# iusomnibus

**PRESS RELEASE**

22 March 2022

# Popular action for the compensation of consumers following Google'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 Google's anticompetitive practices alleged in several lawsuits pending against Google in other jurisdictions (including the United States of America and the United Kingdom). Since July 6, 2009, Google provides the Android operating system, which is used by virtually all mobile communications equipment sold in Portugal, excluding Apple equipment. Consumers using these mobile communications equipment have no effective alternative to using the Android operating system and applications (apps) and in-app content for Android. Over the years, Google has entered into contracts with Android equipment manufacturers and app developers with anticompetitive terms and conditions, culminating in a 30% commission on each sale. The excessive value of this commission was passed on to consumers. This action aims to put an end to Google's anticompetitive practices that artificially preserve its near monopoly on the distribution of Android apps and in-app content, which undermines innovation and quality in these markets, and to compensate consumers for the increased prices they have paid through the Google Play 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 Google in other jurisdictions, namely in the United States of America and the United Kingdom. Google's dominant position in two of the relevant markets has already been declared and one of the anticompetitive behaviors at stake has already been partially declared to infringe European competition law in a European Commission Decision (Decision of 18 July, 2018, in the **Google Android** case (AT.40099)), binding on the national courts (**follow-on** component).

As a result of these practices, whenever a consumer resident in Portugal wants to download an application – free or paid – to their Android mobile device, or make any payment for Android in-app content, there is no effective alternative but to do so in the Portuguese Google Play Store. Google's near monopoly, which is unlawfully created and maintained, has reduced quality and innovation in these markets and led to increased prices paid by consumers who purchased apps or in-app content through the Google Play Store.

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

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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 Google'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/

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