

ANTITRUST POLICY

The penalties for violating antitrust laws are severe, including fines and even imprisonment of individuals found guilty of illegal conduct. Contrary to the belief that the government has relaxed antitrust enforcement, the Justice Department has recommended jail sentences for the majority of persons convicted of violating antitrust laws. Moreover, the U.S. Supreme Court has ruled that a trade association may be held legally responsible for the unauthorized, as well as authorized, acts of its members. Accordingly, every effort must be made to avoid even the appearance of impropriety.

The most common violations of the antitrust laws are agreements among competitors to fix prices, allocate customers, or share confidential company information. As for the EOS/ESD Association, Inc., the most important thing to keep in mind is that its purpose is to “advance the theory and practice of Electrostatic Discharge (ESD) avoidance”. This is accomplished through publishing Standards, holding technical conferences and training, and providing certification programs. Accordingly, it is not the business of EOS/ESD Association, Inc. to consider or discuss matters relating to product development, marketing, purchasing, pricing decisions, or confidential company information.

It is the responsibility of each participant attending an EOS/ESD Association, Inc sponsored event or meeting of any kind, to avoid raising improper subjects for discussion. This reminder constitutes your awareness of these obligations.

Antitrust Laws as related to EOS/ESD Association, Inc.:

- Do not preclude discussions on topics that are pertinent to the business of the EOS/ESD Association, Inc.
- Avoid the misuse of the standard development process in order to gain an unfair competitive advantage.
- Do not allow for improper conduct or conversations during any events or meetings.
- Restricts what can be divulged
- Restricts some actions of EOS/ESD Association, Inc., such as, conspiring to capture market share
- Allows for activities that have a “pro-competitive” or positive effect

Discussions to Avoid:

- License Terms, price or pricing policy of your individual company
- Direct or indirect sales, quotas, market share
- Identified individual company statistics, inventories
- Particular competitors or customers
- Commercial Liabilities, warranties or guarantees
- Anything dealing with “arm twisting”, excluding or controlling competition
- Any discussions related to trade secrets and confidential company information