

Class: UP/I 034-03/16-01/014  
Reg.no: 580-09/64-17-008  
Zagreb, 12 December 2016

**Case: CCA v CLB Holding d.o.o., Molve**

- Based on the initiative made by Exima grupa d.o.o., Zagreb
- Alleged distortion of competition

**Decision: Initiative dismissed due to lack of standing to act**

**Case summary:**

The Croatian Competition Agency (CCA) dismissed the initiative for the initiation of the infringement proceedings made by the undertaking Exima grupa d.o.o. from Zagreb against the undertaking CLB Holding d.o.o. from Molve based on the lack of legal grounds for the initiation of an ex officio proceeding.

Basically, the complainant Exima claimed its presence in the provision of rental services for Segway PT, so called "Segway City Tour Zagreb" since 2007 and its status of an authorised dealer of Segway Inc. since 2006. Exima stated in its complaint that it was the first who had brought Segway PT to Croatia and made it popular. In its opinion, ever since a new dealer, the CLB company, entered into the market in 2015 it has been deliberately and intentionally discrediting and harassing Exima and its service "Segway City Tour Zagreb" by approaching Exima partners and presenting itself as authorised Segway dealer holding the exclusive right for the provision of Segway rental services, making false claims about its rivals. In addition, CLB initiated an arbitration proceeding at the Croatian Academic and Research Network (CARNet) with respect to the internet domain segway.hr that in the words of the complainant was the property of Exima. CLB also brought a suit against Exima challenging the alleged misuse of Segway Inc. trademark.

Within its preliminary market investigation, the CCA analysed the claims of the complainant but also the counter arguments listed by the undertaking CLB relating to the above-mentioned issues. In short, the CLB stated that since 2015 it has been the exclusive authorised distributor of Segway PT and the exclusive user of the Segway Inc. trade mark in the territory of the Republic of Croatia. In its opinion, Exima has been using the trademark illegally and despite a number of unsuccessful attempts to see eye to eye in the matter concerned, no arrangement with Exima has been reached and CLB initiated an arbitration proceeding and sought judiciary protection at the Commercial Court in Zagreb regarding the trade mark and intellectual property rights issues concerned.

With reference to the claims made by the complainant Exima and the counter accusations of its rival CLB the CCA noted that the behaviours concerned are regulated under the provisions of the Trade Act, particularly the provisions regulating unfair trade practices, and the Trade Mark Act and other IPRs provisions, the implementation of which is entrusted to bodies or institutions other than the national competition authority.

On the other hand, the CCA decided to open a separate infringement proceeding, UP/I 034-03/17-01/001, in which it will assess the agreements that CLB concluded with its partners in the provision of Segway PT rental services under Article 39 of the Competition Act referring to Article 8 of the Competition Act defining prohibited agreements.