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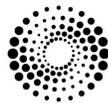
**Antitrust and American  
Business Abroad**

Fourth Edition

by Spencer Weber Waller

and Andre Fiebig

Volume 1



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## Foreword to the Fourth Edition

We are both delighted and daunted with the opportunity to prepare a fourth edition of *Antitrust and American Business Abroad*. It is a book with a distinguished pedigree. The late Kingman Brewster first brought these issues to the attention of an international audience in 1958. James Atwood prepared the second edition of the book in 1981 and Professor Waller prepared the third edition in 1997.

It is also a unique book. Unlike the other fine works in the field of international antitrust, *Antitrust and American Business Abroad* has been a book with a thesis about what policies and legal rules are best for the United States in regulating the business activities of its citizens, its business entities, and the persons and firms with whom we do business in world markets. Atwood and Brewster were never content to describe; their goal was to persuade and to change the law and the policy which animated it. To a very great measure, they were successful.

Since the publication of the third edition, more than 18 tumultuous years have passed. Events during that period have made the application of antitrust principles to the international activities of U.S. business an even more critical and challenging issue for the welfare of the United States and the world community. While the treatise was updated each year, time and the flow of events did not permit a comprehensive rethinking and revision of the entire work.

Hence, there is the need for a fourth edition. We are grateful for the confidence of James Atwood, Diane Wood, Thomson Reuters, our editors, and the many others which has made it possible for us to prepare the fourth edition. Special thanks also must go to Loyola University Chicago School of Law for its support of this project for the past fifteen years.

We gratefully acknowledge our intellectual debts to Kingman Brewster, James Atwood, and Diane P. Wood for the

text and ideas they have entrusted to us. The freedom we enjoyed in preserving and changing the work that preceded us brought with it a dilemma. We come to the field of international antitrust with our own preconceptions and ideas, some of which are different from either those of the previous authors. In order to preserve the essence of the Atwood and Brewster treatise where those conflicts are unresolvable, we have tried to preserve the ideas and advocacies of the past editions and note wherever possible where our own views differ and why.

Fortunately, those instances are relatively few and far between. In many more cases, we have been able to preserve the ideas that are timeless and in accord with our own views. In many cases, our own views are most likely the product of the influence of the past editions on us as students, practitioners, and professors.

Most of our changes relate to the passage of time. We have focused our work on adapting the book to reflect the issues and concerns of the early 21st century and beyond. This is a world with more than one hundred and twenty jurisdictions enforcing their own competition laws and an ever adapting U.S. antitrust law and policy. In places, these developments have muted or eliminated some of the concerns of the earlier editions. New developments have been added which were not covered in great detail in the past. Occasional changes and disagreements are highlighted and contrasted with past editions.

Andre Fiebig has joined as a co-author of the fourth edition following several years of co-authoring the annual updates to the third edition. Professor Waller and Mr. Fiebig have worked together in the classroom and on conferences, publications, and other projects in the antitrust area for the past twenty-five years. It has been a pleasure to continue that collaboration over the past years and in the preparation of the new edition of the treatise. We hope that we have honored the most important tradition of *Antitrust and American Business Abroad* in seeking to persuade, and not merely to describe.

## About the Authors

**Spencer Weber Waller** is Director of the Institute for Consumer Antitrust Studies and Professor at Loyola University Chicago School of Law where he teaches antitrust, intellectual property, civil procedure, and international litigation courses. He is a member of the Advisory Board of the American Antitrust Institute and the editorial boards of the *Antitrust Law Journal* and the *World Competition Law and Economics Review*. Professor Waller is the author of six books and over one hundred articles on United States and international antitrust, including the first full-length biography of Thurman Arnold, the founder of modern antitrust enforcement in the United States. He is the co-editor and contributor to *Brands, Competition Law and IP* (Cambridge University Press 2015). His recent scholarship focuses on U.S. and international antitrust, brands, class actions, high-tech industries, innovation, and intellectual property. He is the recipient of the 2014 Concurrence Antitrust Writing Award. Professor Waller previously taught and served as associate dean at Brooklyn Law School.

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