

Concert Venue Tying Claims Rejected

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The U.S. Court of Appeals for the Fourth Circuit ruled that a national concert promoter and venue operator did not engage in unlawful tying because the evidence showed it did not coerce artists to perform at the allegedly tied venue. A district court allowed exclusive dealing claims against the leading provider of in-store promotion services to proceed to trial since there was sufficient evidence that exclusive arrangements could have substantially foreclosed rivals from the market. Other antitrust developments of note included another district court's determination that zinc purchasers did not sufficiently plead a conspiracy to reduce the supply of zinc and artificially increase its price. The column concludes with a short note on some of U.S. Supreme Court Justice Antonin Scalia's antitrust opinions.