

Epic preps its challenge to Apple's 'bad-faith' outside payments changes

Epic is not pleased with how Apple has responded to court orders. It thinks Apple's new 27 percent tax on developers that link to non-Apple payment methods defies a court order to let developers provide those links and yesterday notified the court that it plans to lay out exactly how.

To refresh, District Court Judge Yvonne Gonzalez Rogers ordered Apple in 2021 to let developers link to outside payment methods, and it immediately appealed (despite having called it a "resounding victory"). Apple's final appeal of the court order was denied earlier this month, and the company was forced to change its tune on in-app payments. But it barely did so – the 27 percent commission isn't much less than Apple's 30 percent in-app payments fee, while other requirements for allowing outside payment links are so onerous that developers may not want to do so. For instance, developers will have to create transaction reports for Apple every 15 days so the company can make sure it's getting its money.

Epic CEO Tim Sweeney vowed to challenge what he called "bad-faith" compliance after Apple announced its App Store changes that included the fee. Now, as *Bloomberg* reports, his company will ask the Northern California US District Court in Oakland to step in.

Epic's lawyers noted in the new filing that the court had left the door to this case cracked open for Epic to "apply for sanctions or other relief that may be appropriate" if it feels

Apple had violated the court order. And now, they say the company is “in the process of meeting and conferring with Apple regarding a briefing schedule” for the yet unfiled motion.

A former antitrust trial attorney for the US Department of Justice told *The Verge* earlier this month that it wasn't likely the court would side with Apple if Epic chose to challenge these terms. Judge Gonzalez Rogers had mentioned the possibility of such a commission in her 2021 court order and even the compliance reporting. But while she may have been fine with Apple taking that ball and running it in, now we'll find out if its subsequent “” into the waiting arms of commerce has taken Apple too far.

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