1st June 2005: Conseil de la concurrence accepts commitments offered by Yvert &Tellier and closes the litigation proceedings brought by Dallay

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Operators who wish to create correspondence tables between their own numbering systems and that of Yvert & Tellier, can now purchase licences to use the company's system for listing stamps

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In a case between two companies publishing postage stamp valuation catalogues, Dallay and Yvert & Tellier, the Conseil has issued its decision: it accepts the commitments offered by Yvert & Tellier, considering that they are likely to satisfy the competition problems identified, and closes the case. These commitments become compulsory with immediate effect and form an integral part of the decision.

Background: Dallay's complaint

In a complaint accompanied by a request for interim measures dated 30th November 2004, the company Dallay accused Yvert & Tellier of hindering the development of the market for catalogues listing collector postage stamps and their values. The complainant company claimed that Yvert and Tellier unfairly refused to allow its direct competitors access to the numbering system used in its catalogue, thereby preventing them from establishing a correspondence with their own numbering systems or using it as a common system.

Dallay's complaint came despite the fact that Yvert & Tellier had, following a series of procedures before the law courts, obtained recognition from the Paris

court of appeal of its right of intellectual property, in the forms of authors' rights and the sui generis right to databases, covering the numbering system used in its catalogue.

The Conseil identified real competition problems in the market for postage stamp valuation catalogues

The Conseil took the view that the profile of Yvert & Tellier, which has been present in this market for more than a century, is such that its numbering system acts as a de facto standard for valuing and dealing stamps. Consequently, it indicated that it was reasonable to assume that Yvert & Tellier holds a dominant position in the market for catalogues listing French postage stamps and their values.

The Conseil took the view that Yvert & Tellier's refusal to grant other market operators licenses to use its numbering system could constitute an abuse of dominant position. This is because it effectively forbade the production of correspondence tables between the different numbering systems, a new product for which there could be a demand, and this restriction could also prevent the development of fair competition for new stamp valuation catalogues.

The Conseil believes that the commitments offered by Yvert et Tellier are likely to satisfy the competition concerns raised in its assessment of the case

The company Yvert & Tellier proposes to grant valuation catalogue publishers a license to create correspondence tables between their own numbering systems and that of Yvert & Tellier, in exchange for payment of reasonable royalties and provided Yvert & Tellier's intellectual property rights concerning its numbering system and brand are respected.

The Conseil accepts Yvert & Tellier's commitment to grant licenses for the production of correspondence tables between its own numbering systems and those used in competing catalogues, as well as the conditions governing these licenses.

It also notes two further things: firstly, that Yvert & Tellier shall set the royalties due in exchange for the license at a reasonable level, according to transparent,

objective and non-discriminatory criteria; and secondly, the company's declaration, after having heard the Conseil's objections in session, that it will consider reducing the royalties and offer a modest annual fixed payment "greater than €100 and well under €1,000".