

Antitrust Guidelines for BBCIC Meetings

Covers meetings of BBCIC Board, committees, subcommittees and BBCIC Participants

BBCIC meetings must be conducted in a manner that avoids the fact or appearance of conduct that may violate the antitrust laws. The BBCIC must assure that certain subject areas (noted below) are not discussed at BBCIC meetings and that no illegal agreements are reached or carried out through the organization. Below is a summary of the standards of conduct and legal restraints which must be observed at BBCIC meetings to protect against violations of the antitrust laws.

PROHIBITED SUBJECT AREAS: AVOIDING POTENTIAL ANTITRUST LIABILITY

Each BBCIC Participant has the responsibility to avoid raising improper subjects for discussion. BBCIC Participants are encouraged to familiarize themselves with their own company's or organization's guidelines and to abide by them.

Discussion of or activities and programs relating to the subjects set forth below are improper and should not be permitted. To discuss or engage in conduct on these topics at BBCIC meetings could lead to an understanding or agreement expressly made or implied which may subject the BBCIC and individual Participants to legal liability under the antitrust laws:

- Industry-wide or individual company prices (current or projected) or matters related to pricing such as costs, profits, contractual terms and conditions (e.g., discounts, credit terms), wages/salaries, market allocation, market shares/sales, clients/customers
- Encouraging boycotts, exclusions of products/services or "refusals to deal" with individuals, companies or governmental entities
- Subjects that could be viewed as fostering unfair practices involving advertising, standardization, certification or accreditation
- Limitations on individuals or organizations that would result in restricting their ability to engage in a business or business practice or inappropriately exclude them from participation in BBCIC activities
- An individual company's product or service offerings including design, characteristics or pricing information; specific sales, distribution, marketing and/or R & D plans; confidential or non-public product/service information or product/service development or commercialization strategies

Note: Do not discuss or exchange information on the subject areas described above at social gatherings or "rump" meetings incidental to BBCIC meetings, even in jest.

PERMISSIBLE SUBJECT AREAS

In general, discussion of or activities and programs relating to the following subjects are proper and permitted.

- BBCIC Research Protocols, data requirements, statistical and epidemiological methods, and analysis of results
- Reporting and exchanging information on general industry or professional developments, concerns and economic trends
- Describing advances/problems in relevant research and technology
- "Best practices" discussions: Providing general information to assist and identifying methods by which an individual or company can improve performance (efficiencies, profitability, management, etc.); however no agreements should be reached as to the use of a particular practice or to exclude a competitor from using a different practice

Note: A subject appropriate for discussion can be rendered inappropriate by an improper approach to it (e.g., a cover up to harass competitors or to reach an agreement through the use of a governmental process that would otherwise be unlawful).