

Three Tenors Agreement Condemned Under Truncated Analysis

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The U.S. Court of Appeals for the District of Columbia Circuit affirmed the Federal Trade Commission's (FTC) ruling that participants in a joint venture to release a musical recording acted unlawfully by agreeing not to discount or promote similar previously released recordings. The U.S. Court of Appeals for the Fifth Circuit affirmed dismissal of claims that an incumbent local telecommunications provider violated the Sherman Act when it increased the cost of telephone calls to a rival's paging services. Other recent antitrust decisions of interest included a determination by a New Jersey state appellate court that indirect purchasers cannot recover money damages under that state's antitrust laws.