

OIP's Competition Complaint Concerning Google Android

Summary

On 6 March 2017, the OIP submitted a formal competition complaint against Google to the European Commission **concerning anti-competitive tying practices relating to the Android mobile operating system**. In the interest of an open internet, the OIP urges the European Commission to restore fair competition on the affected internet markets.

I. Characterisation of Google's abuses:

Google has imposed contractual restraints on manufacturers of Android smartphones and tablets which make it virtually impossible for them to produce and market Google-free devices.

Having **overwhelming market dominance** in all relevant markets (that is the market for non-licensable mobile operating systems, the market for the provision of general search services and the market for Android app stores), Google

- **requires manufacturers to pre-install** and place prominently **an entire suite of Google's own apps and services**,
- **requires manufacturers to pre-set Google Search as default search engine** across all possible search access points (e.g. the search bar on the home screen, the mobile internet browser, voice search) and
- **prevents manufacturers from producing smartphones and tablets running on modified versions of Android**

whenever they wish to enable their customers to use even a single Google app such as the "must-have" apps Google Search, Google Maps or YouTube.

II. Consequences of Google's abuses:

Google's conduct:

- **creates significant barriers to entry for competing app developers and search services**. By requiring manufacturers to pre-install its apps on every Android Device, Google secures a competitive advantage for its own services that is almost impossible to overcome by even the most innovative and efficient competitors;

- **harms consumers** who do not have access to the most innovative mobile solutions and have to pay higher prices for their smartphones and tablets. Google's conduct significantly reduces the incentives for competing app developers to enter into revenue-sharing agreements with manufacturers. This ultimately deprives the latter of an important source of income, which in turn would allow for lower end prices.

Currently, Google **dominates nearly every segment of the internet value chain**. The combined control over Android, Chrome, Search and crucial content services such as YouTube, Google Maps and Gmail puts Google into a virtually unassailable position of dominance. Putting an end to Google's anti-competitive tying practices is indispensable for competition on every internet market and for maintaining incentives to invest and innovate.

Against this backdrop, **the OIP requests that the Commission prohibits Google from continuing its abusive practices concerning Android in order to encourage an open competitive environment in the internet ecosystem.**

III. Background:

The European Commission opened proceedings in relation to Google's mobile operating system and Google's mobile applications in April 2015 (Case AT.40099). In April 2016, the European Commission issued a formal statement of objections making a preliminary finding that Google had abused its market power.

The Android complaint is OIP's second complaint concerning Google's abuse of dominance. The OIP is already a formal complainant in the European Commission's other proceedings against Google, the Google Search case AT.39740.

Supporting documents:

[European Commission Press Release concerning the opening of proceedings in Case AT.40099 – Google Android](#)

[European Commission Press Release concerning the issuing of a statement of objections in Case AT.40099 – Google Android](#)

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