

May 21, 2026

Omeed A. Assefi
Acting Assistant Attorney General
Antitrust Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Andrew N. Ferguson
Chairman
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: Joint Public Inquiry on Guidance for Collaborations Among Competitors (Docket No. ATR-2026-0001)

Dear Acting Assistant Attorney General Assefi and Chairman Ferguson:

The undersigned organizations write in response to the February 23, 2026, joint public inquiry regarding potential additional guidance on collaborations among competitors. We represent a broad cross-section of innovators that power the American economy, including connected device manufacturers, critical infrastructure operators, video streaming content providers, AI leaders, and others that rely on lawful and procompetitive collaboration to invest, innovate, and bring new products and services to market. We welcome the Department of Justice (DOJ) and Federal Trade Commission (FTC) soliciting public input on the potential of updates to its business collaboration guidance and strongly support efforts to restore clear and predictable guidance in the wake of the December 2024 withdrawal of the 2000 Antitrust Guidelines for Collaborations Among Competitors. Clear guidance reduces compliance costs, encourages procompetitive joint conduct, and benefits American consumers and workers alike.

We respectfully recommend that the DOJ and FTC maintain the original scope of the Collaboration Guidelines and not extend them to standard setting and intellectual property licensing matters. The 2000 Collaboration Guidelines themselves expressly disclaimed coverage of standard setting, and the document was, by design, framed as a set of high-level, generally applicable analytical principles rather than as industry- or agreement-specific guidance. Any revisions built on this foundation must preserve that same architecture. Folding standards-related and IP-licensing topics into this update would mark a significant departure from the prior document's scope and risk obscuring what should remain a clear and broadly applicable analytical framework.

The DOJ and FTC already maintain a well-developed and long-standing vehicle for addressing intellectual property issues in the Antitrust Guidelines for the Licensing of Intellectual Property, which have served the business community for decades. Bringing IP licensing, voluntary

consensus standard setting, and standard-essential patents (SEPs) into competitor collaboration guidance would overlap with the intellectual property licensing guidelines and cause confusion, undermining the DOJ's and FTC's goal of providing businesses with the predictability and confidence they need to innovate together and grow while avoiding anticompetitive conduct. In addition, the foundations surrounding IP licensing have not materially changed in ways that warrant repackaging them inside a DOJ and FTC horizontal collaboration document.

Keeping the revised collaboration guidance focused on the same high-level principles of general application that characterized the 2000 Collaboration Guidelines will best serve the Agencies' stated goals of providing transparency, predictability, and confidence to businesses across the economy. We appreciate the opportunity to share these views and stand ready to engage further as the Agencies consider next steps.

Respectfully submitted,

Association for Competitive Technology (ACT)

Engine

High Tech Inventors Alliance (HTIA)

Save Our Standards (SOS)