

PRESS RELEASE

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Ius goes to court to defend consumers injured by Comcast / Universal Studios' anticompetitive practices

Consumer protection association Ius Omnibus submitted this week, before the Competition, Regulation and Supervision Court, a popular action to force the Comcast / Universal group to disclose documents needed to confirm that consumers were injured by this group's anticompetitive practices relating to movie and TV merchandising, identified in the European Commission's decision of 30 January 2020. In case of success, Ius will be in the position to file a popular action to compensate all injured Portuguese consumers.

The Comcast / Universal group is an American multinational devoted, namely, to producing movies and TV programs, holding and exploring the intellectual property rights to very successful movies and TV shows, such as *Jurassic Park*, *Harry Potter*, *Minions*, *The Office*, *Battlestar Galactica*, *Saturday Night Live*, amongst others.

On 30 January 2020, the Comcast / Universal group was ordered by the European Commission to pay a fine of 14,3 million euros for an infringement of Article 101 of the Treaty on the Functioning of the European Union (case AT.40433). This aforementioned case implemented anticompetitive practices which segmented the European market, dividing it into territories and groups of clients, reducing cross-border competition and inflating the prices of licensed merchandising for Comcast / Universal's movies and TV programs, between January 2013 and September 2019. The American company cooperated with the European Commission and did not appeal this decision.

In April 2021, Ius wrote to Comcast / Universal requesting that it comply with its obligation to disclose documents needed to assess the existence of a right of Portuguese consumers to be compensated for damages arising from those practices. Comcast / Universal replied refusing to provide any document or information.

Ius is now resorting to the Competition, Regulation and Supervision Court, using the mechanism foreseen in article 13 of the Antitrust Private Enforcement Act (Law no. 23/2018, of 5 June), as well as articles 1045 to 1047 of the Code of Civil Procedure, in order to make Comcast/Universal to provide the documents necessary to assess and prove the existence of the Portuguese consumer's right to damages.

This is the second time this mechanism is used in Portugal, after the action filed by Ius, two days earlier, against the hotel chain Meliá.

If the action is successful, the Court will order Comcast / Universal to provide the documents needed to assess and prove the existence of a right to damages of Portuguese consumers. In this case, and if Comcast / Universal refuses to comply with its legal obligations, Ius will be in a position to file a new popular action, to require Comcast / Universal to compensate Portuguese consumers for the damages caused by the anticompetitive practices which the American company has already admitted before the European Commission.

Ius Omnibus is a non-profit association, created in March 2020 and headquartered in Portugal, with the objective of defending consumers in the European Union. Ius Omnibus has members from several countries. The Ius Omnibus board is composed by the President, Sandra Passinhas (Professor at the University of Coimbra), and the vice-presidents Maria José Azar-Baud (Professor at the University of Paris-Sarclay) and Julia Suderow (Professor at the University of Deusto).

Ius is represented in this case by Sousa Ferro & Associados law firm.

For more information, please go to: <https://iusomnibus.eu/>