

Ko shin tsu No. 5072
December 24, 2021

To:
Amer Sports Japan, Inc.
Sean Hillier, Representative Director

Wilson Sporting Goods Co.
Joe Dudy, President

Japan Fair Trade Commission

Notice

The Japan Fair Trade Commission has investigated Amer Sports Japan, Inc. and Wilson Sporting Goods Co. under the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947. Hereinafter, “AMA.”), and it hereby notifies the following pursuant to Article 48-6 of the AMA, as it is deemed particularly necessary to promote fair and free competition.

Particulars

As described in the Appendix 1 and 2

Appendix 1

The outline of the acts alleged to be in violation of the provisions of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947. Hereinafter, “AMA.”) and the provisions of the laws and regulations alleged to be in violation found by the Japan Fair Trade Commission are as follows.

1. Outline of the alleged actions:

Around from September 2016 at the latest to September 2020, Amer Sports Japan, Inc. (“ASJ”), a Japanese subsidiary of Wilson Sporting Goods Co. which is located in the U.S. (“Wilson”), obtained legitimate/non-counterfeit Wilson performance tennis racquets (“Tennis Racquets”) which are one type of hard-ball tennis racquets for advanced players manufactured by Wilson and sold through itself or affiliated companies of its company group (including ASJ) that had been imported from overseas authorized retailers (“Parallel-imported Goods”) by importers in Japan who deal in Parallel-imported Goods (“Parallel-Importers”), informed Wilson of information on hologram seals attached to the Parallel-imported Goods, and asked Wilson to identify from such information overseas authorized retailers who sold the Parallel-imported Goods to the Parallel-Importers and then to make such overseas authorized retailers not sell the Tennis Racquets to Parallel-Importers. In response to this, Wilson warned certain identified overseas authorized retailers not to sell Tennis Racquets to Parallel-Importers in Japan including because of documents that prohibit sale of Tennis Racquets outside appointed sales areas.

2. Provisions of the laws and regulations alleged to be in violation

ASJ’s and Wilson’s actions stated above in section 1 are alleged to be in violation of Article 19 of the AMA because the actions fall under paragraph 14 of the Unfair Trade Practices.

Attached table

Number	Word	Definition
1	Overseas authorized retailers	Retailers who are located outside of Japan and approved by Wilson to sell Tennis Racquets to customers outside of Japan.
2	Hologram seals	Seals attached to Tennis Racquets by Wilson which have serial numbers to protect the integrity of the Tennis Racquets.

Appendix 2

Amer Sports Japan, Inc. and Wilson Sporting Goods Co. may apply to the Japan Fair Trade Commission for approval under paragraph 1 of Article 48-7 of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947.) within 60 days from the date of service of this notice.