

Antitrust Training Video Introduction

The antitrust training video you are about to watch was created by AICC, The Independent Packaging Association, Fibre Box Association (FBA) and the International Corrugated Packaging Foundation (ICPF) in collaboration with Foley & Lardner, FBA's legal counsel, to educate you about what antitrust laws require and how to make sure you and your company comply with them.

Through the video, you will learn what antitrust law is, along with basic principles and guidelines to follow to avoid costly violations that could cause lasting and significant harm to yourself, your company and the industry as a whole.

Please note that although this video is designed to educate, it is intended to supplement, not to replace, your companies' antitrust compliance policies and training programs.

Additional supporting materials to the video include the FBA Antitrust Compliance Stoplight Teaching Tool and Antitrust Training Video Tips to Remember. The Antitrust Stoplight is not meant to be comprehensive, but to give you a jumping-off point to remember what you can and can't do in a trade association context.



The FBA Antitrust Compliance Stoplight



Refreshing your understanding of trade association activities ensures that you and others are complying with the FBA Antitrust Guidelines.

- **Red Light** – Always prohibited
- **Yellow Light** – Requires caution, guidance & involvement of antitrust counsel
- **Green Light** – Always permissible when antitrust guidelines are followed

Avoid communicating with your competitors – both in formal and informal contexts – regarding any of the following topics:

- Pricing, including discounts, bids, and other terms of sale
- Capacity or production levels
- Margins or cost information
- Market share
- Confidential customer and marketing information
- Confidential R&D initiatives
- Market divisions on the basis of customers, products or territories
- Joint refusal to do business with any supplier or customer
- Position-specific wage, salary and benefits information

Do not take any actions that could be seen as (or even mistaken for) express or implied agreements, invitations to agree, or attempts to agree with competitors on any of above topics, or on any other topic that is competitively sensitive.

Make sure FBA leadership and antitrust counsel are involved in any of the following activities, which are recognized as benefitting competition and consumers when undertaken pursuant to the FBA Antitrust Guidelines:

- Standard setting, including input to government regulators or other organizations
- Participation in or discussion of FBA's data program
- Joint lobbying or industry advocacy
- Discussion of FBA membership criteria

Activity addressing common industry issues that results in improvement in any of the following areas is always pro-competitive and permissible when conducted in compliance with the FBA Antitrust Guidelines:

- Quality, utility and sustainability of corrugated products
- Customer experience and the benefits of corrugated
- Long-term or overarching well-being of the industry
- Continuing to improve safety for industry workers
- Improving the strong environmental record of the industry

Retaining antitrust counsel to monitor FBA meetings and programs and to provide advice about FBA activities to all members is an important benefit offered by FBA. If at any time you have a question or concern related to antitrust issues, please do not hesitate to contact David Simon, FBA's outside counsel, at dsimon@foley.com.

Find the FBA Antitrust Guidelines at www.fibrebox.org/info/Governance.aspx.

In addition, please make sure to familiarize yourself with your company's antitrust policies, which FBA's Antitrust Guidelines are intended to supplement, not replace.



Antitrust Training Video Tips to Remember

1. Make an effort to understand the most important principles of antitrust law, like those from the video:
 - Don't exchange competitively sensitive information with competitors or potential competitors. This includes obvious "red-light" information relating to topics such as pricing, margins, capacity, and market share, but it also includes information about confidential R&D initiatives, marketing and sales strategies, customer relationships and negotiations, and any other information you would not normally share with competitors. Generally speaking, "If you can't agree on it, don't discuss it."
 - Make sure all of your communications are precise and accurate. All communications are discoverable in litigation and in enforcement investigations, so be careful not to create documents that could be misunderstood or misconstrued as relating to anticompetitive conduct. If you feel the need to write "delete after reading," carefully consider whether the communication is appropriate in the first place.
 - If you witness or are party to a communication that you are concerned could implicate the antitrust laws, leave the discussion or, if the communication is an email or text message, do not respond. Raise your concerns with your company's legal department as soon as possible to determine next steps.
2. Avoid jokes about antitrust violations, which can be construed as a sign of disrespect for the law and antitrust compliance policies.
3. Be aware of AICC, The Independent Packaging Association's and FBA's antitrust guidelines. Read them, follow them and make sure those with whom you work with follow them, too. Make sure to regularly attend any antitrust training offered by the above organizations or by your company and understand your company's own antitrust-related policies and procedures. Be sure to consult your company's legal department first with respect to any concerns you may have regarding antitrust risk.

