

# Trade Practices (competition and consumer protection) Law

In Australia competition law (anti-trust) and consumer protection law is defined and regulated by a series of inter-related statutory enactments, the most important of which is the *Trade Practices Act 1994* (Cth).

Our lawyers have experience in all aspects of Trade Practices (competition and consumer) law including:

- Mergers and Acquisitions
- Joint Ventures
- Contract review and enforcement
- Authorisations and Notifications of anti-competitive conduct
- ACCC investigations and prosecutions
- Anti-competitive conduct advice and litigation
- Consumer protection disputes
- Marketing clearance and advertising review
- Product liability (including recalls)
- Labelling regulation
- Compliance programs and training

## Competition Law

Our commercial lawyers ensure that trade practices (competition law) issues are identified and resolved early in the negotiation of licence agreements, joint ventures and other corporate transactions.

Our lawyers have extensive experience negotiating with the governmental body responsible for implementation and enforcement of trade practices laws in Australia – the Australian Competition & Consumer Commission (ACCC) (including with respect to investigations, 155 Notices, authorisations, notifications and prosecutions) as well as all aspects of the anti competition provisions of the TP Act.

Our senior lawyers have been involved in many high profile cases in relation

to alleged anti-competitive conduct including cartel conduct and the immunity provisions of the TP Act.

As part of our Plant Breeders Rights practice we also have experience with the export agreements provisions of the TP Act.

## Consumer Protection

As intellectual property specialists we appreciate that brand protection involves close scrutiny of our client's competitors. Our lawyers have extensive experience in litigation arising from the consumer protection provisions of the TP Act (false and misleading and deceptive conduct). We have undertaken extensive advertising and marketing review and clearance programmes for clients in a wide variety of business and industry sectors and our lawyers have particular experience in dealing with comparative advertising disputes. We also have experience in advising clients on labelling, promotions and product recall issues.

We have also implemented and conducted Trade Practices compliance training for many corporations including those in the pharmaceutical, automotive, retail, fashion and sporting industries.

## Recent matters representative of our experience include:

- Assisting a client to make a submission to the ACCC relating to alleged anti-competitive conduct in the advertising market.
- Representing a party in Australian Federal Court proceedings commenced by the ACCC alleging misleading and deceptive conduct.
- Providing regular advice to one of Australia's most prominent television advertisers in relation to advertising content and comparison issues.
- Providing labelling advice to a range of overseas based companies exporting products to Australia.

## Key contacts

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