



Compliance Issues: RPM, Category Management & Information Exchange

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- **Confused and getting worse**
- ***T-Mobile vs Tractor Exchange***
- **RPM to be blacklisted but exemptable**
- **Category management to be block exempted**

- **Few bright-line rules**
- **A thin line between lawful and unlawful behaviour**
- **Relatively junior staff often involved**

- **Decide your appetite for risk**
- **Identify front line staff**
- **Offer appropriate compliance training**
 - in person
 - interactive
 - based on realistic scenarios

- **Likely object infringements**
 - price information (future/current)
 - forward looking strategic information
- **Likely effect infringements**
 - other exchanges of sensitive information in concentrated markets
- **NB - Direct contact can change the picture**

- **Disclose sensitive data under confidentiality obligations**
- **Do not pass on sensitive third party data**
- **Do not actively seek forward looking data on competitors**
- **Keep audit trails of market intelligence**
- **Consider extra caution in tight markets**

- **Monitor the impact of advice on sales volumes**
- **Document confidentiality arrangements**
- **Avoid pricing recommendations and joint recommendations**
- **Treat meetings with competitors with care**
- **Consider firewall arrangements**
 - between teams advising different retailers
 - between CM teams and teams negotiating trade terms

- **Offer suitable training**
- **Create an audit trail for your RRPs**
- **Avoid discussion of retail prices**
- **Develop some standard response language**

Thank you