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SIIA Statement on Developments in Europe Regarding Competition with Microsoft's IE Browser and on Interoperability

WASHINGTON, DC (December 16, 2009) – Following the Decision by the European Commission approving a settlement with Microsoft on its anti-competitive conduct regarding Internet Explorer (IE) , and Microsoft's public Undertaking promising action on interoperability, the Software & Information Industry Association (SIIA), the principal association of the software and digital content industry, issued the following statement:

"The browser settlement announced by the Commission is a significant step to provide consumers with the distinct possibility of meaningful choice in browsers, and innovators with the opportunity to get their products in front of users with the unique ballot screen mechanism. SIIA commends Commissioner Kroes and her team for pursuing the original complaint by Opera, and working to achieve this result. As a remedy designed to address the specific abuses associated with IE, it would be useful and appropriate to have the same opportunities afforded to users outside Europe, particularly those in the U.S.

"SIIA welcomes the Commission's efforts to extract the public Undertaking that seeks to address a number of critical issues relating to interoperability of Microsoft's superdominant Windows and Office applications systems. It is potentially broad in its scope and application, and SIIA continues to study it carefully, particularly the Patent Agreement. It is quite complex and a key test will be its compatibility with the business models of, and adoption by, vendors of open source products so as to promote greater interoperability with Windows and Office applications.

"Both the settlement on the browser and the interoperability Undertaking announced today will depend in large part on the meaningfulness of follow-on monitoring and enforcement by the Commission. As is well documented, both in the U.S. and in Europe, Microsoft's compliance with prior Decisions and judgments have been less than vigorous.

"The provision for Microsoft to report in 6 months and regularly thereafter on the implementation of the ballot screen is an important contribution in this regard.

“Effective monitoring and compliance watchfulness by the Commission on the interoperability Undertaking is especially critical, as these promises by Microsoft are not an Article 9 commitment. Indeed, without meaningful vigilance, there is the real risk that the Undertaking could reinforce, rather than lessen, Microsoft’s superdominant position in the market. Further to this end, SIIA commends the Commission for leaving open its investigation, permitting it to verify Microsoft’s conduct and intervene if compliance is shown to be lacking.

“SIIA looks forward to working with the Commission as these important landmarks are monitored, promoted and implemented.”

ABOUT SIIA

The Software & Information Industry Association (SIIA) is the principal trade association for the software and digital content industry. SIIA provides global services in government relations, business development, corporate education and intellectual property protection to more than 500 leading software and information companies. For further information, visit www.siaa.net.

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