
U.S. Antitrust Institutions

Antitrust Law

Spring 2017

NYU School of Law/Georgetown University Law Center

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Overview

- Four antitrust statutes
- Five types of enforcement agents
- Three types of sanctions/relief
- Four types of proceedings

Four Antitrust Statutes

- The major provisions that define offenses
 - Sherman Act
 - Section 1 prohibits “contracts, combinations . . . and conspiracies in restraint of trade”
 - Section 2 prohibits monopolization, attempted monopolization, and conspiracies to monopolize
 - Clayton Act
 - Section 7 prohibits the acquisition of stock or assets whose effect “may be substantially to lessen competition, or to tend to create a monopoly”
 - Robinson-Patman Act
 - Section 2 prohibits certain discriminations in price
 - Federal Trade Commission Act
 - Section 5 prohibits “unfair methods of competition”
 - NB: Unlike other provisions, not included in the definition of “antitrust law” in Clayton Act § 1
 - This will be important when it comes to private actions

Five Types of Enforcement Agents

- Department of Justice (DOJ) Antitrust Division
- Federal Trade Commission (FTC)
- State Attorneys General
 - Injunctive relief actions
 - Parens patriae actions
 - Class actions for damages sustained by citizens of the state brought by the state attorney general
- Private parties
 - Individual
 - Class actions

Three Types of Sanctions/Relief

- Criminal fines/imprisonment
- Damages (usually trebled)
- Injunctive relief

Four Types of Proceedings

- Criminal prosecutions in federal district court
- Civil judicial adjudications in federal district court
- FTC administrative adjudications
- Agency administrative resolutions (consent decrees)

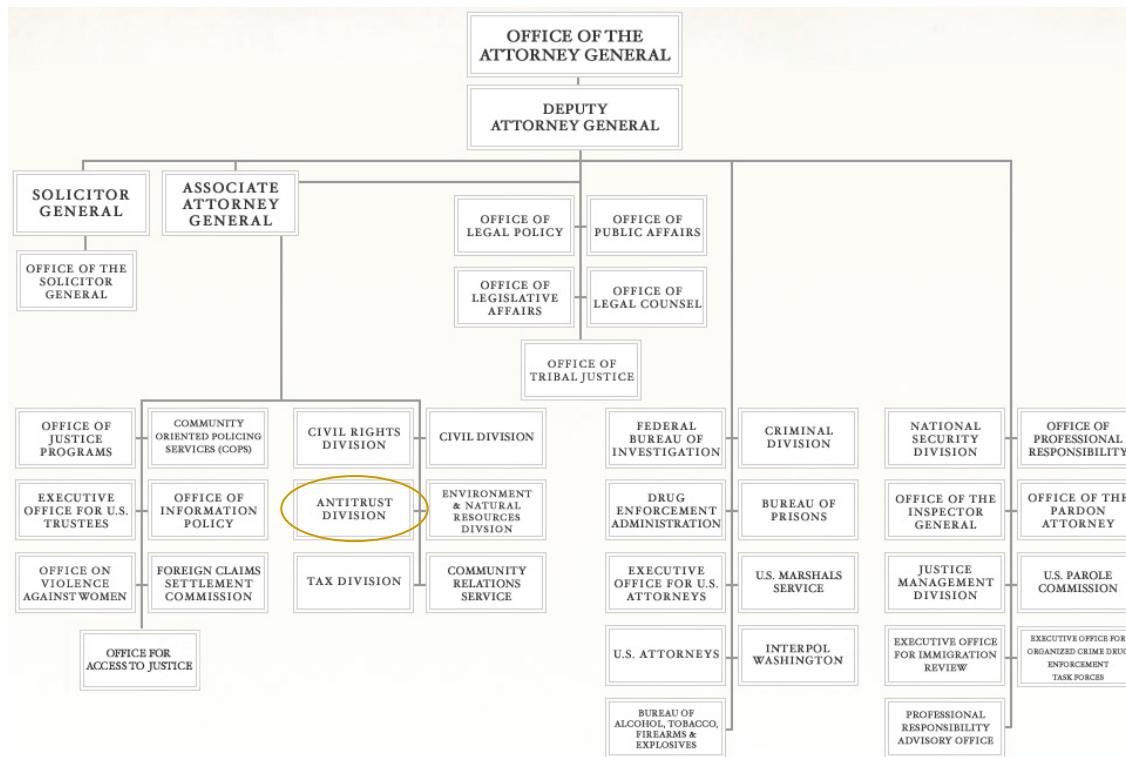
Summary


	Forum	Criminal	Injunctive Relief	Damages
DOJ	Federal court	X (under federal law)	X	
FTC	Administrative court		X	
State AGs*	Federal court for federal and state claims	X (under state law)	X	X (on behalf of citizens)
Private*	Federal court for federal and state claims		X	X

* Can bring state antitrust claims (but not federal antitrust claims) in state court

Government Organization

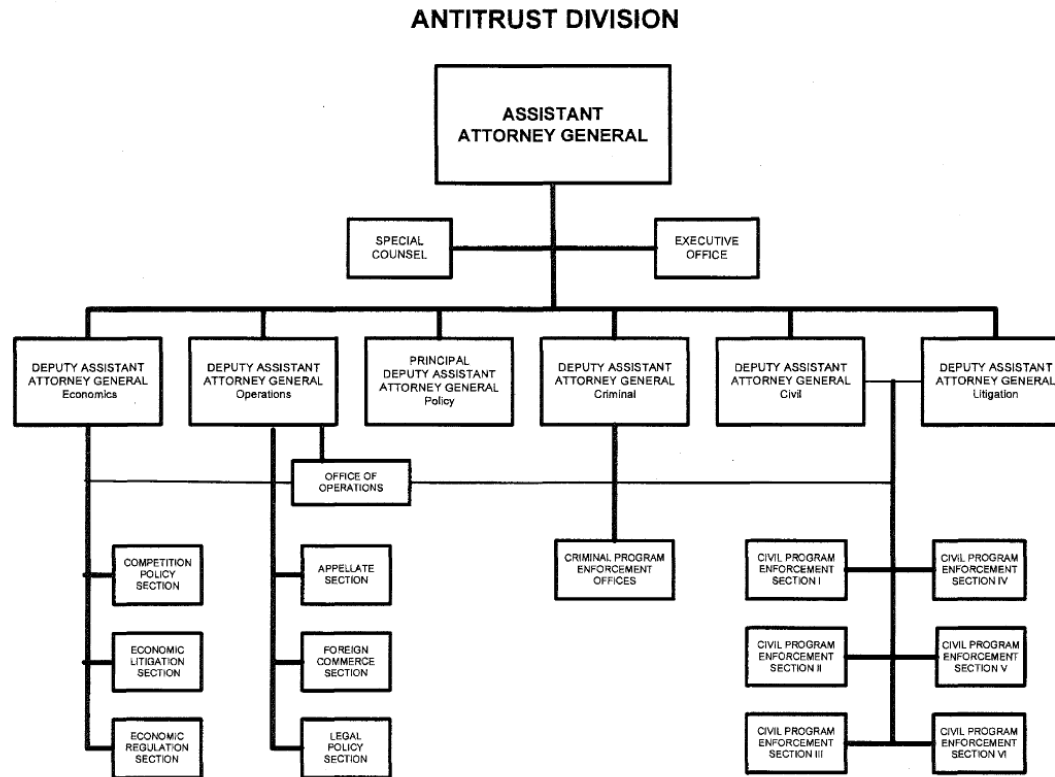
- United States Department of Justice

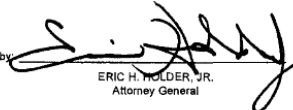


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Government Organization

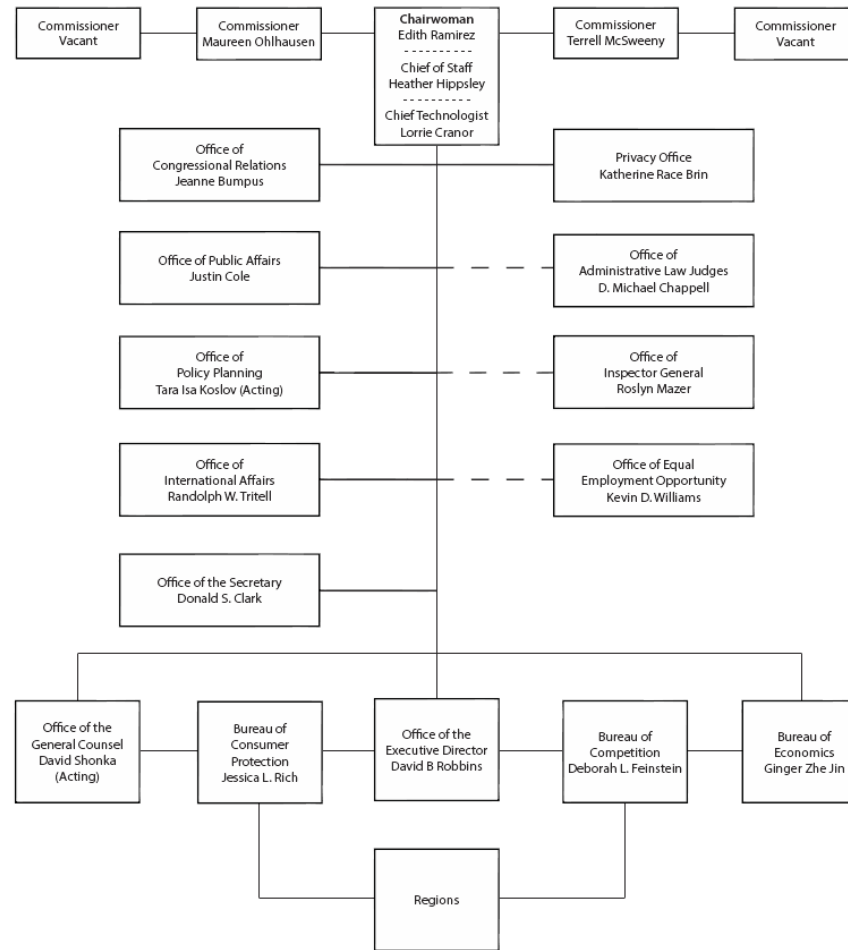
■ Antitrust Division



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■ Federal Trade Commission



Government Organization

- FTC Bureau of Competition

