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GLOBAL TRADE BODY SUBMISSION

*UK Competition & Markets Authority
SMS Investigation
Apple's Mobile App Ecosystem
Summary Evidence of Systemic Infringement
of UK Laws by App Marketplaces*

Non-confidential version. Eligible for publication

FAO: UK Competition & Markets Authority
delivered electronically to mobilesms@cma.gov.uk

11 February 2025



ICMP INTRODUCTION

ICMP is the **global trade body** representing the music publishing industry worldwide.

ICMP's membership spans the '**Majors**', '**Indies**' and **77 national trade bodies** across **6 continents**. Consequently, we defend the rights of approximately **90% of the world's commercially released music** (more than **170 million tracks**, of more than **5,000 genres**), from Beethoven to Beyoncé, Schubert to Ed Sheeran, NWA to BTS, folk to fado, K-Pop to hip-hop and all else. ICMP's member national trade association for the United Kingdom is the **UK MPA, representing the interests of the UK music publishing industry**.

The music industry drove more than \$45.5 billion in revenue by EY2023. Our members are the **innovators, creators, employers and multi-million dollar annual investors who** bring the world's music to **an audience of billions**, via **every format**, from streaming to vinyl, movie to concert stage, public performance to the next new technology.

Among ICMP's missions are to defend the **value and rights of the world's songs and compositions**; advocate to **international institutions**; consolidate **global positions** on industry issues; provide an **expert network** and realise the **optimum environment for music to thrive**.

Below we set out work in support of the CMA's current investigations, as well a summary insight into an extensive evidence collation project carried out on behalf of our UK and international industry.

This project demonstrates daily, ongoing, systemic and wide-ranging illegal market practices by mobile app marketplaces, causing legal and commercial harms to UK consumers, businesses and online competition. ICMP remains open to further disclosure of relevant evidence by way of presentation to the CMA.

SCOPE OF INVESTIGATION AND 'SMS' ASSESSMENT

We welcome the opportunity to provide comment with respect to the initiation of the SMS investigation by the UK Competition & Markets Authority into Apple's mobile ecosystem.

As the global trade body representing the music publishing industry worldwide, ICMP can share information on substantial and entrenched market power of the provider concerned, and its position of strategic significance in relation to some of digital activities within the scope of the investigation referred to in the Notice of Investigation¹ and support this by submitting materials from an extensive evidence gathering research project recently undertaken by our industry.

¹ UK CMA, [Notice of Investigation](#) under Section 11(1) of the Digital Markets, Competition and Consumers Act 2024, Apple undertaking.



Our comments focus on the digital activities consisting of, or related to, **Native App Distribution**, as defined in the Invitation to Comment². This is an area of focus for the music publishing industry due to [REDACTED].

As set out in the investigation materials and previously determined in the CMA's 2022 Mobile Ecosystems Market Study³ **both Apple and Google hold an effective duopoly in mobile ecosystems**, all the more so for app marketplaces. This places two of the world's largest companies in dominant positions which they use to unilaterally determine the market rules for mobile marketplaces. This impacts at a consumer level of course, but as an industry trade body we can categorically state that these unilateral rules apply even more so at a commercial level. In sum, it is not hyperbole to submit that the negative legal and commercial harms we experience impact every last music company, songwriter, composer, artist and party related to professional music creation and distribution.

In terms of the assessment of criteria for the designation of an undertaking as having strategic market significance, **ICMP concurs with the Reasonable Grounds provided in Annex of the Notice of Investigation:**

1. With a global annual turnover of 391.04 billion USD in 2024⁴ and a turnover in the United Kingdom of 666.6 GBP in 2023⁵, **the Apple undertaking clearly exceeds the threshold** specified in legislation⁶;
2. **Apple's digital activities clearly present a link to the United Kingdom**, in that:
 - a. the Apple iOS operating system accounts for a **44% market share** in the United Kingdom as of December 2024⁷;
 - b. the Apple App Store is the **only approved app store** in the iOS ecosystem⁸, comes preinstalled on Apple devices⁹, with no other app stores permitted¹⁰;
 - c. by consequence, the Apple App Store represents the **default 'native app distribution platform' for a large proportion of UK users**;
3. Apple has a vertically integrated and largely closed ecosystem around its mobile devices comprising different layers of hardware, software and digital services, granting the Apple undertaking a **substantial and entrenched market power**;
4. Furthermore, the large market share for iOS confirms **the Apple undertaking attained a position of strategic significance** in that it has achieved a position of considerable size and scale where it is relied upon by a significant number of other undertakings in carrying on

² UK CMA, [Invitation to Comment](#), Strategic Market Status Investigations into Apple's and Google's mobile ecosystems, 2025.

³ UK CMA, [Mobile Ecosystems - Market study final report](#), 2022.

⁴ F. Laricchia, [Apple revenue worldwide 2004-2024](#), Statista, 2024.

⁵ Apple (UK) Ltd., [Strategic report, directors' report and financial statements](#), Year ended 30 September 2023.

⁶ S. 7(2)(a), UK [Digital Markets, Competition and Consumers Act](#) of 2024.

⁷ A. Sherif, [Apple iOS mobile market share in the UK 2011-2024, by month](#), Statista, 2024.

⁸ European Commission decision in case [AT.40437 – Apple – App Store Practices \(music streaming\)](#), para. 97.

⁹ Apple, [iPhone 16 specifications](#), 2025.

¹⁰ European Commission decision in case [AT.40437 – Apple – App Store Practices \(music streaming\)](#), para. 98.



their business, allowing it to determine and substantially influence ways in which other undertakings conduct themselves¹¹.

Of relevance materially, [REDACTED]

For economic context as to the crucial and urgent importance of solving the legal and commercial harms caused by these two dominant digital market distributors, music streaming is a **key revenue stream for the global music sector**, accounting for more than **67% of global recorded music revenues** in 2023¹². Most consumers **stream music on smart mobile devices**¹³, a large proportion of which run on the iOS operating system in the United Kingdom¹⁴. Streamed music consumption on smart devices takes place **almost entirely through native apps**¹⁵.

Apple's dominant position confers upon it **a special responsibility to not impose on music streaming providers unfair conditions which are detrimental to the interests of users**¹⁶. [REDACTED]

PROPOSED CONDUCT REQUIREMENTS / INDUSTRY EVIDENCE FOR CMA OF SYSTEMIC INFRINGEMENT OF LAWS STEMMING FROM MARKET DOMINANCE

EXISTING PREJUDICIAL PRACTICES – [REDACTED]

1. *Introduction*

In 2022 and 2023, ICMP carried out a three-phase primary research and evidential study on the **extent of unlicensed copyright-protected content being made available and communicated to the public on a commercial basis** on the **Apple App Store** and Google Play Store.

The study involved entering the **search metric “free music”** on the Apple App Store from several jurisdictions (including the United Kingdom, Spain and Belgium) over three separate time phases, to chart marketplace commercial behaviours and legality of the apps made available by the search, and the consistency of the copyright infringement problems found across different phases and territories. We also charted any fluctuation of results over time and market type.

¹¹ S. 6, UK [Digital Markets, Competition and Consumers Act](#) of 2024.

¹² IFPI, [Global Music Report](#), State of the Industry, 2024.

¹³ European Commission case file in case [AT.40437](#): Google estimates that [70-80 %] of music on YouTube Music is consumed via smart mobile devices (YouTube Music's response to question 7 of the Commission's request for information (2019/048689), ID 1356); SoundCloud submitted that 85 % of users logged through smart mobile devices (SoundCloud's response to question 6 of the Commission's request for information (2019/048728), ID 1369).

¹⁴ A. Sherif, *op. cit.*

¹⁵ European Commission decision in case [AT.40437 – Apple – App Store Practices \(music streaming\)](#), Para. 565.

¹⁶ Para. 567, *ibidem*.



In 2024, we carried out an additional fourth phase collating evidence on the **scale and sophistication of copyright-infringing practices communicated and commercialised by Google and Apple’s app marketplaces**. This study involved using the **search metric “AI cover AI songs”** on the Apple App Store across the same jurisdictions.

Our teams proceeded by **examining the functionality of each individual application, collating the results, securing detailed evidence** as to the role of the marketplace in providing and profiting the vast quantities of illegal content in our evidence. We also analysed the data obtained to:

- assess and determine the legal and commercial harms caused by the illegal content;
- detail, assess and determine the role of the marketplace (Google or Apple) in the provision and profiting from of this illegal content provided to UK consumers;
- determine the sophistication of each app’s infringing offerings to consumers; and
- cross-check the licensing status of each app with our members to reveal evidence of the scale of infringement of our industry’s intellectual property rights.

The evidence collated is comprehensive, consistent and compelling.

2. *Key findings*

The evidence collated was stark in what it demonstrated in terms of systemic infringement of UK laws - copyright and contract at a minimum.

[REDACTED]

CONDUCT REQUIREMENTS [REDACTED]

[REDACTED]

CONCLUSION

Our UK and international industry, and the hundreds of thousands of professionals it represents, submit these summary papers for your consideration of the facts and arguments presented, with the aim of implementing evidence-driven and effective solutions to what are systematic, ongoing and profound illegalities.

[REDACTED]

On behalf of our industry ICMP has identified the legal, technical and practical solutions required for effective prevention.

Our teams remain available for further information via the contact details in the document header.

