

**A Legal Study on the Market Definition of Digital Platforms:
With Special Reference to the Epic Games v. Apple Case**

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Abstract

The digital economy has become the focus of global economic development and one of the key factors is the rise of digital platforms. Several important characteristics of digital platforms, including strong indirect network effects and asymmetry in the price structure between user groups, have made it difficult for the inherent criteria used to define the relevant market to be applied to digital platforms. At present, several possible solutions have been highlighted, such as a modest revision of the inherent standard to make it applicable to the digital market, distinguishing between “transaction platforms” or “non-transaction platforms” as the preliminary judgment standard, and there being no need to clearly define the relevant market, etc. The views of the courts on this issue are also important. In the Epic Games case, the Federal District Court for the Northern District of California did not take the view of either the original plaintiff or defendant and defined the relevant market as the “Mobile Game Trading Market.” The Ninth Circuit affirmed the District Court’s view but found that it had erred in defining the relevant market. This paper analyzes the Epic case’s potential issues in defining the App Distribution Platform Market, including the applicability of Single-Brand Aftermarkets. The author also believes that the relevant market in this case may be defined as the “all paid Apps trading market.” One reason is that other paid apps have faced the same controversy as the Epic case/Game Apps, while a second reason is that studies have pointed out that the proportion of “Non-game” Apps may surpass Game Apps in the future. The extended thinking related to this topic also includes whether “Apple iOS” should be discussed separately when dealing with the problem of market definition in the mobile economy. At present, it is generally believed that iOS and Android are competitors in the same market. However, more and more countries are emphasizing the walled garden characteristics of iOS, and there are examples that clearly state that Android and iOS can be regarded as different markets.

Date submitted: November 11, 2022

Date accepted: June 27, 2023

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Keywords: Digital Economy, Digital Platform, Indirect Network Benefit, Relevant Market, App Distribution Platform.