

JSC "Kaspersky Laboratory"

Leningradskoye sh, 39 A, bld. 3,  
Moscow, 125212

Microsoft Corporation

1 Microsoft Way, Redmond WA  
98052, USA

## RULING

### ON THE POSTPONEMENT OF THE HEARING OF THE CASE No. 1-00-168/00-11-16

20 December 2016

Moscow

The Commission of the FAS Russia on consideration of the case No. 1-00-168/00-11-16 on violation of antimonopoly legislation comprising Chairman of the Commission, Deputy Head of the FAS Russia Golomolzin A.N.; members of the Commission: Head of Department for Regulation of Telecommunications and Information Technology of the FAS Russia Zaeva E.A.; Deputy Head of Department for Regulation of Telecommunications and Information Technology Davydova A.I.; Deputy Head of Legal Department of the FAS Russia Kuzmin V.V.; Head of Organizational Division of Administrative Department - Secretariat of the Head of the FAS Russia Medvedev N.N.; Deputy Head of Information Technology Division of Department for Regulation of Telecommunications and Information Technology of the FAS Russia Shirokov D.A.; Adviser of Division for International Communications of Department for International Economic Cooperation of the FAS Russia Atanasian A.G. (hereafter – the Commission),

having considered the case No. 1-00-168/00-11-16 on violation of Part 1 Article 10 of the Federal Law dated July 26, 2006 No. 135-FZ "On Protection of Competition" by Microsoft (One Microsoft Way, Redmond, WA 98052-6399, USA),

#### ESTABLISHED:

During the hearing of the Commission, the defendant made a verbal petition for the postponement of the hearing of the case No. 1-00-168/00-11-16 on violation of Part



1 Article 10 of the Law on Protection of Competition by Microsoft (One Microsoft Way, Redmond, WA 98052-6399, USA).

In view of the aforesaid, as well as due to the necessity to obtain additional evidences, in accordance with Part 1, Article 47 of the Law on Protection of Competition,

**RULED:**

1. To postpone the examination of the case No. 1-00-168/00-11-16.
2. To schedule the case No. 1-00-168/00-11-16 for hearing on February 14, 2017 at 14:00 at 11 Sadovaya Kudrinskaya St., Moscow, 123995, D-242, GSP-3, Room No. 140.
3. Microsoft Corporation (1 Microsoft Way, Redmond WA 98052, USA) is requested to submit the following information before February 1, 2017:
  - 3.1. A copy of correspondence with JSC "Kaspersky Laboratory" on the subject of providing of versions (builds) of Windows 10 operating system (OS);
  - 3.2. A copy of Microsoft Corporation correspondence with other anti-virus software developers on the subject of providing of versions (builds) of Windows 10 OS;
  - 3.3. Written explanations, including the full legal, economic, technological and other background, concerning the reduction of time for providing anti-virus software developers with RTM-versions of Windows 10 OS for testing/adaptation of anti-virus software in comparison with time for providing end customers and (or) appliance hardware manufacturers with previous versions of Windows OS (XP, Windows 7, Windows 8, Windows 8.1);
  - 3.4. Written explanations relevant to the question whether a user by upgrading OS to Windows 10 is being informed that the version of anti-virus software of the third-party developer, installed on a computing-device (personal computer, laptop), is incompatible with Windows 10 OS (with a copy of the documentary supports);
  - 3.5. Written explanations relevant to the question whether users after upgrading OS to Windows 10 are being informed that the version of anti-virus software of the third-party developer, installed on a computing-device (personal computer, laptop), is incompatible with Windows 10 OS and that Windows Defender will be/was switched on (with description of the procedure, content and timeframe of informing, with a copy of the documentary supports); if a user is not being informed, explain the reasons;



- 3.6. Written explanations relevant to the question whether a user at the moment of Windows Defender's switching on, after the upgrade to Windows 10 OS, is provided with information about the possibility to refuse its switching on, in case of incompatibility of the version of anti-virus software of the third-part developer, installed on a computing-device (personal computer, laptop), with Windows 10 OS; if such a possibility is not provided, explain the reasons;
- 3.7. Information about total revenue from realization of Windows 10 OS and its modifications (upgrades) and about total revenue from realization of Windows 10 OS and its modifications (upgrades) in the territory of the Russian Federation as of from 2015 up to now (with breakdown by user categories (corporate customers, private users);
- 3.8. Information about the Microsoft Corporation anti-virus software that was distributed, provided in the period of Windows OS (versions) (XP, Windows 7, Windows 8, Windows 8.1, 10) introduction, with identification of the procedure of distribution, provision (pre-installed, other);
- 3.9. Information about timeframe for provision of the next RTM-version of Windows OS, which release is planned for 2017;
- 3.10. Information relevant to the question whether the procedure of upgrading to Windows 10 OS differs for corporate customers and private users, as well as with regard to activation/deactivation of anti-virus software, including of Microsoft Corporation production. To provide descriptions, if any.

The parties have the right to provide other documents and information, related to circumstances of the instant case.

Chairman of the Commission

A.N. Golomolzin

Members of the Commission:

E.A. Zaeva

A.I. Davydova

V.V. Kuzmin

N.N. Medvedev

D.A. Shirokov

A.G. Atanasian



Notes:

1. Case files are available for inspection at the FAS Russia in Room 107, contact tel. 499-755-23-23, ext.: 088-387, 088-182.
2. Copies of any documents submitted to the case files which are not notarized must be legalized in one of the following ways:
  - Every page is certified by the CEO's signature and a corporate seal or a signature of the empowered person (legal entity);
  - The pages are stitched, numbered and certified by the CEO's signature and a corporate seal or a signature of the empowered person (legal entity).
3. If submitted in the electronic form they must be legalized by the appropriate electronic signature.
4. Any documents and information in a language other than Russian must be submitted in the state (official) language of the Russian Federation and certified pursuant to the Russian Federation laws.
5. Please order entry passes to the Russian FAS building for representatives of parties to the case three days in advance at the above telephone numbers.

Dmitry A. Shirokov

495-725-23-23 ext. 088-182