AMENDMENT NO. 1760 Calendar No. 687

Purpose: To limit antitrust damage recoveries by persons injured by the soft drink industries' territorial restrictions prior to the effective date of S. 598 to actual damages.

IN THE SENATE OF THE UNITED STATES—96th Cong., 2d Sess.

S. 598

To clarify the circumstances under which territorial provisions in licenses to manufacture, distribute, and sell trademarked soft drink products are lawful under the antitrust laws.

May 13 (legislative day, January 3), 1980

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. METZENBAUM

Viz: Insert the following new section 3 in lieu of section 3 as it now appears:

SEC. 3. Any person injured in his business or property by reason of the existence or enforcement of territorial provisions in a trademark licensing agreement for the manufacture, distribution, and sale of a trademarked soft drink product which are held unlawful under any antitrust law other than this Act shall be entitled to recover under section 4 of the Clayton Act only actual damages sustained by him.

Amendment No. 1760

S. 598