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Latvia: Abuse of a dominant position III, Regional Administrative Court of Latvia, A43012613, A43-0051-15/4, 9 February 2015

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When considering whether a collective management organisation had abused its dominant position by imposing unreasonably high licence fees, it was justifiable to compare its fees with the fees in other markets. These markets should be comparable to the Latvian market in order to achieve the correct outcome. As well as having a similar gross domestic product, these markets should also be similar on cultural, economical and structural grounds.

When imposing a fine on a collective management organisation which has infringed competition rules, the special nature of this organisation has to be taken into account. The basis for the amount of the fine must exclude the income which has been collected by the collective management organisation on behalf of the rightholders. Only its own income should be taken into account when calculating the amount of the fine.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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