



GAZDASÁGI
VERSENYHIVATAL

Concluded decision and initiation of public interest claim in relation to the website www.ingatlandepo.com

The Gazdasági Versenyhivatal (GVH – Hungarian Competition Authority) stated in its decision that the Experient Entertainment Ltd. and Weltimmo S.r.o are liable for infringing the prohibition of unfair commercial practices due to the publishing of misleading communication on the following websites operated by them: www.ingatlandepo.com, www.ingatlanbazar.com and www.ingatlanbazar.net. The GVH filed a public interest action against the General Terms and Conditions (GTC) applied by the abovementioned undertakings.

www.ingatlandepo.com, www.ingatlanbazar.com and www.ingatlanbazar.net are real estate advertisement portals operating under the same database, which means that if a consumer posts an ad on one of the websites then it appears on all three of the sites.

The websites were operated between 14 August 2009 and 29 May 2010 and from 27 September 2010 by the Experient Entertainment Ltd. based in the Seychelles-islands, and between 30 May 2010 and 26 September 2010 by the Weltimmo S.r.o based in Slovakia.

The GVH investigated the activities of the undertakings and made a decision on the infringement of the prohibition of unfair commercial practices due to the publishing of misleading communication on the following websites operated by them: www.ingatlandepo.com, www.ingatlanbazar.com and www.ingatlanbazar.net. According to the decision the undertakings were concluding unfair commercial practices by

- a) ignoring the consumer complaints set out in relation to the services,
- b) ignoring the court decision which established the nullity of certain stipulations of the GTC applied by the undertakings operating the websites before 14 August 2009,
- c) giving misleading information on the actuality of the real estates advertised on the websites to those customers who were intending to keep up contacts parties advertising on websites,
- d) giving misleading information on the registration requirement of the inquiring parties to those customers who are advertising on the websites,
- e) applying aggressive commercial practices to persuade consumers to fulfill the requirements set out on the websites related to the ads.

Besides imposing a fine - of HUF 4.5 million (approx. EUR 14 thousand) on Experient Entertainment Ltd and HUF 1.1 million (approx. EUR 3.4 thousand) on Weltimmo S.r.o -, the GVH also ordered the undertakings to publish a corrective statement in respect of the unlawful information in two nationwide distributed daily papers.

As regards the GTC applied by the undertakings under investigation, the GVH has initiated a public interest action. Within the meaning of the public interest action, the GVH asked the Budapest Metropolitan Court to establish the nullity of certain stipulations of the GTC with an effect that extends to all the contracting parties. The GVH deems those stipulations invalid in the GTC according to which releasing from the contract is bound to the complete fulfillment of the requirements imposed on the contracting parties.

The GVH establishes that the requirements of liquidated damage are also unfair because they are not transparent or comprehensible and by the application of them the consumers are required to repay an excessive amount of money.

Case number: **Vj-122/2010.**

Budapest, 4 Januar 2012

Hungarian Competition Authority
Communication Group

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