



If Epic wins, this might lead to some fascinating case law. It has the potential to change the way we buy apps on both of these platforms forever.



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The Power of Contracts to Reshape Big Tech



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A Fight Between Tech Giants: Epic Games vs. Google

A Gaming Giant Makes a Case Against Google

When one party is intent on breaking an agreement to make a larger point, it doesn't necessarily matter how well-drafted their contract is. Epic Games, the creator of the wildly popular multi platform video game Fortnite, agreed to specific terms with Google and Apple to distribute through their mobile app stores. They then violated those agreements to build a case against what they argue is mobile video game monopoly.



Google and Apple are giants that know what they're doing and this agreement is a run-of-the-mill when selling on these marketplaces."

Key Takeaways

➔ The Background

Epic Games, the developers of Fortnite, is a really popular battle royale video game available for free access for video gamers. They sued Google last year alleging that Google is a monopoly, not an open marketplace and its practices are not competitive.

➔ Exploring the Agency Relationship

It meant that only Google could distribute and provide people with access to the products because they were available in the marketplace. This is at the center of the dispute. It's a good clause, but it doesn't matter since we're dealing with a broader problem here.

➔ Opposite Route with Add-ons

Epic Games was giving a cheaper option for users to get the add-ons, and despite signing a contract that stated they were very black and white and they couldn't do this – they ended up with that offering.

➔ Draft Better Using Google's Example

Any drafting changes must be approved by the stakeholders. Policy adjustments must be made by stakeholders in order for the drafting to reflect them. Apple, for example, is already making changes that will allow software developers to contact users directly and maybe offer cheaper alternatives to its marketplace to purchase add-ons.

