Trade Commission (FTC) oder als Berater der Europäischen Kommission (EC) tätig, haben eine Tätigkeit im akademischen Bereich ausgeübt und sind häufig als Autoren oder Redner zu wichtigen Fragestellungen, Entwicklungen und Trends im Kartell- und Wettbewerbsrecht in Erscheinung getreten. Auf Einladung der Vorsitzenden der FTC und des DOJ haben unsere Anwälte sich als Nicht-Regierungsexperten im International Cartel Network der weltweiten Verfechter beteiligt, den Vorsitz der International Task Force der Antitrust Section der ABA übernommen und die Mitarbeiter der Behörden bei verschiedenen Tätigkeiten unterstützt. Darüber hinaus sind in unserer Kanzlei auch Anwälte tätig, die auf staatlicher und nationaler Ebene die Auszeichnung "Antitrust Lawyers of the Year (Kartellanwälte des Jahres)" erhalten haben.

Unser Team für Kartellrecht/Wettbewerb wird von einer der größten Verfahrensabteilungen unterstützt, so haben wir die Möglichkeit, auch äußerst komplexe private Kartellrechtsverfahren und sonstige Rechtsfragen aus dem Bereich

des Kartellrechts zu übernehmen. Wir treten in Gerichten unterschiedlicher Gerichtsbarkeiten weltweit in Erscheinung und verfügen über umfassende weltweite Kapazitäten, um Ermittlungen kosteneffizient zu koordinieren.

Key Contacts

Eva Cole

Jeffrey Kessler

Areas of Focus

Antitrust Litigation

We have decades of experience representing clients in government and private antitrust litigation, often coordinating defenses across jurisdictions and with parallel government investigations. Our cases encompass a wide range of antitrust issues, including market-allocation, price-fixing, output-restrictions, labor markets issues (e.g., no-poach and wage-fixing claims), as well as claims of unfair competition, unfair trade practices, and Lanham Act violations.

We represent both plaintiffs and defendants in private antitrust litigation, handling matters that involve contract-related competition issues, tort-based claims, the Foreign Corrupt Practices Act (FCPA), the False Claims Act (FCA), securities and Racketeer Influenced and Corrupt Organizations Act (RICO) claims, sports, and distribution and franchising issues, as well as *qui tam* litigation. Many of our patent litigations also involve antitrust claims. We have handled a wide range of intellectual property (IP) rights-related antitrust matters, including in the computer, monoclonal antibody, medical device, automotive, pharmaceutical, agribusiness, biotech, consumer electronics, defense, entertainment, and publishing industries.

Given our extensive experience with, and the growing prevalence of, antitrust claims linked to IP law and technology and the increased focus of authorities in the United States and abroad on combatting anticompetitive behavior in the technology sector, we recently launched a multidisciplinary Technology Antitrust Group to serve clients' needs in this area of convergence.

Cartel Defense

We offer clients a preeminent global cartel-defense practice that has been recognized by *Chambers USA*, *Benchmark Litigation US*, and *Global Competition Review*. Our extensive experience with leniency programs in the United States, European Union, and elsewhere has earned us the trust of large multinational corporations, closely held companies, and key executives facing cartel matters. We are handling some of the largest cartel investigations and related private litigation in the world today. We have defended companies involved in international cartel investigations from the inception of enforcers' push into this arena. We regularly handle major international cartel matters, often involving the threat of significant criminal fines and incarcerations. Many of these cases also involve multi-district litigation and class actions brought by direct-purchaser and indirect-purchaser plaintiffs with billions of dollars in alleged damages, as well as direct-action, opt-out, and state attorney general matters.

Our cartel-defense clients include both corporations and individuals from the United States, Asia, South America, and Europe. We are well versed in dealing with cross-cultural issues and helping non-U.S. clients understand and comply with U.S. legal obligations. As U.S. and other antitrust authorities have continued to increase resources devoted to price-fixing and international cartel investigations—and intergovernmental cooperation has grown in the form of information sharing, coordinated investigations, and even extradition—cartel enforcement has become increasingly globalized. We have extensive experience handling multijurisdictional cartel matters, working closely with a network of local professionals to defend and resolve the most complex and extensive global cartel investigations and associated private actions.

Antitrust Transactions

We routinely handle all aspects of the merger-review and antitrust-clearance process, from international filings on multi-billion-dollar mergers to third-party complaints to facilitating the divestitures as needed. We can handle all competition-law aspects of a transaction, including not only the competition issues associated with obtaining regulatory clearances, but also antitrust advice during integration planning and antitrust risk allocation.

[Learn More](#)

Compliance & Counseling

An ounce of antitrust prevention is worth millions in litigation costs. We help clients avoid those costs with counseling to navigate the complex area of antitrust law, proactively identifying and mitigating risks before they escalate into legal issues and planning ahead to pave the way for clearance of their most critical strategic transactions. These areas include IP issues; exclusive-dealing, tying, and monopolization practices; relationships with suppliers; distribution issues, including Robinson-Patman Act compliance and minimum-advertised-price programs; employment issues to minimize the risk of no-poach and wage-fixing liability; relationship issues with competitors, trade associations, and industry groups; the formation and operation of joint ventures; and merger planning.

With antitrust agencies worldwide focusing on compliance programming, our extensive experience enables us to create or update compliance programs specifically tailored to a company's individual risk profile. We provide customized on-site antitrust training, continuing legal education antitrust seminars, audits, antitrust manuals and guidelines, and computer training materials. We are well equipped to review compliance programming and advise on restructuring to align with the most current guidelines and expectations. By partnering with us, clients can proactively address antitrust risks, foster a culture of compliance, and safeguard their business interests in an ever-evolving legal landscape.

Government Investigations

Aggressive enforcement of competition law has led to a surge in investigations by the Federal Trade Commission, Department of Justice, state attorneys general, and numerous other government agencies into a broad range of practices, including conduct related to cartels and mergers and acquisitions, as well as employment, standard-setting, patent settlements, marketing and distribution practices, joint ventures, and alliances.

We have significant experience with every aspect of government investigations, helping clients across sectors safely navigate the challenges arising from these inquiries.

European Competition & Regulatory Advice

We have deep experience advising both private and governmental entities on European state-aid clearances, analyzing state-aid aspects of proposed projects, and responding to alleged breaches of state-aid rules. We are routinely involved in leading cases at both the European and national levels. We represent clients before the European Commission and the European community and national courts as to the provision and recovery of state aid.

We provide competition and regulatory counseling for all corporate transactions, including mergers and acquisitions and joint ventures. We regularly obtain EU Merger Regulation clearances and coordinate multijurisdictional notifications. Through our global offices and strong relationships with trusted local counsel, we provide clients with seamless, integrated service. We advise on feasibility assessments and merger-control arbitration for interested third parties on likely merger-control outcomes.

Asia Competition & Antitrust Counseling

We also have deep experience advising multinational companies on merger reviews, government investigations, and litigation in Asian jurisdictions, including China, Japan, Korea, and Taiwan. Our team of Asia and U.S. lawyers is actively involved in leading merger and cartel cases and investigations. While many of these cases parallel related actions in the United States, EU, and elsewhere, we excel at collaborating effectively across jurisdictions to ensure an efficient and consistent global approach. In China, we work closely with lawyers from the firm's strategic alliance partner, YuandaWinston, which provides comprehensive legal services covering the full range of PRC competition matters, including merger filings and investigations, IP abuse/SEP, and private antitrust litigation to competition strategies and compliance under China's anti-monopoly law.

“Relentless in their efforts, and peerless industry knowledge and experience; superior trial advocacy and experience.”

Client Quote – *The Legal 500 U.S.* 2022

Related Capabilities

Antitrust Transactions

Class Actions & Group Litigation

eDiscovery & Information Governance

Technology Antitrust

Financial Services

Recent Experience

Secured Another Massive Summary Judgment Victory in Chickens Price-Fixing Case for Claxton Poultry Farms

Won Important Dismissal of Sherman Act Claims Against Actors' Equity on Statutory Labor Exemption Grounds

Triumphed for Relevant Sports Before Second Circuit, Reviving Antitrust Suit Against FIFA, USSF

Secured High-Profile Fifth Circuit Dismissal for Avanci of Closely Watched Technology-Antitrust Case

RLH Equity Partners and the Equityholders of ClearView Healthcare Partners Sale to GHO Capital Partners

GenNx360's Majority Investment in Whitsons Culinary Group

Frontenac Co. Sale of Whitebridge Pet Brands to NXMH, a Belgium-based Family-owned Investment Firm

Resources

[Competition Corner](#)

Related Insights & News

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Early Assessment of the Digital Markets Act

MARCH 25, 2024

BLOG

U.S. Antitrust Agencies Continue to Target Private Equity Involvement in Healthcare

MARCH 6, 2024

SPEAKING ENGAGEMENT

Johanna Hudgens Speaks at ABA Event on Navigating the Crossroads of Antitrust and Sports Law

FEBRUARY 27, 2024

RECOGNITIONS

Winston and Yuanda China Law Offices Recognized in *Chambers Global 2024*

FEBRUARY 16, 2024

BLOG

FTC Chair Khan Emphasizes Vigilance in Antitrust Oversight of AI Industry

FEBRUARY 6, 2024

BLOG

FTC Announces 2024 Revised Thresholds and Filing Fees for HSR Filings

FEBRUARY 5, 2024

WEBINAR

Decoding AI Law

JANUARY 24, 2024

SPEAKING ENGAGEMENT

Updates from the Illinois Attorney General's Antitrust Bureau Chief

JANUARY 24, 2024

BLOG

A Comeback for RPA Price Discrimination Camouflaged as Kickbacks

JANUARY 19, 2024

RECOGNITIONS

Winston Attorneys Featured on the 2024 *Lawdragon* 500 Leading Lawyers in America List

JANUARY 12, 2024

RECOGNITIONS

Kimball Anderson and Tom Melsheimer Inducted Into *The Lawdragon's* Hall of Fame

JANUARY 5, 2024

BLOG

FTC and DOJ Issue Final Merger Guidelines, Formalize Shift in Enforcement Philosophy and Legal Theories

DECEMBER 19, 2023