

## **EUROPEAN COMMISSION OBJECTS TO MICROSOFT'S ILLEGAL TYING PRACTICES FOR INTERNET EXPLORER**

### ***ECIS WELCOMES THIS MOVE TO MAINTAIN AN OPEN INTERNET AND PROMOTE CONSUMER CHOICE***

#### **Statement by Thomas Vinje, partner at Clifford Chance representing ECIS and acting as its Spokesman**

Brussels – 16 January 2009 – Today, the European Commission's DG Competition confirmed it issued a statement of objections following a complaint from the European internet browser developer, Opera. ECIS welcomes this move to address serious allegations of continuing anti-competitive practices by Microsoft.

Through its longstanding and illegal practice of tying the Internet Explorer (IE) browser to the Windows operating system, PC users find IE and its proprietary *de facto* standards on their computer desktops whether they like it or not. By tying IE to Windows, which runs on over 90% of the world's PCs, Microsoft has achieved ubiquity for IE. This ubiquity distorts competition and favours Microsoft's monopolies in ways completely unrelated to the merits of Microsoft's products.

Similar Microsoft tying practices have already been condemned by the European Commission and European Court of First Instance in 2007 with respect to Windows Media Player. What took the Commission so long? Opera filed its complaint over a year ago, and Microsoft's IE bundling is clearly illegal. Because it threatens the openness of the Web and the preservation of Microsoft's monopolies, it has even greater consequences for consumers than the earlier case.<sup>1</sup>

This case is about the future, about maintaining an open and dynamic internet. Key business, e-commerce and social networking applications are moving to the Web, and the Web is rapidly becoming the backbone of economic life and social interaction. Browsers are the gateway to the Web. By tying Internet Explorer to Windows and using proprietary IE standards and making web applications and web content dependent on Silverlight and .NET, Microsoft seeks to establish itself as the Web's gatekeeper. - MORE -

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<sup>1</sup> Because IE is ubiquitous by virtue of its being tied with Windows, Web content providers write content using IE's proprietary standards that can only be accessed properly in IE. The content will often not work properly on other browsers that comply with open standards. As a result, users are compelled to use IE, insulating IE from any real competition and reducing user choice and innovation.

Moreover, Microsoft makes IE available only for its Windows operating system. As a result, users of alternative personal computer operating systems are left using incompatible browsers and will often find that Web content appears degraded. This gives an artificial advantage to Windows and deprives consumers of the ability to choose alternative operating systems that enable equal access to the Web.

ECIS strongly supports the Commission's case, and calls on Microsoft to give consumers a choice. It should put an end to illegal bundling of its Internet Explorer browser with Windows, stop undermining open standards and start supporting them fully and faithfully, so that users have a true choice of browsers and operating systems.

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 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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