

Proceedings on the merits issued against Samsung

11 November 2016

The Dutch Consumers' Association (Consumentenbond) has issued proceedings on the merits against Samsung due to its defective software update policy for Android smartphones. According to the Consumentenbond, Samsung must keep its smartphones secure by providing Android updates in good time. Samsung is creating an unsafe situation for consumers by failing to do so.

The Consumentenbond's director Bart Combée says, 'The Consumentenbond demands that Samsung makes updates available for at least two years after a smartphone is purchased, or for four years after it has been placed on the market. Samsung is also providing insufficient information about software updates to consumers who buy Samsung Android devices. The Consumentenbond wants Samsung to provide clear and unambiguous information about this to customers.'

Christiaan Alberdingk Thijm, lawyer for the Consumentenbond, says, 'Samsung does not provide updates, or provides them late, for many of its smartphones, even if Google has released a new version of Android. That is unlawful.'

Provisional relief proceedings

In February 2016, the Consumentenbond issued provisional relief proceedings against Samsung in which it filed the same claims. On that occasion the court was unable to issue a ruling on the merits because the issue proved too complex for provisional relief proceedings, which are designed for rapid disposal. Since the Consumentenbond considers this case important to consumers it decided to issue proceedings on the merits, which are more extensive. Samsung will receive the summons on Friday 11 November. The District Court has yet to determine a date for the hearing.

Samsung is the first party that Consumentenbond is taking action against because it is the undisputed market leader for Android smartphones in the Netherlands. However, other manufacturers are also lax about updating their devices. The Consumentenbond will use the judgment in these proceedings on the merits to push for a sound update policy for all manufacturers.

'Update!' campaign

In July 2015, the Consumentenbond launched its 'Update!' campaign to persuade manufacturers of Android smartphones to make software updates available for at least two years following the purchase of a smartphone. Software updates are crucial to smartphone security. Obsolete software makes devices vulnerable to cyber criminals who misuse it to steal personal data or install malware.