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Department of Justice

Request Letter
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FOR IMMEDIATE RELEASE
TUESDAY, OCTOBER 31, 1978

AT
202-633-2014

The Department of Justice said today it had no present intention to challenge under the antitrust laws a proposal by the National Audio-Visual Association, Inc., to create a "Certified Media Specialist" program.

The Department's position was stated in a letter from John H. Shenefield, Assistant Attorney General in charge of the Antitrust Division, to Thomas M. Gould, counsel to the trade association. The association had asked the Department for a business review letter stating the Department's enforcement intention if the firm carried out its proposal.

Under the proposal, the association would confer the title "Certified Media Specialist" on qualifying association members and nonmembers. To gain an initial three-year certification, an individual would be required to attend a specified number of association-sponsored courses, training seminars, or conferences or to have been in the audio-visual business for nine years. To obtain recertification for one or three years would require attendance at additional courses, seminars, or conferences.

The proposal provides that certification and all courses and other activities that count toward certification or recertification would be open to nonmembers

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on a nondiscriminatory basis and that operation of the program would not discriminate against nonmembers.

Fees paid by nonmembers may be somewhat higher but this will only be to the extent necessary to reflect the fact that association members already support these activities with their dues.

Under the Department's Business Review Procedure, an organization may submit a proposed action to the Antitrust Division and receive a statement as to whether the Division would challenge that action under the antitrust laws.

A file containing the business review request and the Department's response will be made available to the public immediately and may be examined in the Legal Procedure Unit, Antitrust Division, Room 7416, Department of Justice, Washington, D. C. 20530. After a 30-day waiting period the documents supporting the business review will be added to the above file.

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United States Department of Justice

WASHINGTON, D.C. 20530

OCT 30 1978

ASSISTANT ATTORNEY GENERAL
ANTITRUST DIVISION

Thomas M. Gould, Esquire
Gould, Reichert & Strauss
2613-20 Carew Tower
Cincinnati, Ohio 45202

Dear Mr. Gould:

This is in response to your letter of May 24, 1978, on behalf of the National Audio-Visual Association, Inc. (NAVA) requesting a statement of the present enforcement intentions of the Department of Justice with respect to NAVA's proposed program to qualify individuals as "Certified Media Specialists" (CMSs) in the audio-visual field.

The CMS certification program is intended to encourage professional excellence, to promote NAVA and its training activities and to promote the growth of the audio-visual industry through increased sales, marketing and technical skills.

No examination would be required to obtain or maintain a CMS certification. In order to gain an initial three year certification, an individual would be required to attend a specified number of NAVA-sponsored courses, training seminars or conferences or simply to have been engaged in the audio-visual business for nine years. To obtain recertification for one or three year periods, an individual would have to attend additional courses, seminars or conferences. Decertification of an individual would result only from his failure to maintain his certified status, not for disciplinary or "ethical" reasons. Those who fulfilled the program's requirements would be permitted to hold themselves out as "Certified Media Specialists" and to carry the designation "CMS" on business cards or in the NAVA directory.

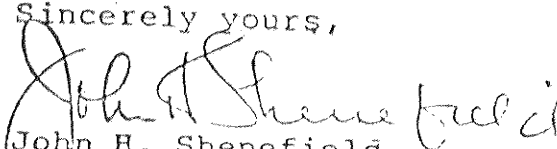
You have represented that certification and all courses and other activities which count toward certification or recertification will be open to non-members of NAVA on a non-discriminatory basis and that operation of the program, including provision for decertification, will not discriminate against non-members. Fees paid by non-members may be somewhat higher but this will only be to the extent necessary to reflect the fact that NAVA members already support these activities with their dues.

You have represented that NAVA will not make efforts to encourage members, customers or equipment suppliers not to deal with those who do not have the CMS certification. You have also represented that NAVA does not, and does not intend to, recommend firms or individuals to customers or suppliers.

The institution of the CMS program may tend to increase the costs of firms in the audio-visual business somewhat and to some extent might work to the disadvantage of smaller firms in this industry. If numerous customers or suppliers refused to deal with other than CMS certified professionals there could conceivably be an adverse impact on competition in this industry. However since you have assured us that this is not the Association's intention, and given the legitimate objectives of the program and the absence of present evidence of an anticompetitive impact from this program we have concluded that we have no present intention to initiate an antitrust action should NAVA proceed with its certification program.

You are advised of this statement of our present enforcement intentions pursuant to the Antitrust Division's Business Review Procedure 28 C.F.R. §50.6.

Sincerely yours,



John H. Shenefield
Assistant Attorney General
Antitrust Division