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Bundeskartellamt imposes fine against Microsoft

The Bundeskartellamt has imposed a fine of € 9 million on Microsoft Deutschland GmbH. Microsoft has influenced the resale price of the software package “Office Home & Student 2007” in an anticompetitive manner.

The product in question was heavily advertised in the autumn of 2008 in stationary retail outlets. Amongst others, a nationwide active retailer advertised the product with financial support from Microsoft. Even before the launch of the advertising campaign in mid-October 2008, employees of Microsoft and the retailer in question had agreed on at least two occasions on the resale price of the software package “Office Home & Student 2007”.

Not every contact between supplier and retailer regarding resale prices constitutes an illegal concerted practice within the meaning of Section 1 ARC. However, this must not lead to a form of coordination where the supplier actively tries to coordinate the pricing activities of the retailer and thus retailer and supplier agree on future actions of the retailer. In the present case, this boundary has been crossed.

Microsoft has accepted the fine.