



## Press Release

# Apple's Antitrust App Store Win

PAULINA ENCK | MAY 3, 2023

The 9th Circuit Court of Appeals decided the Epic Games v. Apple case, determining that Apple's iPhone and application store practices didn't violate antitrust law. In a new insight, Director of Technology and Innovation Policy Jeffrey Westling walks through the 9th Circuit's decision, the debate surrounding third-party access to application stores, and the efforts to pass legislation targeting app store practices.

### Key points:

- The 9th Circuit's decision relied largely on the consumer welfare standard to determine that the competitive benefits of the company's practices outweigh any competitive harms.
- Some lawmakers have long pointed to Apple's application store exclusivity and fees as examples of anticompetitive practices that should be outlawed regardless of any pro-consumer benefits, so the 9th Circuit's decision could renew calls for legislation, such as the Open App Markets Act, to prohibit such practices.
- Before passing legislation in response to the court's decision, Congress would benefit from more data about the relative costs and benefits of such reforms, which it could glean from Europe's own recently enacted legislation to regulate practices it deems anticompetitive.

[Read the analysis](#)