

Antitrust Compliance Guidelines

Contributed by the AIA's General Counsel Office

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SUMMARY

The AIA and its members are committed to full compliance with all laws and regulations, and to maintaining the highest ethical standards in the way we conduct our operations and activities. Our commitment includes strict compliance with federal and state antitrust laws, which are designed to protect our nation's free competitive economy.

RESPONSIBILITY FOR ANTITRUST COMPLIANCE

Compliance with the antitrust laws is a serious business. Antitrust violations may result in heavy fines for corporations, and in fines and even imprisonment for individuals. While the AIA General Counsel provides guidance on antitrust matters, you bear the responsibility for ensuring that your actions and the actions of those under your direction comply with the antitrust laws.

ANTITRUST GUIDELINES

In all operations and activities of your firm, and in any interaction with design professionals outside your firm, you must avoid any discussions or conduct that might violate the antitrust laws or even raise an appearance of impropriety. Observing the following guidelines will help you do that.

- DO NOT have discussions with other AIA members or other competitors about any of the following subjects, unless you have first consulted legal counsel:
 - a) Your prices for products or services, or prices charged by your competitors.
 - b) Costs, discounts, terms of sale, profit margins, or anything else that might affect those prices.
 - c) Allocating markets, customers, territories, or products with your competitors.
 - d) Limiting production.
 - e) Whether to deal with any other business.

f) Any competitively sensitive information about your own business or a competitor's business.

- DO NOT stay at a meeting or any other gathering, participate in discussions via e-mail listserv or other Internet discussion forums, or remain subscribed to such electronic discussion groups if those kinds of discussions are taking place.
- DO NOT discuss any other sensitive antitrust subjects, such as price discrimination, reciprocal dealing, or exclusive dealing agreements, without first consulting counsel.
- DO NOT create any documents, e-mail, or other records that might be misinterpreted to suggest that you or your firm condones or is involved in anticompetitive behavior.
- DO consult legal counsel about any documents or activities that touch on sensitive antitrust subjects such as pricing, market allocations, and refusals to deal with any business.
- DO consult legal counsel on any nonroutine correspondence that requests that you or your firm participate in joint projects or programs, submit data for such activities, or otherwise join with competitors in their actions.
- DO use an agenda and take accurate minutes at every meeting at which competitors are present, such as AIA Chapter meetings. Have legal counsel review the agenda and the minutes before they are put into final form and circulated.

FOR MORE INFORMATION

If you have any questions about whether particular AIA activities at the local, state, or national level might raise antitrust or other problems, please do not hesitate to call the AIA General Counsel's Office at 202-626-7311.

RESOURCES

More Best Practices

The following AIA Best Practices provide additional information related to this topic

- 09.01.04 Gratuitous Advice: All Risk, No Pay
- 09.01.05 Controlling Exposure to Risk
- 11.05.03 Intellectual Property: Trademark, Patents, and Copyright Basics

Feedback

The AIA welcomes member feedback on Best Practice articles. To provide feedback on this article, please contact bestpractices@aia.org

Key Terms

- Leadership
- Legal issues
- Antitrust Act