

REFERENCE RELATING TO THE ANTICIPATED ACQUISITION BY ADOBE INC. OF FIGMA, INC

Notice of provisional findings made under Rule 11.3 of the Competition and Markets Authority Rules of Procedure¹

1. On 13 July 2023, in exercise of its duty under [section 33\(1\)](#) of the Enterprise Act 2002 (the **Act**), the Competition and Markets Authority (**CMA**), made a reference to its chair for the constitution of a Group of CMA Panel Members (the **Inquiry Group**)² regarding the anticipated acquisition by Adobe Inc. (**Adobe**) of Figma, Inc. (**Figma**) for further investigation and report and requiring it to report within a period ending 27 December 2023.
2. On 16 August 2023 the Inquiry Group decided pursuant to [section 39\(4\)](#) of the Act that the reference period should be extended as a result of the failure by Figma to comply with the requirements of a notice issued on 1 August 2023 under [section 109](#) of the Act to provide certain documents and information (the **section 109 notice**). A notice of extension was published on the inquiry [webpage](#) on 17 August 2023.
3. On 21 August 2023, the CMA was satisfied, for the purposes of section 39(8) of the Act, that the documents and information required by the section 109 notice had been provided. The CMA accordingly terminated the extension of the reference period and 4 days were added to the statutory deadline such that the reference period was due to expire on 31 December 2023. The notice of termination of extension was published on the inquiry [webpage](#) the same day.
4. On 25 October 2023, the CMA published on its website a notice of extension of the reference period by eight weeks under [section 39\(3\)](#) of the Act. The Inquiry Group is now required to report within a period ending on 25 February 2024.

¹ See [Rules of procedure for merger, market and special reference groups: CMA17](#).

² Under [Schedule 4](#) to the Enterprise and Regulatory Reform Act 2013.

Provisional findings

5. The Inquiry Group appointed to consider this reference has made the following provisional findings on the statutory questions it has to decide, pursuant to [section 36\(1\)](#) of the Act:
 - (a) that arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and
 - (b) the creation of that situation may be expected to result in a substantial lessening of competition (**SLC**) in the global supply of:
 - (i) all-in-one product design software for professional users; and
 - (ii) vector editing software; and;
 - (iii) raster editing software.
6. The Inquiry Group's reasons are set out in full in the provisional findings report, which is attached to this notice, and are summarised in the summary of the provisional findings report (see note below).

The next steps

7. Anyone wishing to comment on the provisional findings is now invited to provide the Inquiry Group with their reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).
8. These reasons should be received by the Inquiry Group no later than **17:00 (UK time) on Tuesday 19 December 2023**.
9. The Inquiry Group will have regard to any such reasons in making its final decisions on the statutory questions and any consequential actions. However, the Inquiry Group shall not be obliged to take into account reasons which are provided after the deadline specified in paragraph 8 above.
10. The Inquiry Group is also publishing a notice of possible remedies (**Remedies Notice**). This sets out the actions which it considers might be taken by the CMA to remedy the SLC and/or resultant adverse effects provisionally identified. Interested parties have until **17:00 (UK time) on Tuesday 12 December 2023** to respond to the Remedies Notice.

(signed)

Margot Daly

Inquiry Group Chair

28 November 2023

Note: A copy of this notice and the summary of the provisional findings report will be placed on the [CMA website](#) on 28 November 2023. The CMA proposes to publish the provisional findings report on its [website](#) shortly thereafter. The published version of the provisional findings report will not contain any information which the Inquiry Group considers should be excluded from the report, having regard to the three considerations set out in [section 244](#) of the Act. These omissions are indicated by [✂].

Comments should be made by email to Adobe.Figma@cma.gov.uk.