

Legal Update from Brian Flagler

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eBook pricing agreements trigger antitrust scrutiny

On Monday, the [Wall Street Journal reported](#) that the Connecticut Attorney General's office is investigating eBook pricing restrictions in agreements between Amazon and Apple and book publishers. Specific concerns include the "most favored nations" clauses required by Apple and Amazon which prohibit publishers from offering lower eBook prices through other retailers, and the view that Apple's pricing tiers will drive the market towards uniform prices. From my perspective, these two clauses should also be of concern to ECPA publishers.

As reported in prior Legal Updates, CBA and ABA have filed complaints on the opposite side of this issue: that online retailers are offering eBooks as loss leaders at prices so low as to be anticompetitive. ECPA will provide further updates as these matters develop.



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This update is provided as an informational service of ECPA to its members and does not serve as, and should not be understood to provide, legal advice. Please contact [Brian Flagler](#) or your attorney if you would like to discuss application of this update to the specific circumstances of your publishing organization.

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