

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

21 April 2017

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 Control over Advertising and Unfair Competition of the FAS Russia Kartashov N.N.; 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.; Deputy Head 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), expressed in non-provision by Microsoft Corporation of RTM-versions of Operational System (OS) of Windows 10 (OS version providing to developers of software for assuring

compatibility with OS), in the timeframe necessary for adaptation of antivirus software of the third-party developers for correct work with Windows 10 OS,

ESTABLISHED:

The necessity to obtain additional evidences.

In accordance with Part 1 and 5, 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 June 2, 2017 at 10:00 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 May 19, 2017:
 - 3.1. A complete list of Microsoft Corporation competitors on the market of OS with presence of antivirus products;
 - 3.2. Copies of Microsoft Corporation instructions which establish the possibility of blocking software products, including in Windows Store;
 - 3.3. Position on facts and circumstances outlined by the JSC "Kaspersky Laboratory" during the session that was held on April 21, 2017.
4. JSC "Kaspersky Laboratory" is requested to submit the following certified in an orderly manner copies of information before May 19, 2017:
 - 4.1. Copies of Microsoft Corporation instructions which establish the possibility of blocking software products, including in Windows Store;
 - 4.2. Information on measures implemented by Microsoft Corporation in order to cease facts and circumstances, outlined by the JSC "Kaspersky Laboratory" during the session that was held on April 21, 2017.

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:

N.N. Kartashov

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. Documents marked as "commercial secret" should be processed separately.
3. If an inspected person fails to submit or knowingly submits incorrect information and data to the federal antimonopoly body, this person shall be held liable in accordance with Part 5, Article 19.8 of the Code of the Administrative Offences of the Russian Federation.

Dmitry A. Shirokov

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