

## **ECIS Press Statement**

### **Support Grows for EU Browser Case against Microsoft**

Brussels – 15 April 2009 – The European Commission recognised ECIS as an interested third party in support of the Commission’s preliminary findings (Statement of Objections) that Microsoft is violating EU anti-trust law by tying its Internet Explorer (IE) web browser to its dominant Windows operating system present on over 90% of all personal computers. ECIS joins browser providers Mozilla Foundation<sup>1</sup> (developer of Firefox) and Google (developer of Chrome), and the industry group Free Software Foundation Europe<sup>2</sup> among intervenors seeking an end to these anti-competitive practices.

The Commission’s investigation follows a complaint by Opera, the Norwegian browser developer. Despite consistently lower user satisfaction ratings for IE, the Microsoft browser maintains its dominant position as the gateway to the World Wide Web because of illegal bundling with the Windows operating system. Other browsers that are rated superior to IE cannot compete on their merits. Similar tying practices have already been condemned by both the Commission and European Court of First Instance with respect to Windows Media Player.

“This is an important case to ensure that browsers can compete on the merits and that consumers have a true choice in the software they use to access the World Wide Web. Smaller, more innovative browser developers need a level playing field. That is why there is such broad support for the Commission’s preliminary findings of abuse,” said Thomas Vinje, partner at Clifford Chance and ECIS Spokesman.

#### **Background**

On 15 January the Commission’s DG Competition issued a Statement of Objections (SO) against Microsoft for abuse of a dominant position over the allegedly illegal tying of IE to Windows. This SO followed a complaint by Opera in December 2007 regarding Microsoft’s long-standing practice of tying IE to Windows which creates artificial and illegal advantages for IE completely unrelated to its comparative merits.

This case is about the future of the Web and maintaining an open and dynamic internet. Key business, e-commerce, public service and social networking applications are moving to the internet, which is rapidly becoming the backbone of economic life and social interaction. By tying IE to the Windows desktop monopoly, by using proprietary IE standards and making internet applications and content dependent on other Microsoft proprietary technologies, such as Silverlight and .NET, Microsoft seeks to establish itself as gatekeeper to the internet.

The browser investigation seeks to remedy one aspect of the fundamental and ongoing damage caused by Microsoft’s anti-competitive practices. For more information see [http://www.ecis.eu/documents/Finalversion\\_Consumerchoicepaper.pdf](http://www.ecis.eu/documents/Finalversion_Consumerchoicepaper.pdf): “A History of Anticompetitive Behavior and Consumer Harm” or go to the ECIS website <http://www.ecis.eu/index.html>.

#### **About ECIS**

*ECIS is an international non-profit association founded in 1989 that strives to promote market conditions in the ICT sector allowing vigorous competition on the merits and a diversity of consumer choice. ECIS has actively represented its members on many issues related to interoperability and competition before*

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<sup>1</sup> <http://www.mozilla.org/foundation/>

<sup>2</sup> <http://www.fsfeurope.org/>

*European, national and international bodies, including the EU institutions and WIPO. ECIS' members include large and smaller information and communications technology hardware and software providers Adobe, Corel, IBM, Nokia, Opera, Oracle, RealNetworks, Red Hat, and Sun Microsystems.*

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