



## COMPETITION COMMISSION OF INDIA

### Case No. 01 of 2023

#### In Re:

**Ravi Shankar Tiwari**

**Informant**

#### And

**Automattic Inc.**

**Opposite Party**

#### CORAM:

**Ms. Ravneet Kaur**  
**Chairperson**

**Mr. Anil Agrawal**  
**Member**

**Ms. Sweta Kakkad**  
**Member**

**Mr. Deepak Anurag**  
**Member**

### Order under Section 26(2) of the Competition Act, 2002

1. The Information in this matter was filed by Mr. Ravi Shankar Tiwari under Section 19(1)(a) of the Competition Act, 2002 (Act) against Automattic Inc. (Opposite Party / OP) alleging contravention of the provisions of Section 4 of the Act.
2. The Informant is a software developer from Kolkata. It has been submitted that the Opposite Party is involved in the development of open-source software, applications, blogging websites, plugins, *etc.* The Informant has further averred that the Opposite Party is the parent company of Wordpress.org [a content management



system (CMS)], wherein the user can create a simple blog as well as a fully operational website and mobile applications.

3. As per the OP, for developing a website, a user is typically required to be well-versed with coding and programming. If a user who wishes to develop a website but is not skilled in coding can use a CMS platform which simplifies website development by providing pre-built templates, plugins, and a user-friendly interface for adding, editing, and organizing content. A plugin is stated to be a software add-on that is installed/plugged into a website created using any particular CMS to enhance its capabilities.
4. The allegations of the Informant against the Opposite Party relate to the plugins developed by the Informant to be used for websites developed using wordpress.org. The Informant asserts that he had two plugins from their Way2enjoy account with the OP: Way2enjoy image optimizer and Regenerate Thumbnails plugin. It has been alleged that the Informant's account was purportedly banned by WordPress.org on 22.11.2018 without any explanation, and subsequent submissions were also rejected. Additionally, new plugins developed and published by the Informant were also banned without communication. The Informant further claims that while the Way2enjoy image optimizer was functioning well and not under discussion, the Regenerate Thumbnails plugin received a poor rating from a user, resulting in a decline in the overall rating of the app. However, both plugins were banned subsequently. It is contended that the OP purportedly deleted 5-star reviews of the Informant's Way2enjoy image optimizer. The Informant posits that the OP, who owns several plugins on WordPress.org, may have removed these reviews with the intention of diminishing the Informant's overall rating and to promote its own plugin *i.e.*, Jetpack.
5. The Informant has thus, alleged that WordPress is abusing its dominant position, in the following manner-



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- 5.1. Section 4(2)(b)(ii) – By banning new categories of plugins of the Informant, WordPress is limiting the technical development relating to the services and options available to the prejudice of consumers.
- 5.2. Section 4(2)(c) – WordPress has banned all the plugin offered by the Informant and it kept rejecting new submissions and new categories of plugins even after 4 years of ban which constitutes an act of denial of market access.
6. The Informant sought immediate reinstatement of its plugins and compensation for lost revenues as reliefs from the Commission. The Informant has also sought similar *Interim Relief* under Section 33 of the Act against the Opposite Party.
7. Having considered the Information, the Commission *vide* its order dated 21.06.2023, decided to seek response of the Opposite Party on the Information filed by the Informant and few additional queries. The Informant was also allowed to file its rejoinder, if any, to the response filed by the Opposite Party.
8. After extension of time, the Opposite Party filed its reply on 06.09.2023 and 21.09.2023 followed by rejoinder from the Informant on 30.10.2023 and 15.11.2023. The Informant also filed some additional information through email on 09.03.2024.
9. The Commission perused and examined the information available on record including the Information filed by the Informant, response filed by the Opposite Party, rejoinder filed by the Informant in its meeting held on 27.03.2024 and decided to pass an appropriate order in due course.

### **Analysis of the Commission**

10. It is noted that the Informant is primarily aggrieved by delisting of its plugins from the plugin's directory maintained by WordPress and the same is alleged to be an



abuse of its dominant position in the relevant market by WordPress in violation of provisions of Section 4 of the Act.

11. The first step for analysing any alleged abusive conduct under Section 4 is to identify the relevant market(s) and assessing dominance of the opposite party therein. This is followed by examining the alleged conduct for violation of any provision of Section 4 of the Act.
12. At the outset, it is noted that the alleged conduct of the OP or wordpress.org does not appear to be an abuse of dominant position, if any, for reasons elaborated in this order. However, for completeness, the Commission has delineated the applicable relevant market and assessed dominance of the OP or wordpress.org in the same.
13. It is noted that the wordpress.org is primarily a CMS services which simplifies website development for non- technical users by providing pre-built templates, plugins, and a user-friendly interface for adding, editing, and organizing content and enables them to manage website content easily by reducing the need for extensive coding. Traditional website design and development agencies, as well as in-house website building and management teams, could also be considered to be competing with CMS providers. However, the allegations in the present matter have been made by a business partner *i.e.*, a plugin developer. The alternatives *viz.* traditional website design and development agencies, as well as in-house website building and management teams may not require plugins developed by third parties and thus, may not be part of the same relevant market in the present matter. Thus, first relevant product market in the present case could be market for provision of Content Management Software (CMS). Furthermore, India may be considered as relevant geographic market. Accordingly, the primary relevant market in the present matter is the market for provision of Content Management Software (CMS) in India.
14. In relation to dominance in this market, it is noted that in addition to wordpress.org, there are multiple players in this market like Wix, Squarespace, Shopify, Joomla,



and Drupal which offer similar website building and management services. Based on the available data, it is noted that wordpress.org has the largest market share *i.e.*, 62.5% in the relevant market and thus, can be inferred to be dominant on that basis.

15. In addition to the CMS market, another significant relevant market for the examination of the present matter is the plugins directory market. Provision of a plugin directory is essentially the provision of listing services for plugins developed by third party developers. Users can search for relevant plugins in the plugin directory and can download the same to extend the functionality of their websites. In this regard, it is noted that WordPress.org provides a directory known as the 'WordPress Plugin Directory', which lists plugins created by various third-party developers. In relation to plugin directories, it has been submitted that the plugins created for one CMS (such as WordPress) may be listed on the directory meant for another CMS (such as Shopify) by creating a new version through modifications to the code as per the code requirements, guidelines and policies of each CMS and the relevant directory where it is to be listed. Thus, it appears that plugins developed for a specific CMS are often tailored to the architecture of that particular platform. As a result, plugins built for one CMS may not seamlessly function on another CMS without additional modifications or adaptations. This lack of interoperability means that users seeking to enhance their websites built on a particular CMS, such as WordPress, must obtain plugins compatible with that specific platform.
16. It is further noted that in many cases, the plug-ins are also available for download from the developer's website directly. However, when users download plugins directly from developers' websites, they sacrifice the features such as categorization, search functionality, user reviews, ratings, usage statistics, *etc.* provided by centralized plugin directories like WordPress Plugin Directory. Therefore, given the specificity of plugins to particular content management systems (CMS) and the non-interchangeability of plugins across different CMS platforms, the relevant product market could be aptly termed as WordPress-Specific Plugin Directories Market. Furthermore, India may be considered as relevant geographic market. Accordingly,



the second relevant market in the present matter is the WordPress-Specific Plugin Directories Market in India.

17. In relation to dominance of WordPress within this market, the OP has submitted that WordPress.org is a leading directory for listing WordPress plug-ins, but not the only directory. The Plug-in Directory on WordPress.org is considered as one of the more reliable sources for downloading plug-ins because of the rigorous review each plug-in submitted to the Plug-in Directory has to go through. Further, based on the available information, it is noted that WordPress Plugin Directory hosts around 60000 plugins while other directories have significantly less number of plugins. Therefore, it appears that WordPress is a dominant player in this relevant market.
18. Now, coming to the examination of alleged conduct of WordPress, it is noted that the primary grievance of the Informant is delisting of its plugins by WordPress. The OP has submitted that all plugin developers are subject to a set of guidelines *i.e.*, 'Detailed Plugin Guidelines', 'Forum Guidelines' and the 'Community Code of Conduct', in order to ensure a simple and transparent process for developers to submit their plugins to the Plugin Directory. The Detailed Plugin Guidelines contain a list of do's and don'ts applicable to developers who submit plugins for being listed in the Plugin Directory. Some of the acts prohibited under the Guidelines include spamming of public facing pages of WordPress.org and engaging in dishonest, immoral, or illegal activities. Violation of Detailed Plugin Guidelines may result in all the developers' plugins being removed from the Plugin Directory and the developer being banned from hosting any plugins on WordPress.org.
19. In relation to the Informant's allegations, the OP has submitted detailed chronology of events leading to banning of Plugins of the Informant. Based on the information provided by the OP, which has not been contested by the Informant, it is noted that the Informant has repeatedly violated multiple guidelines of the wordpress.org despite being warned multiple times. Thus, the plugins of the Informant seems to be banned from the WordPress Plugin Directory due to his persistent misconduct



contrary to the guidelines. These guidelines also do not appear to be unfair or unreasonable and are meant for maintaining quality of service and protecting interest of both developers and users. Accordingly, the Commission is of the view that WordPress.org is justified in taking appropriate action against any developer found non-compliant with the prescribed standards and regulations. It is also noted that guidelines have not been applied in a discriminatory manner and around 35 developers including the Informant have been permanently banned from WordPress.org for repeated violation of the Guidelines. Therefore, the conduct of the Opposite Party does not appear to be either unfair or discriminatory.

20. The Informant has also alleged that Jetpack (the plugin of the OP) could be the reason for deleting 5-star reviews of the Informant to bring the overall rating down. The OP has denied that Informant's Way2enjoy Image Optimizer Plugin was banned to support its own Jetpack Plugin. It is stated that OP's Jetpack plugin offers a wide range of features, whereas the Informant's Way2enjoy Image Optimizer Plugin is a one-point solution that has a sole function *i.e.*, image optimization. Therefore, there is substantial distinction in the scope and depth of features of the two plugins and no legitimate basis is established to perceive the Informant's plugin to be in direct competition with Jetpack. Thus, the allegations of self-preferencing are also unfounded.
21. Given the facts and circumstances of the present case, the Commission finds that no *prima facie* case of contravention of the provisions of Section 4 of the Act is made out against the Opposite Party in the instant matter. Accordingly, the Information is ordered to be closed forthwith in terms of the provisions contained in Section 26(2) of the Act. Consequently, no case for grant for relief(s) as sought under Section 33 of the Act arises and the said request is also rejected.
22. Before parting with the order, the Commission notes that the Opposite Party has filed part of its submissions in two versions *viz.* confidential as well as non-confidential. It has also filed an application seeking confidentiality over certain



documents/ information filed by it under Section 57 of the Act read with Regulation 35 of the Competition Commission of India (General) Regulations, 2009. Considering the grounds given by the Opposite Party for the grant of confidential treatment, the Commission grants confidentiality to such documents / data / information in terms of Regulation 35 of the General Regulations, 2009, subject to Section 57 of the Act, for a period of three years from the passing of this order. It is made clear that nothing used in this order shall be deemed to be confidential or deemed to have been granted confidentiality, as the same have been used for the purposes of the Act in terms of the provisions contained in Section 57 thereof.

23. The Secretary is directed to communicate to the Informant as well as the Opposite Party, accordingly.

Sd/-  
**(Rayneet Kaur)**  
**Chairperson**

Sd/-  
**(Anil Agrawal)**  
**Member**

Sd/-  
**(Sweta Kakkad)**  
**Member**

Sd/-  
**(Deepak Anurag)**  
**Member**

**New Delhi**  
**Date: 29 / 04 / 2024**