

Joint Statement of Commissioners Christine S. Wilson and Noah Joshua Phillips

In the Matter of CoreLogic, Inc.

File No. 131-0199

November 30, 2020

We support the Commission’s unanimous decision to approve the amendment to the previously-approved remedial agreement. This amendment ends the remedial agreement early, because its beneficiary—Attom Data Solutions, LLC (formerly RealtyTrac)—no longer needs to rely on the agreement and no longer wishes to pay for the data license the agreement provides. Attom is competing effectively, independently of CoreLogic. We write to highlight this example of the FTC’s success in monitoring compliance and ensuring that Commission-ordered merger remedies will be effective.

In 2014, the Commission voted unanimously to order a remedy to address harm resulting from the acquisition of DataQuick Information Systems, Inc. by CoreLogic, Inc., affecting the market for national assessor and recorder bulk data.¹ The remedy required CoreLogic to license bulk data to Attom pursuant to a Data License Agreement.

Attom discovered that it was missing data that DataQuick had provided to bulk data customers and licensed from third parties, and CoreLogic failed to provide Attom, Commission staff, or the Monitor with complete and accurate information regarding the manner in which DataQuick provided bulk data to customers.² CoreLogic apparently also did not provide all of the support to Attom that was required by the Order. According to the Commission’s Analysis to Aid Public Comment, CoreLogic’s actions violated the Order and interfered with its remedial goal of maintaining competition in the market affected by CoreLogic’s acquisition of DataQuick.³

In 2018, the Commission voted unanimously to modify the Order to enhance three elements of the remedy: the data delivery period, the service and quality levels, and the technical transfer.⁴

The modifications succeeded. According to CoreLogic’s Application for Modification of Confidential Agreement, Attom has become an independent competitor and is now prepared to end its reliance on CoreLogic earlier than anticipated, suspending ongoing entanglements and strengthening Attom’s competitive position.

The Commission’s decision today allows Attom to shorten the term of the Data License Agreement, which Attom deems unnecessary to compete effectively. The agreement also

¹ Press Release, FTC Puts Conditions on CoreLogic, Inc.’s Proposed Acquisition of DataQuick Information Systems, March 24, 2014, <https://www.ftc.gov/news-events/press-releases/2014/03/ftc-puts-conditions-corelogic-incs-proposed-acquisition-dataquick>.

² CoreLogic Inc.; Analysis To Aid Public Comment, 83 FED. REG. 12,578 (Mar. 22, 2018).

³ *Id.* at 12,580.

⁴ Press Release, FTC Approves Final Order Adding Requirements to 2014 Order to Remedy CoreLogic Inc.’s Compliance Deficiencies, June 15, 2018, <https://www.ftc.gov/news-events/press-releases/2018/06/ftc-approves-final-order-adding-requirements-2014-order-remedy>.

contains a contingency plan, eliminating the risk to Attom and the public if Attom’s transition entirely to another company as its bulk data supplier does not go fully as planned.

In short, due to the efforts of Attom, the Monitor, and the FTC’s Compliance team – and despite the alleged initial violation by CoreLogic – the remedy is effective.

In cases involving remedies, the job of the antitrust enforcer does not conclude when a merger investigation is completed, or when an order is entered. Where remedies are appropriate, they must be effective, or the job is incomplete.

The Commission has long recognized that effective remedies play an integral role in the merger enforcement regime. To this end, the FTC has conducted two extensive merger remedy studies to analyze the efficacy of remedies and how best to restore competition that a merger would otherwise extinguish.⁵ It has embedded that learning into practice.⁶ Between studies, every experience with a divestiture order provides new insights that the Compliance Division of the Bureau of Competition uses to close loopholes, speed implementation, ensure accountability and transparency during the order implementation process, and verify compliance.⁷ A quick review of orders involving merger remedies in the pharmaceutical industry provides an excellent example of this continual refinement.⁸

The agency’s ongoing analysis and refinement does not ensure perfect outcomes, but it does demonstrate the FTC’s keen commitment to delivering effective remedies for the benefit of consumers. One key aspect of that commitment is ascertaining the existence of problems and moving quickly to address them, as the Commission did here. The result is effective competition.

⁵ Staff of the Bureau of Competition of the Federal Trade Commission, A STUDY OF THE COMMISSION’S DIVESTITURE PROCESS (1999); Staff of the Bureaus of Competition and Economics, THE FTC’S MERGER REMEDIES 2006-2012 (January 2017).

⁶ See, e.g., Dan Ducore & Naomi Licker, *Looking back (again) at FTC merger remedies*, COMPETITION MATTERS (Feb. 3, 2017) (“Released in 1999, the Divestiture Study led to a number of significant reforms to the FTC’s remedy approach: requiring upfront buyers more often; shortening the time for post-order divestiture to 6 months; appointing an independent monitor more often; and instituting a program to follow up with buyers about their progress. There are lessons from the new study as well. The study confirmed that the Commission’s practices related to designing, drafting and implementing its merger remedies are generally effective. But it also identified certain areas in which improvements can be made—so we have made them. The report includes a list of Best Practices that convey how we are already using the learning from the study to continue to improve our remedies.”).

⁷ Some of these insights become public in guidance and other statements by the Commission and its staff. See, e.g., Bureau of Competition, A Guide for Respondents: What to Expect During the Divestiture Process (June 2019), https://www.ftc.gov/system/files/attachments/merger-review/a_guide_for_respondents.pdf; Bureau of Competition, Potential Buyers: A Guide for Potential Buyers: What to Expect During the Divestiture Process (June 2019), https://www.ftc.gov/system/files/attachments/merger-review/a_guide_for_potential_buyers.pdf; Roberta Baruch and Bruce Hoffman, *Compliance reports: Reinforcing a commitment to effective orders*, COMPETITION MATTERS (Mar. 11, 2019); Maribeth Petrizzi, *Real deadlines and real consequences*, COMPETITION MATTERS (Aug. 6, 2020).

⁸ Staff of the Bureaus of Competition and Economics, THE FTC’S MERGER REMEDIES 2006-2012 (January 2017) at 31 (“[S]taff has been incorporating its ongoing learning with respect to divestitures in the pharmaceutical industry. For example, in more recent orders involving generic drug overlaps, when evaluating whether proposed respondents should be required to divest the assets of the acquiring firm or the target firm, the Commission has required divestiture of the easier-to-divest products where possible, particularly when the product was manufactured under a third-party agreement that could transfer to a buyer.”).