

EU: Samsung injunctions against Apple breach rules

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A Samsung phone (R) and an Apple Iphone 4 sit on a table in the French western city of Rennes on October 12, 2011. The European Commission said that South Korea's Samsung Electronics was abusing its dominant market position in certain technologies when it took out injunctions against fierce rival Apple.

The European Commission said Friday that South Korea's Samsung Electronics was abusing its dominant market position in certain technologies when it took out injunctions against fierce rival Apple.

As the two giants fight it out in the smartphone and tablet computer market, the Commission said that in this instance, Samsung appeared to be at fault as the injunctions would prevent Apple from access to core shared patents.

"When companies have contributed their patents to an industry standard and have made a commitment to license the patents in return for fair remuneration, then the use of injunctions against willing licensees can be anti-competitive," EU Competition Commissioner Joaquin Almunia said in a statement.

The Commission said it had informed Samsung that its injunctions over Apple access to Standard-Essential Patents (SEPS) "amounts to an abuse of a dominant market position prohibited by EU anti-trust rules."

In response, Samsung said that it was "studying" the matter "and will firmly defend ourselves against any misconceived allegations."

While Samsung "will continue to fully cooperate with the commission", the company said it "is confident that in due course the commission will conclude that we have acted in compliance with European Union competition laws."

Brussels opened a probe in January after Samsung sought injunctions banning the sale of products made by its competitors in several European countries, alleging that they were illegally using its patents.

Samsung said earlier this week it would drop a request to ban Apple products in Britain, France, Germany, Italy and The Netherlands but would proceed with suits for alleged patent infringement.

Almunia said Thursday of the Samsung decision that he was "very happy ... because one of the most important objections that we have when

dealing with holders of Standard Essential Patents is their possible abuse using their ownership (of patents)."

However, the fact remained that the injunctions had been made and so it was that aspect that had to be examined, he added.

Samsung announced the withdrawal Tuesday, saying it "strongly believes it is better when companies compete fairly in the marketplace, rather than in court.

"In this spirit, Samsung has decided to withdraw our injunction requests against Apple on the basis of our standard essential patents pending in European courts, in the interest of protecting consumer choice," it said.

Apple and Samsung have filed lawsuits against each other in around a dozen countries for alleged patent violations over competing products, in particular the iPhone and Galaxy S smartphones, as well as tablet computers.

A US judge Monday denied Apple's request to ban a set of Samsung smartphones from the US market after a jury found the South Korean electronics giant guilty of patent infringement.

Samsung, the world's top mobile and smartphone maker, was ordered by a US jury in August to pay Apple \$1.05 billion (800 million euros) in damages for illegally copying iPhone and iPad features for its flagship Galaxy S phones.

Samsung has appealed the ruling.

Since then, two separate rulings by courts in Japan and The Netherlands have dismissed Apple's claims of patent infringement.

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