



EUROPEAN COMMISSION - PRESS RELEASE

Antitrust: Commission opens proceedings against Samsung

Brussels, 31 January 2012 - The European Commission has opened a formal investigation to assess whether Samsung Electronics has abusively, and in contravention of a commitment it gave to the European Telecommunications Standards Institute (ETSI), used certain of its standard essential patent rights to distort competition in European mobile device markets, in breach of EU antitrust rules. The opening of proceedings means that the Commission will examine the case as a matter of priority. It does not prejudice the outcome of the investigation.

In 2011, Samsung sought injunctive relief in various Member States' courts against competing mobile device makers based on alleged infringements of certain of its patent rights which it has declared essential to implement European mobile telephony standards. The Commission will investigate, in particular, whether in doing so Samsung has failed to honour its irrevocable commitment given in 1998 to the European Telecommunications Standards Institute (ETSI) to license any standard essential patents relating to European mobile telephony standards on fair, reasonable and non-discriminatory (FRAND) terms. The Commission will examine whether such behaviour amounts to an abuse of a dominant position prohibited by Article 102 of the Treaty on the Functioning of the EU (TFEU).

In line with the Commission's Guidelines on standardisation agreements (see [IP/10/1702](#) and [MEMO/10/676](#)), standard setting organisations, including ETSI, require the owners of patents that are essential for the implementation of a standard to commit to license these patents on FRAND terms. This commitment serves to ensure effective access to the standardised technology. Such commitments were given to ETSI by many patent holders, including Samsung, when the third generation ("3G") mobile and wireless telecommunications system standards were adopted in Europe.

In order to guarantee undistorted competition and to reap the positive economic effects of standardisation it is important that FRAND commitments be fully honoured by the concerned undertakings.

Background on antitrust investigations

Article 102 TFEU prohibits the abuse of a dominant position which may affect trade and prevent or restrict competition. The implementation of this provision is defined in the Antitrust Regulation (Council Regulation No 1/2003) which can be applied by the Commission and by the national competition authorities of EU Member States.

The Commission has informed Samsung and the Member States' competition authorities that it has formally opened proceedings in this case.

Contacts :

[Antoine Colombani](#) (+32 2 297 45 13)

[Marisa Gonzalez Iglesias](#) (+32 2 295 19 25)