



The Feature

Algorithmic Price-Fixing: States Hit ‘Control-Alt-Delete’ on Digital Collusion

Over the past year, an increasing number of U.S. states have proposed legislation to restrict algorithmic pricing mechanisms in order to mitigate the risk of antitrust collusion and price-fixing. At present, only three states—California, New York, and Connecticut—have adopted such measures, but the legislative trend among states is clear and expected to accelerate.

The regulatory schemes of each of the three states varies on many levels. For example, California’s legislation places restrictions on algorithmic pricing in any industry, while the other two states have focused on the rental market industry.

We examine the scope and implications of each statute, highlighting the inadvertent price-fixing and collusion risks associated with algorithmic technologies. We also address the challenges these technologies present and outline key considerations for minimizing exposure to legal and compliance risks.

Read our more detailed update [here](#).

The Niche

Global products, national markets? As the globalized economy grapples with fragmenting political and trade systems, geographic antitrust market definitions may increasingly narrow, driven by diverging regulatory frameworks and trade barriers rather than innate product characteristics. Export controls (e.g., on [semiconductors](#)), ring-fenced data infrastructure, and [sovereign-cloud frameworks](#) could lead to national or regional geographic market definitions even if products could otherwise be supplied and compete globally.

This is clearly illustrated in mergers – new reports make it clear that certain reviews were firmly in the intersection of competition law/policy and geopolitics. Alongside the review of the competitive effects of transactions, reviews increasingly also consider implications for security of supply technological autonomy, and resilience in the face of geopolitical shocks — these trends are reflected in the current [review](#) of the EU merger guidelines — with the practical effect that market definitions may increasingly reflect sovereignty and resilience dynamics as much as substitutability and other competitive dynamics.

Other Interesting Recent Antitrust in Tech Developments

US: On November 13, 2025, a Texas federal judge [denied](#) Apple and Open AI’s motion to dismiss an antitrust suit accusing them of engaging in anti-competitive practices via a partnership between the two companies to integrate Open AI’s ChatGPT into various Apple products.

US: On November 18, 2025, a D.C. federal judge ruled in favor of Meta, [dismissing](#) a lawsuit brought by the FTC alleging that Meta illegally monopolized social media throughout its acquisitions of WhatsApp and Instagram.

EU: On November 18, 2025, the European Commission [launched](#) EU Digital Markets Act (DMA) investigations regarding (i) potential designation of providers of cloud computing services as gatekeepers for those services, despite the quantitative DMA thresholds for designation not being met; and (ii) appropriate obligations under DMA for cloud computing services.

UK: On November 18, 2025, the Competition & Markets Authority (CMA) published its [guidance](#) for businesses on the price transparency provisions of the DMCC Act, which covers online pricing practices, including drip pricing and partitioned pricing.

Germany: On September 23, 2025, the Higher Regional Court Stuttgart [held](#) that apps collecting user data may be advertised as “free of charge” as personal data is not a “price” under the EU consumer law.

What’s in the Pipeline?

US: California recently [passed](#) a law significantly increasing fines under the Cartwright Act, indicating a continued commitment by states to strengthen their antitrust enforcement tools. Similar legislation pending in New York indicates that other states will follow suit.

EU: On November 19, 2025, the Commission [published](#) a “digital omnibus” package aimed at streamlining rules on AI, cybersecurity, and (personal and non-personal) data to boost innovation, which is open to feedback until March 2026.

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Check out last month’s webinar: DOJ Antitrust Update: Algorithmic Pricing, Monopolies, and Whistleblowers Under Trump

