

Approval of the Commitment Plan submitted by Cooper Vision Japan, Inc.

June 4, 2020

Japan Fair Trade Commission

In response to the Notice of Commitment Procedures which the Japan Fair Trade Commission (hereinafter referred to as “JFTC”) issued to Cooper Vision Japan, Inc. (hereinafter referred to as “Cooper Vision Japan”) on March 13, 2020 because the JFTC suspected that activities by Cooper Vision Japan mentioned in 2(1) A and B below violated the Article 19 (paragraph 12 [Trading on Restrictive Terms]) of the Antimonopoly Act, Cooper Vision Japan made an Application for Commitment Approval. The JFTC recognized that the Commitment Plan would conform to the Approval Requirements and approved it today.

Note that this Approval of the Commitment Plan does not represent a determination that the activities of Cooper Vision Japan constituted a violation of the Antimonopoly Act.

1. Overview of the Applicant

Corporate No.	2011001041633
Corporate Name	Cooper Vision Japan, Inc.
Address	1-4-5 Roppongi, Minato-ku, Tokyo
Representative Director	Yoshiko Inoue, General Manager

2. Overview of the Activities, etc.

(1) Overview of the Activities

A. Concerning sale of the 1-day contact lenses and the 2-week replacement contact lenses of Cooper Vision Japan (hereinafter referred to as “the 1-day contact lenses, etc. of Cooper Vision Japan”), Cooper Vision Japan requested its partner retailers not to display the selling price of them in the advertisement.

B. Concerning sale of the 1-day contact lenses, etc. of Cooper Vision Japan, Cooper Vision Japan requested its partner retailers not to sell them on the Internet even if patients receives a prescription from doctors*.

* “patients receives a prescription from doctors” means that a person visits a medical institution and is given a “instruction paper” that describes the product name and standard of the contact lenses, effective period, etc.

(2)Legal provisions that should be applied to the activities

It is suspected that the activities by Cooper Vision Japan mentioned in 2(1)A and B above fall under “Trading on Restrictive Terms” stipulated in Paragraph 12 of Designation of Unfair Trade Practices and violate Article 19 of the Antimonopoly Act.

3.Overview of the Commitment Plan

(1)The board directors of Cooper Vision Japan will resolve;

A. To confirm the activities mentioned in 2(1) A and B above have been terminated.

B. Not to perform the activities similar to those mentioned in 2(1) A and B above in the following three years.

(2)Cooper Vision Japan will notify the measures taken based on 3(1) above to its partner retailers and its partner wholesalers selling the 1-day contact lenses, etc. of Cooper Vision Japan, publicize the measures to general consumers, and make the measures thoroughly known to the employees of Cooper Vision Japan.

(3)Cooper Vision Japan will not perform the activities similar to those mentioned in 2(1) A and B above in the following three years.

(4)Cooper Vision Japan will take measures necessary to do the following:

A. Revision of the guidelines for compliance with the Antimonopoly Act concerning sale of the 1-day contact lenses, etc. of Cooper Vision Japan, and make them thoroughly known to the employees of Cooper Vision Japan.

B. Regular training of the employees engaging in sale of the 1-day contact lenses, etc. of Cooper Vision Japan and regular audit of them by the legal department, regarding compliance with the Antimonopoly Act concerning sale of the 1-day contact lenses, etc. of Cooper Vision Japan.

(5)Cooper Vision Japan will report the state of implementation of the measures mentioned in 3(1), (2) and (4) above to the JFTC.

(6)Cooper Vision Japan will annually report the state of implementation of the measures mentioned in 3(3) and (4)B above to the JFTC in the following three years.

4.Approval of the Commitment Plan

The JFTC recognized that the Commitment Plan mentioned in 3 above would conform to the Approval Requirements, and approved the Commitment Plan.