

# Wireless Innovation Forum Antitrust Compliance Policies and Procedures

## Version 1.0

**Approved by the Board of Directors on 11 February 2021**

It shall be the policy of the Software Defined Radio Forum, Inc. d/b/a the Wireless Innovation Forum to be in compliance with antitrust laws, rules and regulations. Therefore:

1. These policies and procedures apply to membership, board, committee and other meetings of the Wireless Innovation Forum, and meetings attended by persons representing the Wireless Innovation Forum.
2. Section I of the Sherman Anti-Trust Act prohibits "contracts, combinations or conspiracies ... in restraint of trade." Guidance from the Federal Trade Commission<sup>1</sup> states that "plain arrangements among competing individuals or businesses to fix prices, divide markets, or rig bids ... are *"per se"* violations of the Sherman Act; in other words, no defense or justification is allowed". Accordingly, the policy of the Wireless Innovation Forum shall be as follows:
  - a. Discussions of prices or price levels are prohibited. In addition, no discussion is permitted of specific elements of a company's operations which are in the context or referring to influencing price such as:
    - i. Cost of operations, supplies, labor or services except in general context;
    - ii. Allowance for discounts;
    - iii. Terms of sale including credit arrangements; and/or,
    - iv. Profit margins and mark ups, provided this limitation shall not extend to discussions of methods of operation, maintenance, and similar matters in which cost or efficiency is merely incidental.
  - b. Discussions pertaining to agreements not to compete or of division of territories or customers or limitations on the nature of business carried on or products sold are not permitted.
  - c. Discussions relating to group boycotts are prohibited, including discussions about blacklisting or unfavorable reports about particular companies including their financial situation.
3. Section 5 of the Federal Trade Commissions Act prohibits "[u]nfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce...." Accordingly, it is the policy of the Wireless Innovation Forum to not engage in such activities or to create the impression that such activities are occurring. Specific policies and procedures are as follows:
  - a. Member Admissions (Policy 006)
  - b. Participation by Non-members (Policy 014)
  - c. Intellectual Property Rights, (Policy 007)

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<sup>1</sup> <https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws>

d. Standards Development (Policy 001)

Compliance with the specifications promoted by Wireless Innovation Forum is voluntary. Members should not discuss or exchange information that would tend to restrict any member or non-member from establishing or deploying a different specification or enter into agreements that prohibit or restrict any member from establishing or deploying any other specifications.

Certifications against standards, when offered by the Wireless Innovation Forum, will be open to both members and non-members.

4. It is the Wireless Innovation Forum's policy that all meetings attended by representatives of the Association (e.g., members of the Board of Directors or staff) where discussion can border on an area of antitrust sensitivity, that the Association's representative request that such discussion be stopped and ask that the request be made a part of the minutes of the meeting being attended. If others continue such discussion, the Association's representative should excuse themselves from the meeting and request that the minutes show that they left the meeting at that point and why they left. Any such instances should be reported immediately to the CEO and the Forum Chair.

It is the Association's policy that a copy of these Wireless Innovation Forum Antitrust Compliance Policies and Procedures be given to each officer, director, committee member, official representative of member companies and Association employees annually.