

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright
Terrell McSweeny

In the Matter of)
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Jacob J. Alifraghis,) DOCKET NO. C-
an individual, also d/b/a)
InstantUPCCodes.com)
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_____)

DECISION AND ORDER

The Federal Trade Commission ("Commission") having initiated an investigation of certain acts and practices of Jacob J. Alifraghis, an individual, (hereinafter referred to as "Respondent"), and Respondent having been furnished thereafter with a copy of the draft of Complaint that counsel for the Commission proposed to present top(.he)4(C)-3(omn2 TJ -0.0

for a period of thirty (30) days for the receipt and consideration of public comments, now in further conformity with the procedure described in Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission hereby makes the following jurisdictional findings and issues the following Order

1. Respondent Jacob J. Alifraghis is an individual living in Florida and doing business in Florida as InstantUPCCodes.com, with a mailing address of 2803 Gulf To Bay Blvd., #165, Clearwater, FL, 33759.
2. The Federal Trade Commission has jurisdiction over the subject matter of this proceeding and of Respondent, and this proceeding is in the public interest.

ORDER

I.

IT IS ORDERED that, as used in this Order, the following definitions shall apply:

- A. "Respondent" means Jacob J. Alifraghis; all businesses, partnerships, joint ventures, subsidiaries, divisions, groups, affiliates and websites controlled by Jacob J. Alifraghis, including without limitation, the website InstantUPCCodes.com and the respective partners, directors, officers, employees, attorneys, representatives, consultants, representatives, successors, and assigns of each
- B. "Barcode" means a machine-readable code in the form of numbers and a pattern of parallel lines of varying widths, used to identify a product. Barcode includes machine-readable codes commonly referred to as "Universal Product Code" (UPC).

II.

IT IS FURTHER ORDERED that in connection with the sale, leasing, renting or licensing of any Barcode in or affecting commerce, as "commerce" is defined by the Federal Trade Commission Act, Respondent shall cease and desist from, either directly or indirectly, or through any corporation or other device

- A. Communicating with any Competitor regarding prices or rates, or prospective prices or rates, of Respondent or any Competitor; *provided, however,* that for purposes of this Paragraph II.A, Communicating does not include the transfer or dissemination of information to the public through websites or other widely accessible methods of advertising such as newspapers, television, signage, direct mail or online and social media; *provided, further, however,* that it shall not, of itself, constitute a violation of Paragraph I.A. of this Order for Respondent to Communicate or enter into an agreement with a Competitor regarding prices or rates which Respondent will buy Barcodes from, or sell Barcodes to, such Competitor.
- B. Entering into, attempting to enter into, adhering to, participating in, maintaining, organizing, implementing, enforcing, inviting, encouraging, offering or soliciting any agreement or understanding, express or implied, between or among Respondent and any Competitor
 - 1. To raise, fix, maintain, or stabilize prices or price levels, rates or rate levels, or payment terms, or to engage in any other pricing action;
 - 2. To allocate or divide markets, customers, contracts, transactions, business opportunities, lines of commerce, or territories; or
 - 3. To set, change, limit or reduce service terms or service levels
- C. Exhorting, requesting, suggesting, urging, advocating, encouraging, advising, or recommending to any Competitor either publicly or privately, that it
 - 1. Set, change, raise, fix, stabilize or maintain its prices or price levels, rates or rate levels, or payment terms, or engage in any other pricing action; or
 - 2. Set, change, reduce, limit, maintain, or reduce its service terms or service levels.

III.

IT IS FURTHER ORDERED that Respondent shall

- A. Within thirty (30) days after the date on which this Order becomes final, provide to each of Respondent's officers, directors and employees a copy of this Order and the Complaint.
- B. For a period of four (4) years from the date this Order becomes final, provide a copy of this Order and the Complaint to any person who becomes a director, officer, or employee of Respondent, and shall provide such copies within thirty (30) days of the commencement of such Person's employment or term as an officer or director.
- C. Require each person to whom a copy of this Order is furnished pursuant to Paragraph III.A. and III.B. above to sign and submit to Respondent within thirty (30) days of the receipt thereof a statement that (1) represents that the undersigned has read and understands the Order, and (2) acknowledges that the undersigned has been advised and understands that compliance with the Order may subject Respondent to penalties for violation of the Order.
- D. Retain documents and records sufficient to record Respondent's compliance with his obligations under Paragraph III of the Order.

IV.

IT IS FURTHER ORDERED that Respondent shall file a verified written report within sixty (60) days from the date this Order becomes final, annually thereafter for four

