

## Playma Co., Ltd.

### 1614<sup>th</sup> Commissioners' Meeting (2022)

Case: Playma Co., Ltd. violated the Fair Trade Law by using dining notes on competitor ifoodie's website to be content of its ihungrybear website and apps

Keyword(s): Gourmet website, plagiarism, dining note

Reference: Fair Trade Commission Decision of August 31, 2022 (the 1614<sup>th</sup> Commissioners' Meeting); Disposition Kung Ch'u Tzu No. 111070

Industry: Web Portals (6311)

Relevant Law(s): Article 25 of the Fair Trade Law

#### Summary:

1. Playma Co., Ltd. (hereinafter referred to as the accused) ran the business of the ihungrybear website and offered apps for Internet users to get restaurant information and dining notes. The main source of revenue was selling online ad slots to restaurants (or other advertisers) and participating in advertisement display networks to get a share of profit. ifoodie also offered restaurant information and dining notes and the income from online advertising was its main source of revenue. Therefore, ihungrybear and ifoodie were competitors. The informer accused Playma Co., Ltd. of using a web crawling program to use and display the dining notes of ifoodie without indicating the source website of the information. For this reason, it was obviously unfair conduct of exploiting the effort of another in violation of the Fair Trade Law.
2. Findings of the FTC after investigation:  
According to the accused, its website building personnel started to gather the dining notes of ifoodie two months before its ihungrybear website was set up (in February 2020). After the website and apps were ready, the accused continued to collect and use dining notes from ifoodie. The dining notes from ifoodie were not taken off from ihungrybear website and the apps until August 19, 2021.
3. Grounds for disposition:
  - (1) The dining notes collected on ifoodie were hundreds of thousands of articles written by nearly one thousand people. Although ifoodie did not own the copyright of the dining notes, it had invested a lot of time, manpower and effort to collect and sort out the URLs of such dining notes and use hyperlinks to display the URLs on the web pages association with

corresponding restaurants. In addition, such information definitely had its economic value.

- (2) The accused copied the dining notes on ifoodie and used them as the content of ihungrybear website and apps. The practice not only exploited the results of efforts of ifoodie but also could reduce the visit rate, advertising revenue and other economic benefits of ifoodie. It constituted unfair competition to the operator of ifoodie and other competitors who adopted legitimate means to build up their website content.
- (3) The accused plagiarized the dining notes collected and sorted out in accordance with corresponding restaurants by other gourmet websites. The use of such information to become the content of its own website and apps was exploitation of the results of others' efforts. The practice was obviously unfair conduct able to affect trading order in violation of Article 25 of the Fair Trade Law. Therefore, the FTC imposed an administrative fine of NT\$50,000 on the accused.

Appendix:

Playma Co., Ltd.'s Uniform Invoice Number: 83709727

Summarized by: Cheng, Hao-Chih; Supervised by: Liao, Hsien-Chou