

Australia lifts Samsung ban in defeat for Apple

December 9 2011, by Madeleine Coorey



A woman looks at a Samsung Galaxy Tab 10.1, during its launch at Samsung's main building in Seoul. The High Court in Australia Friday cleared the way for South Korea's Samsung to sell its Galaxy 10.1 tablet in the country when it dismissed iPad manufacturer Apple's bid to have a ban extended.

The High Court on Friday cleared the way for Samsung to sell its Galaxy 10.1 tablet in Australia in time for Christmas, dismissing iPad manufacturer Apple's bid to have a ban extended.

South Korea's Samsung late last month won an appeal against a temporary ban on sales of the Galaxy device in Australia, a rare victory for the company in its legal tussle with its US rival over copyright.

But Apple immediately won a stay of the order, meaning the device could not be sold. However, its bid to extend the ban was denied on

Friday.

"Special leave will be refused with costs," the full bench said in its decision.

The Sydney courtroom battle is part of a wider global war in which two of the world's biggest [technology companies](#) are vying for supremacy in the US\$100 billion market for [tablet computers](#) and smartphones.

The Australian dispute has so far centred on claims that Samsung's Galaxy 10.1 tablet infringed some of Apple's patents for the touchscreen technology used in its popular iPads.

The date for a full hearing on all copyright claims has yet to be decided.



File photo of a Samsung Galaxy Tab near a Apple iPad computer tablet in a court room in Duesseldorf, Germany. The German court banned Samsung from selling its tablet computer in Germany, ruling it had copied the iPad.

Friday's decision was critical for Samsung, which has faced the prospect of its device losing marketability in the fast-developing [tablet market](#) before the case could be fully determined.

It has previously said it needs seven days to bring its products to Australian shelves and the ruling means it should be able to face off against the iPad at the checkout during the Christmas retail rush.

The decision by the High Court -- Australia's top judicial authority -- is in line with that of the full bench of the Federal Court, which last month granted Samsung the right to sell its product in Australia.

At the time, the Federal Court noted that the commercial life of the Samsung tablet was approximately 12 months from [launch](#) and that the sales ban had "the practical effect of killing off the [Galaxy Tab 10.1](#) in Australia".

"Although not so as a matter of law, the practical effect of those injunctions is to deliver to Apple complete victory in respect of its claims for final injunctions in respect of that device," they said.

Samsung said Friday it was pleased with the result.

A company spokeswoman told Australian news agency AAP the [Federal Court](#) decision "clearly affirmed our view that Apple's claims lack merit and that an injunction should not have been imposed on the Galaxy Tab 10.1."

Apple defended the court action.

"It's no coincidence that Samsung's latest products look a lot like the iPhone and [iPad](#), from the shape of the hardware to the user interface and even the packaging," a spokeswoman in Sydney said in an emailed statement.

"This kind of blatant copying is wrong and, as we've said many times before, we need to protect Apple's intellectual property when companies

steal our ideas."

Apple won a ban on the sale of the [Galaxy Tab](#) 10.1 in Germany in October on claims of copyright breaches, prompting Samsung to later say it had modified the design of its newest tablet in an attempt to bypass the sales ban.

The two companies are also engaged in an ongoing battle over smartphone and tablet technology in the United States, Japan and [South Korea](#).

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Citation: Australia lifts Samsung ban in defeat for Apple (2011, December 9) retrieved 2 May 2024 from <https://phys.org/news/2011-12-australia-samsung-defeat-apple.html>

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