

96TH CONGRESS  
1ST SESSION

# H. R. 1868

Relating to soft drink competition.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1979

Mr. McCLOSKEY introduced the following bill; which was referred to the  
Committee on the Judiciary

---

## A BILL

Relating to soft drink competition.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Soft Drink Interbrand  
4 Competition Act".

---

5 DECLARATION OF POLICY

6 SEC. 2. Nothing contained in this Act, or in any of the  
7 antitrust Acts, shall render unlawful the inclusion and en-  
8 forcement in any trademark licensing contract or agreement,  
9 pursuant to which the licensee engages in the manufacture  
10 (including manufacture by a sublicensee, agent, or subcon-

1 tractor) or distribution, and sale of a trademarked soft drink  
2 product, of provisions granting the licensee the sole and ex-  
3 clusive right to manufacture, distribute, and sell such product  
4 in a defined geographic area or limiting the licensee, directly  
5 or indirectly, to the manufacture, distribution, and sale of  
6 such product only for ultimate resale to consumers within a  
7 defined geographic area: *Provided*, That such product is in  
8 substantial and effective competition with other products of  
9 the same general class.

10       SEC. 3. The existence or enforcement of any trademark  
11 licensing agreement which before May 1983 shall have limit-  
12 ed, allocated, or restricted the territory in which the licensee  
13 may manufacture, distribute, or sell a trademarked soft drink  
14 product shall not be subject to challenge under section 4 of  
15 the Clayton Act (15 U.S.C. 15).

○