

Apple won over small Iphone repair shop: - There is a reason why the world's largest company is suing a person at Ski

The verdict says that mobile repairer Henrik Huseby has to destroy 62 Iphone screens.

- This is David against Goliath.

This says the leader of the organization Future in our hands, Anja Bakken Riise.

In the Oslo District Court, and subsequently in the Borgarting Court of Appeal, Iphone repairer Henrik Huseby and his company PCKompaniet have fought against the technology giant Apple, one of the world's largest companies.

While Huseby in Ski just outside Oslo has modest income, US sold Apple Iphones, I pads, Macs and other for almost NOK 2,300 billion last year.

Stopped in customs

It all started when Norwegian customs officers at the airport at Gardermoen two years ago stopped a package from Hong Kong with 63 mobile screens. The repaired screens had the Apple logo, covered with black marker. The customs officers acted on orders from the Oslo town bailiff, where Apple had received a so-called temporary injunction.

It is common for broken screens in the West to be sent to China for repair, after which the screens are returned to repairers in the West.

Apple had filed a lawsuit against what they believed was the import of illegal copies and violations of their trademarks. After losing in Oslo District Court this winter, Apple won over the small mobile repair shop in Ski in the appeal case in late June.

The judges of the Court of Appeal found that the screens are illegal copies. The verdict is crushing for Huseby:

- He is sentenced to have the mobile screens destroyed
- He must pay NOK 5,500 to Apple in a license fee
- He must pay the technology giant's legal costs

A small consolation is that the Court of Appeal's judges said the case has great importance in principle, and Huseby thus will have to pay only 75,000 of Apple's total legal costs of nearly NOK 250,000 in the appeal case.

Considering appeal

Huseby finds it incomprehensible that the Court of Appeal came to the opposite conclusion than that of the district court.

- If the verdict is upheld, it means that Apple is holding an iron grip on the business and limits competition because relevant players must adhere to the verdict. It is sad. Therefore, an appeal to

the Supreme Court is now being considered, he writes in a text message to DN.

Apple lawyer Anders Ervin Solberg does not want to comment on the case, and he says that Apple also has no comment "per now".

Apple has not answered DN's inquiries.

"We're not here to stop Huseby's business, but to protect the brand against abuse and piracy and to ensure that products sold under the Apple brand have the expected quality for the sake of consumers," said Apple lawyer Anders Ervin Solberg in the law firm Onsagers in court January 2018.

"Had the parts been without a trademark, we would not go to court," he said.

"Throw-away society"

The leader of "Future in our hands" Anja Bakken Riise is upset after Huseby lost.

- We must move past the "throw-away" society, and over to more repair and maintenance. This verdict will contribute to the opposite, she says.

She believes spare parts and instruction manuals must be made available to all repairers.

- As a consumer, one must be able to repair one's things anywhere without compromising the warranty on the product, she says. They are critical towards the fact that Apple only sell spare parts to their own authorized repairers, and fears fewer therefore get their mobile phones repaired and instead buy new ones when they break.

"In practice, Apple gets a monopoly on repair of its products and can keep prices high," says Kaja Juul Skarbø, head of Restarters Norway, who is working to promote the repair of electronics.

"They have themselves contributed to create the problem with spare parts being imported from elsewhere," she says.

"Fighting a hopeless battle"

Mobile repairer Huseby's lawyer Per Harald Gjerstad agrees with the criticism.

"This is why the world's largest company sues a poor fella at Ski, because they want a decision that can be used as a precedent," says Gjerstad.

Focusing on the fact that the verdict can set precedent, ie gaining importance in similar cases and thus, in the long term, stopping independent mobile repairers, Gjerstad believes to be a poor strategy.

- Huseby was prepared for him to lose, but at the same time he is not alone. Only in Oslo there are hundreds of repairers, and in many ways Apple is fighting a hopeless battle, says Gjerstad.

He believes Huseby has not done anything illegal, and does not rule out that they appeal before the verdict is final in late August.

- The last word is not said, he says.

Apple's lawyer Anders Ervin Solberg has been presented with the criticism, but does not want to comment on it. Apple has not responded to DN's inquiry. Daily manager, Amund Hamre, in Apple in Norway does not want to comment on the case either, but refers to Apple Inc.