

PRESS RELEASE

22 March 2022

Popular action for the compensation of consumers following Apple's anticompetitive practices

Ius Omnibus submitted yesterday to the Portuguese Competition, Regulation and Supervision Court, a popular action aimed at defending Portuguese consumers injured by Apple's anticompetitive practices alleged in several lawsuits pending against Apple in other jurisdictions (including the United States of America, the United Kingdom and the Netherlands). Since July 10, 2008, Apple produces and markets devices that run exclusively on Apple's operating system (iOS), specifically iPhones, iPads and iPods Touch. These devices are configured by Apple in such a way that consumers who purchase them have no choice but to use iOS and in-app applications (apps) and content for iOS. Apple has entered into contracts with third parties who develop apps and app content for iOS ("app developers" or "developers") with anti-competitive terms and conditions, culminating in a 30% commission on each sale. The excessive value of this commission was passed on to consumers, including consumers residing in Portugal, who purchased applications and content within applications through the Apple App Store (passing on). This action aims to put an end to Apple's anticompetitive practices that artificially preserve its monopoly on the provision of its services, which undermines the variety and quality of the applications and content available in these markets, and to compensate consumers for the increased prices they have paid through the Apple App Store.

This is an action to defend diffuse and/or collective interests and consumer rights due to an infringement of European and Portuguese prohibition of anticompetitive agreements and abuse of a dominant position. This is a mostly stand-alone private enforcement action under competition law, focused on anticompetitive behaviors alleged in several lawsuits pending against Apple in other jurisdictions, namely in the United States of America, the United Kingdom and the Netherlands.

As a result of these practices, whenever a consumer resident in Portugal wants to download an application – free or paid – to their iPhone, iPad or iPod Touch, or make any payment for iOS in-app content, there is no effective alternative but to do so in the Portuguese Apple App Store. Apple's monopoly, which is unlawfully created and maintained, has reduced variety and quality of the applications and content available in these markets, and led to increased prices paid by consumers who purchased apps or in-app content through the Apple App Store.

Ius asks the Court to declare the infringement harmful to consumer rights, to order Apple to publicly recognize it and put an end to these unlawful behaviours, and to compensate the damage caused to all represented consumers.

As regards the claim for damages, the present action seeks compensation for the harm resulting from the surcharge (difference between the commission charged and the commission that would have been charged in a competitive environment, in the absence of Apple's anticompetitive practices) passed on to the represented consumers.

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, Julia Suderow (Professor at the University of Deusto) and the vice-presidents Maria José Azar-Baud (Professor at the University of Paris Saclay) and Victoriano Nazareth (Retired Senior Technician in School Administration at the Ministry of Education).

Here enclosed is a media dossier with more detailed information about this popular action.

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

Ius Omnibus Communication Department :

Cremilde Ribeiro Pratas | 962 027 378

Email: comunicacao.ius.omnibus@gmail.com