

By: ~~May 2008~~ Dumitrescu, Games Editor

[Nintendo Contests Old European Fine](#)

Says ruling was shockingly unfair

Back in 2002, when next gen consoles were a distant dream and when the Nintendo Wii was not even a formulated thought in the mind of its creators, [Nintendo](#) got sued and then fined by the European Commission, the executive branch of the European Union, because it had conspired with some distributors to unfairly raise the prices on game consoles and on videogames. The fine, considered a record at the time in the EU, was of 167.8 million Euros and it was split between the suppliers and Nintendo itself, with Nintendo paying the lion's share of the sum, around 149 million Euros. Since 2002, Nintendo has become, some would argue, a very different company. Its Nintendo Wii and Nintendo DS gaming consoles are dominating charts all over the world and games like [Wii Fit](#) and Mario Kart Wii are set to also create huge revenue streams for the company. It has also managed to create a new image as a champion of innovation and free trade. But it seems that Nintendo just can't shake the feeling that justice was overly harshly imparted when it came to claims that it had fixed prices. So, it is taking the European Commission to court, claiming that the fine it received was unfair and that the initial ruling should be overturned. It's probably more an image thing than a money thing. A drawn out struggle in the courts is likely to cost Nintendo a lot of money in attorney fees, but it also might help eliminate a possible image problem for the company. Ian Forrester, who is one of the lawyers representing [Nintendo](#), has stated in front of the European Court of Justice that: "The penalty was unfair, illegal, even shocking. This remains one of the biggest single fines in EU competition law". A representative for the Commission has also said that the penalty was fair, given the severity of Nintendo's offenses regarding competition and the rights of users.