

By Alain Strowel, 7 May 2011

The nascent e-books market: another illicit fragmentation of the internal market?

In the *Premier League* case now before the Court of Justice of the EU (Cases C-403/08 and C-429/08, see also [ipdigit](#)), the Advocate General (AG), in her opinion of 3 February 2011, has highlighted the problem of fragmentation of the internal market by referring to the burgeoning e-books market. According to the AG (§ 186), “in autumn 2010 dealers from the UK announced that they could no longer sell e-books to customers outside that Member State”.

An article on the online site of the Bookseller, the leading business magazine for the UK book industry (since 1858!), confirms this: “*Waterstone’s has stopped selling e-books to customers outside of the UK and Ireland in order to comply with the legal demands of publishers regarding the territories into which it can sell digital titles.*” (see [here](#)).

You are asked:

First, to do some online research so as to investigate a bit the issue and collect relevant facts (as you know the Commission has recently raided some publishers; see for instance a Bloomberg report [here](#)).

Second, to put forward 5 arguments why there is a competition issue or, on the contrary, why there is no competition issue. Please refer to a few decisions of the European Court of Justice.

Not more than 2500 words please (for the Brussels School of Competition students). The best responses will be posted online.

And if some of you want to go further, we would be pleased to post your analysis of the e-books market issue as a separate entry on this pedablog devoted to the law and economics of innovative markets.