

Editor's Introduction to the 2025-2026 edition

Corporate Counsel's Guide to Unfair Competition provides the tools necessary to develop and monitor an antitrust compliance program. This practical title offers an overview of relevant antitrust statutes, guidelines on implementation, advice on how to assess and monitor compliance programs, and time-saving guidelines and forms.

Highlights to the 2025–2026 edition include:

- *CPI Security Systems, Inc. v. Vivint Smart Home, Inc.*, where CPI accused Vivint of using deceptive door-to-door tactics to lure away customers, including false claims of affiliation and buyouts. Testimony and evidence showed these practices were widespread and ignored by Vivint despite prior lawsuits and state actions. The court held that under North Carolina's UDTPA, CPI only needed to prove that Vivint's unfair competition caused its injury—not that CPI relied on the misrepresentations (§ 1:12).
- Enhanced discussion of elements of false advertising in commercial advertising, including *Ketonatural Pet Foods, Inc. v. Hill's Pet Nutrition, Inc.* Hill's built its brand by marketing to veterinarians and funding research, universities, and affiliated nonprofits. After losing market share to grain-free diets, Hill's and allied veterinarians launched a campaign warning of health risks tied to these diets, influencing an FDA investigation and widespread media coverage. (§ 3:5).
- New caselaw on trademark dilution, including *Hoffman Brothers Heating & Air Conditioning, Inc. v. Hoffman Air Conditioning & Heating*. A settlement barred a former partner from using the "Hoffmann" name in HVAC businesses for four years. After that period, he named his company "Hoffmann Air Conditioning & Heating." The court found the agreement ambiguous under Missouri law, leaving it to the jury to decide whether the name could be used after four years or if other legal rules applied (§ 9:7).
- New caselaw on the Federal Trademark Dilution Act, including *Republic Technologies (NA), LLC v. BBK Tobacco & Foods, LLP*, where Republic sought a declaration that its OCB packaging did not infringe HBI's RAW trade dress (§ 9:15).
- Expanded discussion of internet businesses and trade infringement cases, including *Westmont Living, Inc. v.*

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Retirement Unlimited, Inc. and 1-800 Contacts, Inc. v. JAND, Inc. (§ 9:32).