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## [Skype Withdraws Appeal Case and GPL Wins](#)

*The hearing took place yesterday*

After last year's case, when the high district court of Munich, Germany, issued an injunction against Skype for selling the SMC WSKP 100 Linux-based WiFi VoIP phone, the Luxembourg-based company seems to be plagued with legal problems once more, this time related to the violation of the GPL license. After the initial GPL violation, Skype provided a flier with the URL for the source code with the package and now they decided to make an appeal on the court's decision... and they've lost!

Skype Technologies made an appeal on the earlier judgment and the hearing took place yesterday. Harald Welte, OpenMoko's original system architect, and part of the gpl-violations.org project, tried to enforce the GPL against Skype back in February 2007, when he brought this matter to court, in Germany. Skype decided to appeal to the higher court of Munich, asserting that the GPL license was violating anti-trust regulation.

The court hearing went pretty well - but not too good for Skype - in the "Welte vs. Skype Technologies SA" case. Skype had to revoke their appeal case, thus being legally bound by the previous court decision.

Harald Welte noted on his [blog](#), when talking about the arguments provided by Skype in this case: *The various arguments by Skype supporting their claim that the GPL is violating German anti-trust legislation as well as further claims aiming at the GPL being invalid or incompatible with German legislation were not further analyzed by the court. The court stated that there was not enough arguments and material brought forward by Skype to support such a claim. And even if there was some truth to that, then Skype would not be able to still claim usage rights under that very same license.*

He also added: *"In the end, the court hinted twice that if it was to judge about the case, Skype would not have very high chances."*