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A. Introduction.

Good afternoon. My name is Christopher Lebsock.

I am a U.S. antitrust attorney with the international law firm Hausfeld LLP ("Hausfeld"). I am honored by this opportunity to address at the Committee of Science, ICT, Future Planning, Broadcasting and Communications of the Korean National Assembly on the matter of global antitrust enforcement. I especially thank Hon. Min-Hee Choi, Chairwoman of this Committee to invite me to share my views with you.

Today, there are no bigger monopolists than Apple and Google. In past years, my firm and others have brought claims against Apple and Google based on their app store and app payment restrictions—restrictions that have allowed these two companies to reap billions of dollars per year in profits at the expense of app developers and consumers.

Within the last few months, we have renewed our efforts on behalf of a group of Korean app developers and others to ensure that vigorous competition within the iOS and Android ecosystems. In this new litigation, Pangsky Co. Ltd., through its CEO, Mr. Lee, is serving as the lead plaintiff, and together they are representing the interests of all Korean app developers.[1] It takes courage to stand up to companies as big as Apple and Google, and we recognize and appreciate the efforts that Mr. Lee and Pangsky are undertaking to ensure that these companies allow competition to flourish on their mobile phone platforms.

Ultimately, the goal of antitrust law is to promote innovation and to lower prices and provide more consumer choice. Since the Sherman Antitrust Act was enacted in 1890, U.S. policymakers have recognized that competition is the best antidote for monopolistic conduct. We are pleased to see these views increasingly endorsed in countries around the world. People are better off when competition is allowed to flourish.

[1] https://koreajoongangdaily.joins.com/news/2025-06-06/business/tech/Korean-game-industry-sues-Google-in-US-for-74B-over-inapp-billing-rules/2324409

B. Update on litigation against Google and Apple globally.

I want to turn, for a moment, to some recent developments concerning Apple and Google's app store policies. In July, a U.S. Court of Appeals unanimously affirmed a jury verdict against Google that found that the company had monopolized the Android app distribution and Android in-app billing services markets worldwide, excluding China.[2] The appellate court also upheld the trial court's injunction requiring Google to open its Android ecosystem to greater competition in the United States.[3] Google has vowed to contest this decision.

On August 13, 2025, the Federal Court of Australia ruled that both Apple and Google restricted competition within their app stores in violation of Australian competition law.[4]

And a few months ago, Apple was found to have willfully violated an injunction imposed on the company by a U.S. District Court judge that had found that certain of Apple's app store policies violated California's Unfair Competition Law. Apple has appealed the District Court's contempt order.

Apple continues to face claims in U.S. federal court from a class of consumers accusing Apple of monopolizing the iOS app market. The consumers contend that Apple's policies have caused them to pay higher prices.[5] Trial in that case is set for February 2026.

In the UK, there are multiple cases pending against Apple and Google by app developers and consumers. One of those cases was recently tried and is awaiting a decision from the tribunal. The others are scheduled for trial next year.

Investigations by regulators into one or both of these companies' allegedly anticompetitive app store policies are also reportedly pending in Japan, the UK, Brazil,[6] Mexico, and elsewhere.[7] The U.S. Department of Justice has asserted in a recent lawsuit against Apple that the company's dominance in the premium

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[2] Bruce D. Sokler, Kristina Van Horn, *Ninth Circuit Upholds Jury Verdict Against and Remedies Imposed Upon Google in Epic Games Monopolization Antitrust Suit*, Mintz (Aug. 06, 2025), https://www.mintz.com/insights-center/viewpoints/2025-08-06-ninth-circuit-upholds-jury-verdict-against-and-remedies.
[3] *Id.*
[4] Saloni Sinha, *Why App Store security is no longer Apple's silver bullet*, MLex (Aug. 13, 2025), https://www.mlex.com/mlex/antitrust/articles/2376488/why-app-store-security-is-no-longer-apple-s-silver-bullet.
[5] Mike Scarcella, *Apple app store consumer class action set for February 2026 jury trial*, Reuters (July 12, 2024), https://www.reuters.com/legal/transactional/apple-app-store-consumer-class-action-set-february-2026-jury-trial-2024-07-12/.
[6] Ana Paula Candil, *Apple queried by Brazil's CADE about compliance with European DMA*, MLex (Aug. 15, 2024), https://mlexmarketinsight.com/news/insight/apple-queried-by-brazil-s-cade-about-compliance-with-european-dma.
[7] Natalia Siniawski, *Mexico launches antitrust probe in digital goods and services sector*, Reuters (July 3, 2023), https://www.reuters.com/technology/mexico-launches-antitrust-probe-digital-goods-services-sector-2023-07-03/.

smartphone market has allowed Apple to engage in anticompetitive conduct with respect to its app store policies.[8]

C. Google and Apple's 30% commission is unjust and anticompetitive.

The economic cost of Google and Apple's conduct is massive, accounting for many billions of dollars in lost revenue every year. Indeed, the commission structure imposed by Apple and Google on app store transactions is at least two to three times higher than what they could charge in a competitive market without their illegal behavior.

In 2023, the Korean Consumer Protection Agency noted that prices for apps and in-app transactions could be as much as 59.0% and 76.9% higher through Google Play and Apple App Store, respectively, than through One Store, the top third-party app store in the Korean market.[9]

Internal analyses prepared by Google and Apple also demonstrate that they can charge lower commissions, but they have no incentive to do so without competitive pressure. Google calculated in its internal financial documents that the cost to Google for providing its in-app payment processing services is only 6% of the transaction price.[10] Apple has also recognized in internal studies that a substantially lower commission would still be profitable.[11]

If competitors could compete freely, the commission structure might be even lower than these examples. Fees on credit card transactions in the U.S. average between 1.5% and 4%.[12] And no one doubts that millions and millions of credit card transactions are processed safely and securely every day.

D. Important features of U.S. antitrust law.

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[8] Complaint ¶ 11, *United States v. Apple Inc.,* No. 2:24-cv-04055 (D.N.J.) (Mar. 21, 2024), ECF No. 1 ("By maintaining its monopoly over smartphones, Apple is able to harm consumers in a wide variety of additional ways. . . . Apple also prohibits the creation and use of alternative app stores curated to reflect a consumer's preferences with respect to security, privacy, or other values."); *id.* ¶¶ 54–55 (Apple uses control over app distribution to "dictate how developers innovate for the iPhone" and other smartphones, driving users away from products that threaten its monopoly).

[9] Brief for Aptoide S.A. and One Store Co., LTD. as Amicus Curiae in Opposition to Google's Motion for a Stay, at 9, 11–12 & n.6, *Epic Games Co. v. Google LLC*, No. 24-625 (9th Cir. filed Aug. 21, 2025), ECF No. 226.1.

[10] Exhibit C, Transcript of Proceedings at 95 (According to Epic's economics expert, "from the testimony I gave at trial and documents that Google produced, Google's—Google currently believes that their average cost is about 6 percent" for use of Google Play Billing.), *In re Google Play Store Antitrust Litig.,* No. 21-md-02931-JD (N.D. Cal.) (May 23, 2024); *id.* at 102 (According to the Court, "We did see some internal Google financial documents calculating the cost of the 6 percent figure").

[11] Exhibit D, Evidentiary Hearing Vol. 4 Transcript at 602:25–605:5, *Epic Games, Inc. v. Apple, Inc.,* No. C 20-05640 (N.D. Cal.) (Testimony of Carson Oliver) (May 17, 2024).

[12] Tyler Webb & Rachel Williams, *Credit Card Processing Fees: The Ultimate Guide*, Forbes (Aug. 8, 2025), https://www.forbes.com/advisor/business/credit-card-processing-fees/.

U.S. antitrust law encourages private plaintiffs to bring antitrust lawsuits to recover treble damages. As the U.S. Supreme Court recognized many years ago, the antitrust laws bring "to bear the pressure of 'private attorneys general' on a serious national problem for which public prosecutorial resources are deemed inadequate."[13]

U.S. courts have also recognized that private antitrust plaintiffs face threats of retaliation from defendants with whom they have a business relationship.[14] Class actions are one way to guard against this risk.[15] A U.S. Court of Appeals also found that injunctions may be necessary to prevent a defendant from retaliating.[16] Therefore, U.S. Courts have held that while businesses generally have the freedom to choose their business partners, that principle does "not apply where there is a purpose to create or maintain a monopoly" or "to frustrate litigation."[17]

E. Closing

In closing, laws or other policies that protect consumers and companies from retaliation when they bring good-faith antitrust litigation help promote a free and competitive economy by giving them the confidence to enforce antitrust laws for the betterment of society. We are pleased that Hon. Min-Hee Choi and this Committee are considering legislation that will encourage antitrust victims to enforce Korea's competition laws.

Thank you for your time and for giving me the opportunity to speak today.

/s/ Christopher L. Lebsock
Christopher L. Lebsock

[13] *Agency Holding Corp. v. Malley-Duff & Assocs., Inc*., 483 U.S. 143, 151 (1987).
[14] *See, e.g.*, *Ill. Brick Co. v. Illinois*, 431 U.S. 720, 744 n.23 (1977) ("[D]irect purchasers sometimes may refrain from bringing a treble-damages suit for fear of disrupting relations with their suppliers."); *Natchitoches Parish Hosp. Serv. Dist. v. Tyco Int'l., Ltd*., 247 F.R.D. 253, 273 n.6 (D. Mass. 2008) ("Distributor class members may be reluctant to bring actions against manufacturers, and thus 'a class action may be the only practical method for resolving their claims.'"); *In re Indus. Diamonds Antitrust Litig*., 167 F.R.D. 374, 386 (S.D.N.Y. 1996) (class action superior method of adjudicating case where, among other things, some class members "still depend on [the defendants] for their supply of industrial diamond products and may be hesitant to disrupt those relationships."); 6 Herbert B. Newberg & Alba Conte, Newberg on Class Actions § 18.41 (4th ed. 2002) ("Class actions perform an important function in cases where individual franchisees or purchasers are reluctant to sue because they fear economic reprisal." (citing cases)).
[15] *Id.*
[16] *Bergen Drug Co. v. Parke, Davis & Co*., 307 F.2d 725, 728 (3d Cir. 1962).
[17] *Id.*