

Defendant

Apple Inc.

1 Infinite Loop, Cupertino, CA 95014, USA

Duly authorised representatives of the Apple Inc.

address 1: Apple Rus LLC, 4 Romanov Lane,
bldg. 2, floor 6, office II, room 54, Moscow,
125009, Russia

address 2: "Baker & McKenzie - CIS, Limited",
White Gardens, 9 Lesnaya Street (10 floor),
Moscow, 125047, Russia

Plaintiff

Laboratoriya Kasperskogo AO (Kaspersky Lab)
39A Leningradskoe Highway, bldg. 2, Moscow,
125212, Russia

Related party

Apple Rus LLC

4 Romanov Lane, bldg. 2, floor 6, office II,
room 54, Moscow, 125009, Russia

REMEDIES

ON THE CASE No. 11/01/10-24/2019

August 28, 2020

Moscow

The Commission of the Federal Antimonopoly Service for consideration of the case on violation of the antimonopoly legislation No. 11/01/10-24/2019 consisting of: Chairman of the Commission – <...>; members of the Commission: <...> (hereinafter – the Commission),

guided by the Article 23, Part 1 of the Article 39, Part 4 of the Article 41, Article 50 of the Federal Law No. 135-FZ of July 26, 2006 "On Protection of Competition" (hereinafter – the Law on Protection of Competition), on the basis of its ruling of August 28, 2020 on the case No. 11/01/10-24/2019 on the grounds of violation by Apple Inc. (1 Infinite Loop, Cupertino, CA 95014, USA) of the Part 1 of the Article 10 of the Law on Protection of Competition,

ORDERS:

1. Apple Inc. (1 Infinite Loop, Cupertino, CA 95014, USA) by November 30, 2020, eliminate the violation of the Part 1 of the Article 10 of the Law on Protection of Competition, expressed in the following:

- inclusion in <...> mandatory for B2C-application developers, subparagraph <...> of paragraph <...>, on the basis of which Apple may reject and prevent any third-party application from being published in the App Store for any reason;
- a set of actions by Apple during the period from November 13, 2018 to the present of a technological, regulatory and behavioral nature, which led to a significant deterioration in the functionality of third-party parental control applications for the iOS operating system.

2. Perform actions aimed at ensuring competition:

- 1) exclude from <...> subparagraph <...> of paragraph <...>, on the basis of which Apple may reject and prevent any third-party application from being published in the App Store for any reason;
- 2) provide developers of parental control applications for the iOS operating system with organization and technical capacity to develop, create, distribute applications with the required functional capabilities, including those lost due to violation by Apple Inc. of the Part 1 of the Article 10 of the Law on Protection of Competition;
- 3) prevent creation of preferential conditions in terms of functionality for native applications, including pre-installed applications, compared to applications of third-party developers that have the same or similar functionality.

3. Notify the FAS Russia on the fulfillment of the Remedies no later than five days from the date of its fulfillment with the attachment of supporting documents.

Chairman of the Commission <...>

Members of the Commission: <...>

The Remedies can be appealed within three months from the date of its issue.

Note. In case of failure to comply with the legal ruling of the antimonopoly authority within the prescribed period, the responsibility is established under the Article 19.5 of the Code of Administrative Offences of the Russian Federation.

Bringing to responsibility provided for by the legislation of the Russian Federation does not exempt from the obligation to fulfill the Remedies of the antimonopoly authority.