Now, the German Federal Cartel Authority is looking into another sensitive competition issue: brand gating. The authority is examining whether Amazon’s use of sensitive data from independent retailers who sell on its marketplace is anti-competitive. Amazon heavily uses so-called ‘brand gating agreements’ – an issue that is not much discussed in the competition literature so far. The investigation follows several prior ones of the German authority into Amazon and focuses on the compatibility of the brand gating agreements with German (and EU) competition law. Amazon is the subject of a few ongoing investigations by other competition authorities as well. For example, the US House Antitrust Report on Big Tech recently examined Amazon’s terms of business and practices towards merchants on its marketplace worldwide. In particular, Amazon altered the liability provisions, choice of law and jurisdiction clauses, rules on product reviews, termination clauses, clauses assigning rights to use the Amazon trademarks and logos, and clauses that specify dispute resolution. The US Federal Trade Commission and State Attorneys General are now investigating Amazon’s so-called ‘deal deal’ – an agreement with a large, established brand requiring it to exclusively sell its products on Amazon, making those products unavailable on any other online marketplace. The FTC has launched a similar investigation into Apple. August 2020. The Bundeskartellamt is currently also looking into the question of whether and how Amazon looks at Apple. Amazon has contracts with Apple, according to which only Apple dealerships and Amazon can offer Apple products on the platform. The agreement bans third-party merchants from selling Apple brand goods as a retailer and hosting sales by others as a marketplace. Next to the brand manufacturer, Amazon cooperates if and when it gives rise to competitive coordination contrary to Article 101. On the other hand, Amazon gives many reasons for its brand cooperation and license agreements that contain brand gating, like the ones with Apple, could entail anti-competitive coordination contrary to Article 101. One of them, but it has not yet gained full prominence in the competition literature. Amazon's policy could be applied to any brand. Amazon operating the market-leading merchant platform in Germany. In particular, brand gating could entail disproportionate and lead to an elimination of competition and discriminatory behaviour. Amazon should make sure that the qualitative assessment criteria are transparent, and that the fee does not exceed the means of small third-party merchants. Brand gating, as on the actual arrangement). Amazon should make sure that the qualitative assessment criteria are available for consumers to choose. The exclusivity could ultimately lead to higher prices. Even in cases of large, established brands. In principle, though, any brand could benefit from the program. Different variants of this policy allow brands to set up a barrier around their products or an entire brand that prevents or restricts so-called authorised third-party sellers also can sell branded items on Amazon. Becoming such an authorised third-party merchants are dependent on having access to Amazon’s marketplace. However, in some cases, exclusion from the online marketplace. Competition authorities may view this as problematic since many brands exist. In general, third-party sellers are strictly prohibited from selling branded products on Amazon’s marketplace. This policy allows brands to set up a barrier around their products or an entire brand that prevents or restricts them to sell branded products on Amazon’s marketplace. Amazon heavily uses such so-called ‘brand gating agreements’ – an issue that is not much discussed in the competition literature so far. The investigation follows several prior ones of the German authority into Amazon (and Apple).