

the **Lisbon** council

making Europe fit for the future

High-Level Working Dinner

Competition in the Mobile Economy

Special Guest

Prof Dr Torsten Körber

Professor, Law Faculty, Georg-August-Universität Göttingen

Chair of Civil Law, Competition Law, Insurance Law, Corporate Law and Regulatory Law

Brussels

20 June 2017



The Lisbon Council
Brussels, 20 June 2017

Competition and Competition Law
in the Mobile Economy

Prof. Dr. Torsten Körber, LL.M. (Berkeley)
Georg-August-Universität Göttingen

Recent Competition Law Cases in the Mobile Economy

1. Mergers

Facebook/WhatsApp, Comm., Case M.7217, 3.10.2014

2. SEP

Samsung, Comm., Case AT.39939, 29.4.2014

Motorola, Comm., Case AT.39985, 29.4.2014

Huawei/ZTE, ECJ, EU:C:2015:477, 16.7.2015

3. Data

Facebook, German FCO, 2.3.2016 (pending)

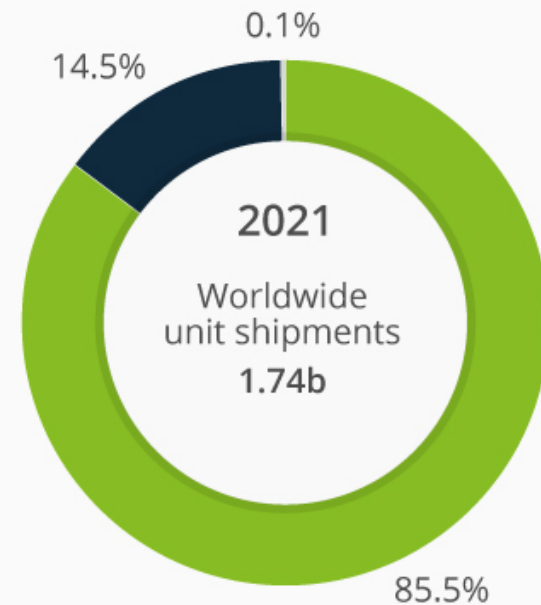
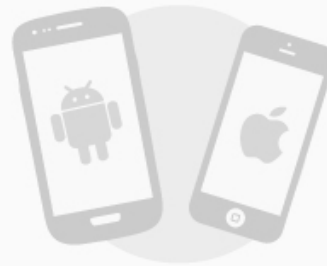
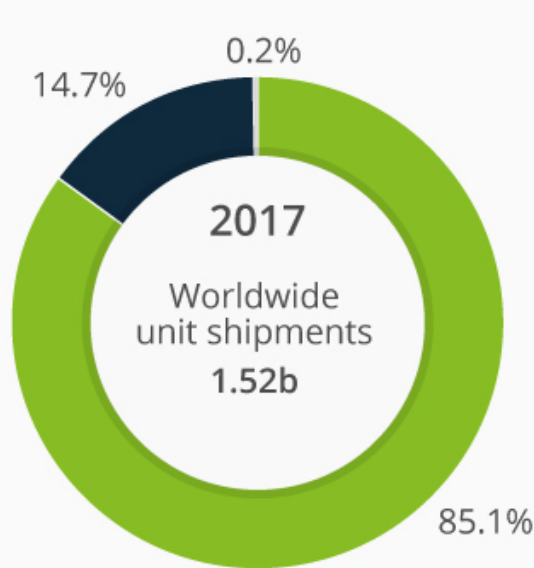
4. Mobile OS

Google Android, Comm., Case AT.40099, 20.4.2016 (pending)

The Smartphone Duopoly

Forecast of worldwide smartphone shipments and operating system market share*

● Android ● iOS ● Others



* based on unit shipments; sums may not add up to 100% due to rounding

Source: IDC

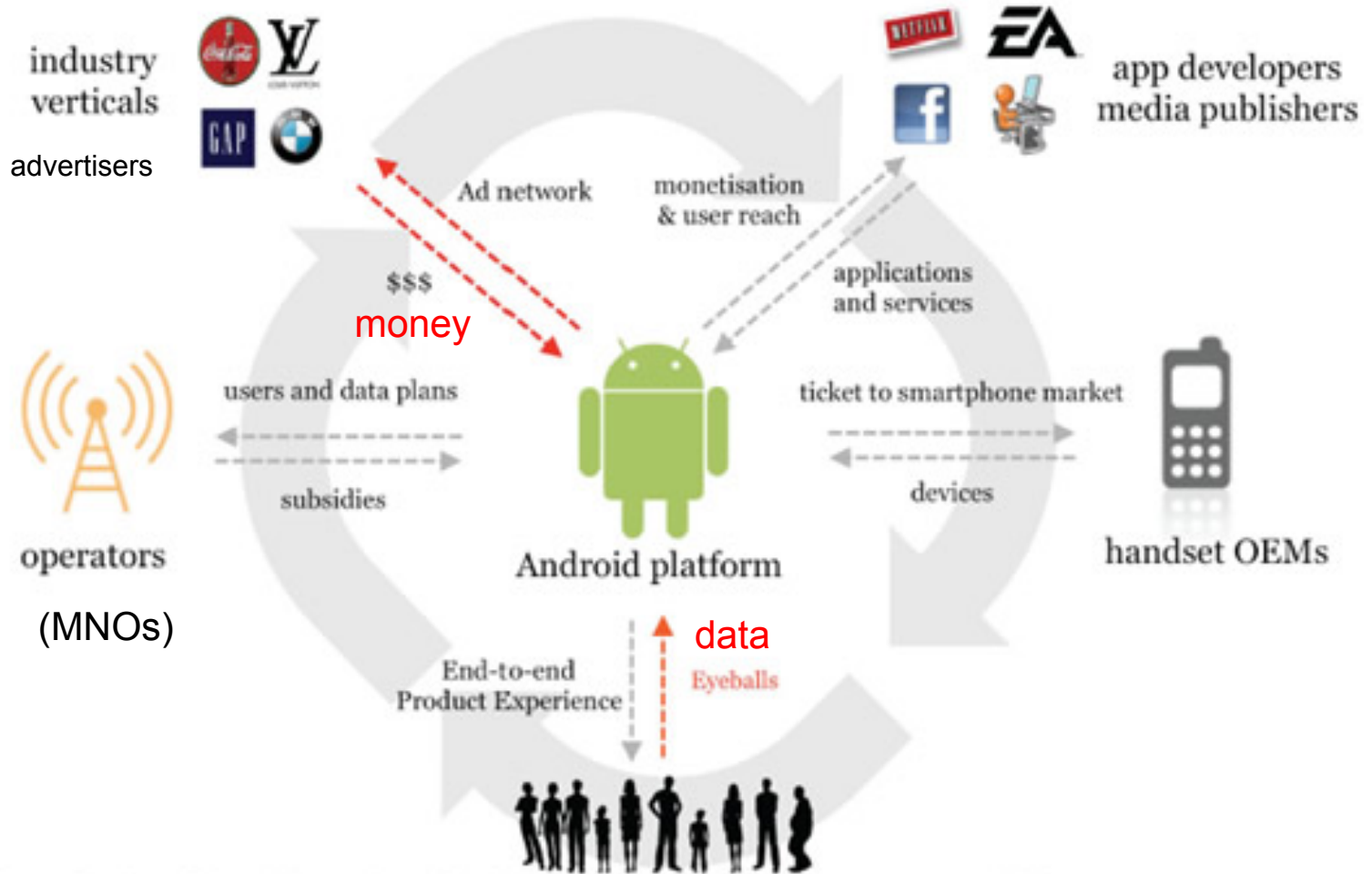


Commission concern: Google's Android strategy to protect its search engine on mobile



Source: http://europa.eu/rapid/press-release_IP-16-1492_en.htm

The 5-sided network forming around the Android platform, illustrating network effects



Source: Developer Economics 2011 | www.DeveloperEconomics.com | June 2011
 Licensed under Creative Commons Attribution 3.0 License



BlueVia

Android Licensing Agreements



1. Android Open Source Project (ASOP) License

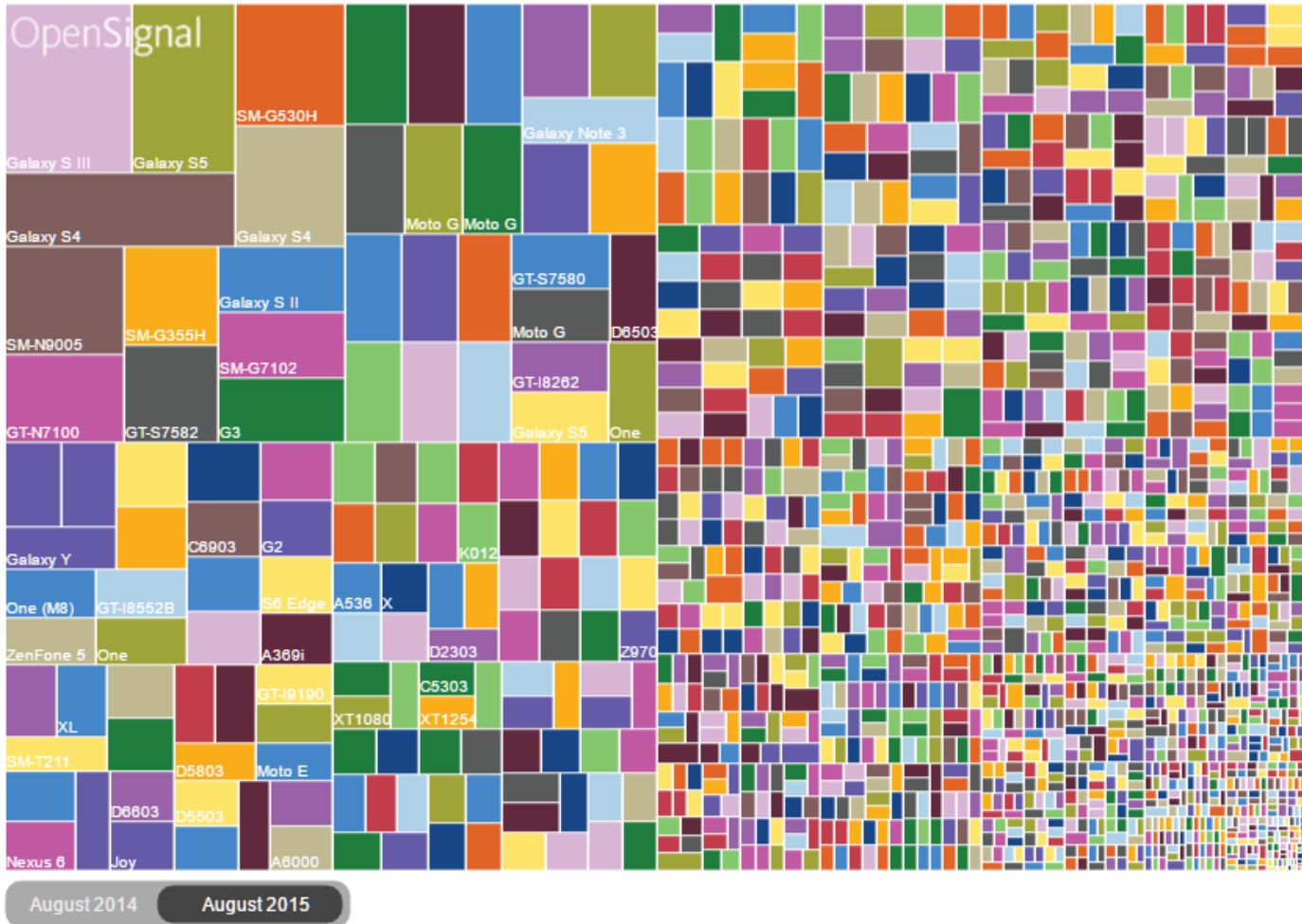
=> Android forks, compatible or not compatible

Android User Interfaces (2015)



Source: http://www.phonearena.com/news/Stock-Lollipop-vs-Samsung-TouchWiz-vs-HTC-Sense-vs-LG-UI-Interface-comparison_id66301

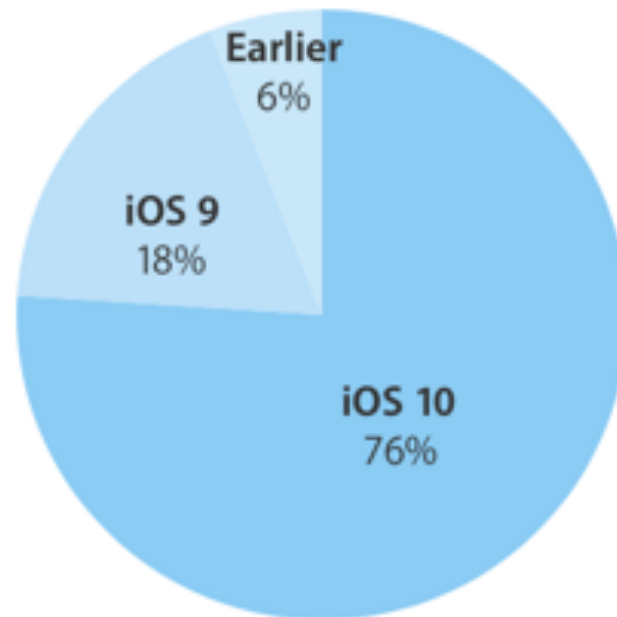
Android Fragmentation (2015)



Source: <https://www.xda-developers.com/the-sorry-state-of-android-fragmentation/>

Apple iOS Distribution (2017)

76% of devices are using iOS 10.



As measured by the App Store on January 4, 2017.

Source: <https://9to5mac.com/2017/01/05/ios-10-now-installed-on-76-of-active-devices-according-to-apples-stats/>

Android Licensing Agreements



1. Android Open Source Project (ASOP) License

=> Android forks, compatible or not compatible



2. Anti-Fragmentation Agreement (AFA)

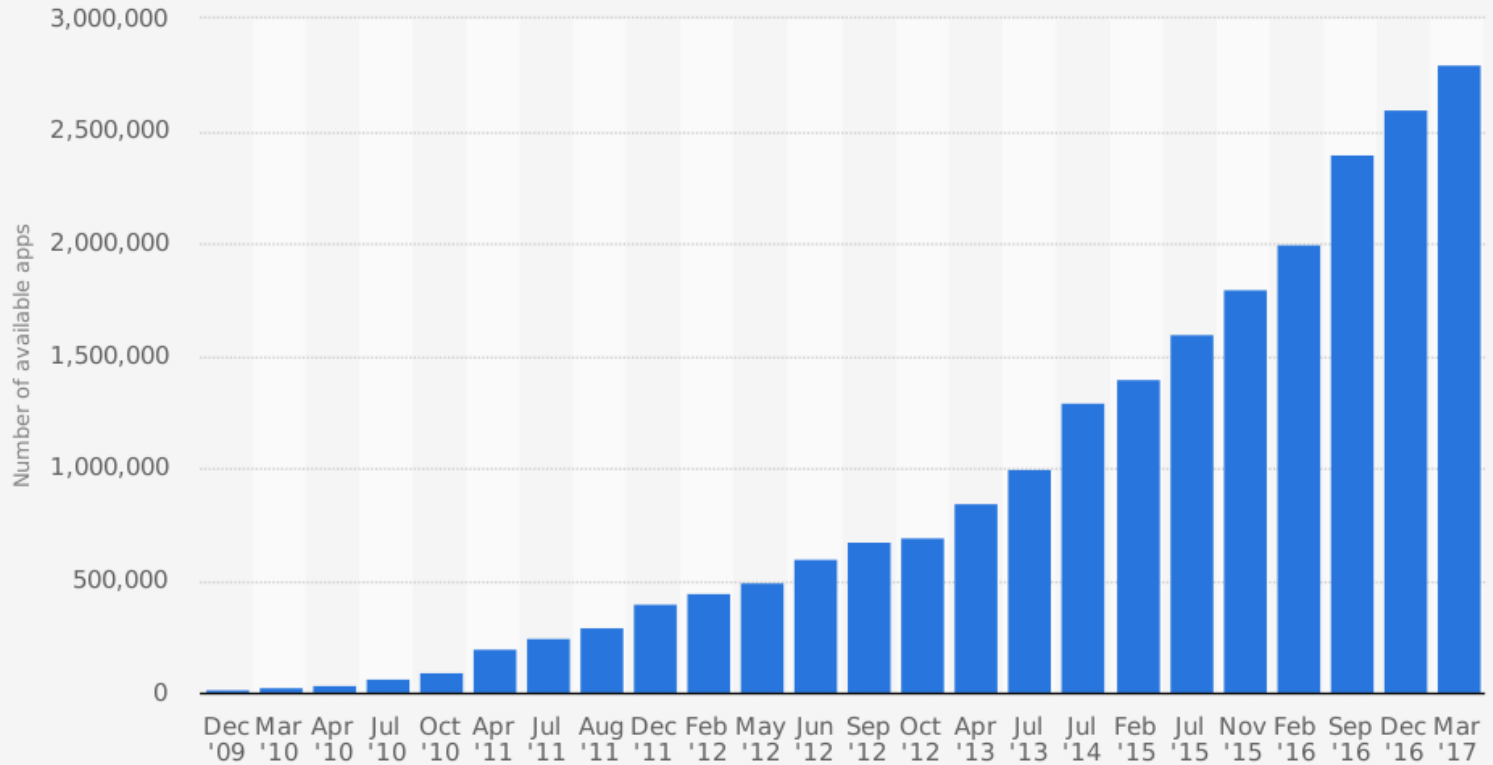
=> „Android compatible“ forks (like Amazon Fire OS)



3. Mobile Application Distribution Agreement (MADA)

=> Android with Google apps and „Google user experience“

Number of available applications in the Google Play Store from December 2009 to March 2017



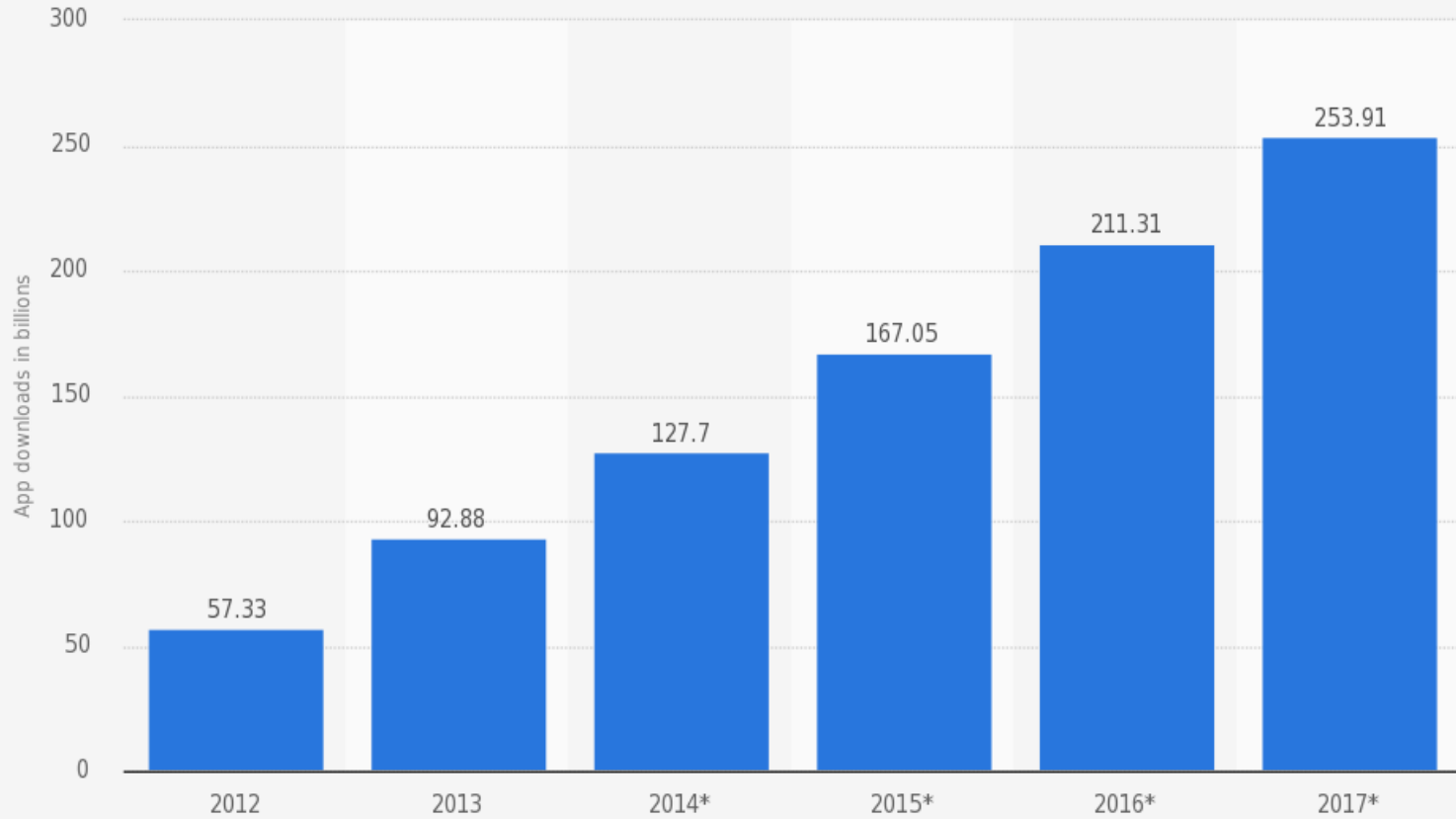
Source:

Android; Google; App Annie; AppBrain
© Statista 2017

Additional Information:

Worldwide; Google; Android; App Annie; December 2009 to March 2017

Number of free mobile app downloads worldwide from 2012 to 2017 (in billions)



Source:
Gartner
© Statista 2015

Additional Information:
Worldwide; 2012 and 2013

Android Licensing Agreements



1. Android Open Source Project (ASOP) License

=> Android forks, compatible or not compatible



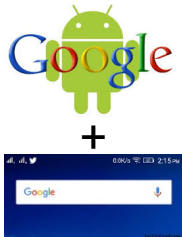
2. Anti-Fragmentation Agreement (AFA)

=> „Android compatible“ forks (like Amazon Fire OS)



3. Mobile Application Distribution Agreement (MADA)

=> Android with Google apps and „Google user experience“



4. Revenue Sharing Agreement (RSA) for Search

=> Android with exclusive pre-installation of Google Search



Thank you for your attention!

**Prof. Dr. Torsten Körber,
LL.M. (Berkeley)**

Email:

Koerber@LS-Koerber.de

Website:

www.LS-koerber.de