

KEY CONSIDERATIONS DURING COVID-19

Antitrust

Perkins Coie is focused on assisting businesses faced with legal and operational issues arising from the COVID-19 pandemic. This checklist identifies key Antitrust considerations to help companies mitigate their risk for class action lawsuits.

 Know which price gouging laws apply to the business.

Some states have directly applicable laws, and most states and the federal government have unfair and deceptive practices laws that could be applied. A number of such class actions have been filed. Be cautious about price increases that raise margins significantly as well as reflect higher costs.

 Consider industry coordination in the face of COVID-19.

Many industries are looking at sharing best practices and even facilities and protective materials to reduce risks to employees and customers. Be sure that all aspects of the coordination are necessary to those purposes and consider approaching agencies for explicit review and approval, or even government mandates.

 Consider sharing information about COVID-19 effects.

Some companies are sharing information about COVID-19 effects, such as supply chain disruptions. Again, be certain that the information is limited to dealing with COVID-19, and be particularly careful with information as to future plans or projections.