[DE] Düsseldorf Regional Appeal Court Confirms Ban on Merger between ProSiebenSat.1 and Springer

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On 3 December 2008, the *Oberlandesgericht Düsseldorf* (Düsseldorf Regional Appeal Court - OLG) confirmed the ban on the takeover of broadcasting group ProSiebenSat.1 by the Axel Springer publishing house, imposed by the *Bundeskartellamt* (Federal Cartel Office) on 19 January 2006 due to concerns about competition. Although Springer abandoned its plans following the decision, it took an appeal in order to obtain legal certainty for possible future mergers (see IRIS 2007-10: 9).

In its reasoning for the decision, the OLG explained that the merger would have opened new possibilities for cross marketing of services. Even a slight strengthening of the dominant market position would have been sufficient to justify the ban, since ProSiebenSat.1 and RTL already held a duopoly in the German private television market, with a 90% market share in advertising revenue. Springer is considering another appeal.

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