

PRESS RELEASE

4 August 2023

Ius Omnibus accuses Sony of annihilating competition and harming gamers in Portugal

Sony has created a system around the PlayStation that places it in a position of total control which it leverages to its advantage and to annihilate competition. Ius Omnibus has just filed a consumer class action in Portugal aimed at putting an end to these practices and claiming compensation for Portuguese gamers. A similar class action in the UK is asking Sony to pay [£5 billion](#) in damages.

Consumer protection association Ius Omnibus filed, on August 3, 2023, at the Portuguese Competition Court (TCRS), a popular action that aims to defend the interests of consumers residing in Portugal, harmed by Sony's anticompetitive agreements and abuse of market power, with regard to the products and services of the PlayStation ecosystem.

Interested parties may follow the case, and affected *gamers* may register to ensure they will receive the compensation they will be entitled to if the Association wins the action, at:

www.OpenUpPlayStation.iusomnibus.eu

Since 29 November 2013, Sony has engaged in practices with the effect of controlling and drastically restraining the production and distribution of digital and physical PlayStation 4 and 5 videogames and related services, thus creating an anticompetitive environment that has resulted in higher prices for consumers and less variety and quality of products and services available.

This private enforcement *stand-alone* action (not preceded by a decision of a competition authority) filed by Ius Omnibus alleges that Sony has created a system around PlayStation that puts it in a position of total control, and which it uses to annihilate competition and to extract advantages.

For instance:

- Thanks to its agreements with game publishers, Sony sets wholesale and retail prices for all its own and its competitors' digital PlayStation games.
- Sony decides the price of these games for consumers and gives publishers that price minus 30%.
- It decides how many physical game units can be produced and offered by its competitors, and who they can hire to manufacture them.
- It imposes restrictions on *cross-commerce* between gaming content platforms.
- It prohibits the resale of video games in digital or physical form, reducing competitive pressure and freedom of choice for consumers.
- It has implemented several measures that aim to direct consumers to increasingly buy only on the digital channel, where Sony has a monopoly and higher profit margins.

Ius Omnibus estimates that Sony's unlawful practices caused a surcharge which translates, strictly in what concerns digital and physical PlayStation videogames and add-on content, to an overall compensation due to Portuguese consumers, until June 2023, amounting to more than EUR 235 million.

All consumers living in Portugal who have purchased physical or digital games and/or paid for in-game content for PlayStation 4 or PlayStation 5 and/or subscribed to the PlayStation Plus Essential service from 29 November 2013 to the present will be represented in this popular action, unless they expressly exercise their right to opt-out and state they do not wish to be represented.

Consumers do not have to do anything to be represented and to be entitled to compensation if the action is successful.

Ius will soon announce a webinar to provide clarification to the press and *interested gamers*.

+ Information www.OpenUpPlayStation.iusomnibus.eu

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