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## IT Management

### Politics & Law

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#### Resellers' association files trading complaint against Sun

by **Antony Savvas**

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**PC resellers have reported Sun Microsystems to the Office of Fair Trading for alleged anti-competitive behaviour.**

The Association of Service and Computer Dealers International (ASCDI), which represents computer resellers, service providers and end-users worldwide, claims that Sun's policies on the sale of its second-hand kit infringe UK competition law.

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**The complaint concerns Sun's refusal to supply provenance information** (product specific historical sales and distribution information) to independent resellers that resell Sun products in the UK.

ASCDI says that prior to 2006, like other computer equipment manufacturers, Sun "had not interfered with the free trade of Sun products by independent resellers".

In 2006 however, said ASCDI, "Sun made the need for provenance information critical to the trade in its products in the UK, and elsewhere in the EU, under the guise of trademark protectionism."

It began a policy of refusing to provide such information whenever requested by independent resellers, ASCDI said. ASCDI supports Sun's legitimate trademark rights, but says without Sun's co-operation, Sun has made it impossible to know whether a given Sun product is or has been placed on the market with Sun's consent.

"Sun's policy effectively closes the secondary market trade in Sun products to anyone other than Sun. It is anti-competitive behaviour plain and simple," said ASCDI president Joe Marion.

Provenance information is readily available from other manufacturers including IBM, HP and Cisco, said ASCDI.

At stake is an estimated £736m market in 2007 across the EU for used Sun products.

ASCDI's complaint seeks a declaration from the Office of Fair Trading that Sun's refusal to provide provenance information on its used products is prohibited under the Competition Act 1998.

It also seeks an order that Sun provides the information in a timely manner, without disclosure of such requests to its own direct sales force and on a fee-free basis.

"Our goal is to keep the secondary computer marketplace free and open to independent resellers," said Marion.

"Ultimately, it will be the customer that will benefit from a more open marketplace."

Sun has not so far responded to the Office of Fair Trading complaint.

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