

Article I

PURPOSE AND DEFINITIONS

1. The purpose of this Agreement is to promote cooperation and coordination between the competition authorities of the Parties, to avoid conflicts arising from the application of the Parties' competition laws and to minimize the impact of differences on their respective important interests, and, in addition, to establish a framework for cooperation and coordination with respect to enforcement of deceptive marketing practices laws.

2. For the purposes of this Agreement, the following terms shall have the following definitions:

- (a) "Anticompetitive activity(ies)" means any conduct or transaction that may be subject to penalties or other relief under the competition laws of a Party;
- (b) "Competition authority(ies)" means
 - (i) for Canada, the Director of Investigation and Research;
 - (ii) for the United States of America, the United States Department of Justice and the Federal Trade Commission;
- (c) "Competition law(s)" means
 - (i) for Canada, the *Competition Act*, R.S.C. 1985, c. C-34, except sections 52 through 60 of that Act;
 - (ii) for the United States of America, the *Sherman Act* (15 U.S.C. §§ 1-7), the *Clayton Act* (15 U.S.C. §§ 12-27), the *Wilson Tariff Act* (15 U.S.C. §§ 8-11) and the *Federal Trade Commission Act* (15 U.S.C. §§ 41-58), to the extent that it applies to unfair methods of competition,

as well as any amendments thereto, and such other laws or regulations as the Parties may from time to time agree in writing to be a "competition law" for the purposes of this Agreement; and

- (d) "Enforcement activity(ies)" means any investigation or proceeding conducted by a Party in relation to its competition laws.

3. Any reference in this Agreement to a specific provision in either Party's competition law shall be interpreted as referring to that provision as amended from time to time and to any successor provision thereof. Each Party shall promptly notify the other of any amendments to its competition laws.