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Apple has been accused of using class-action law to create a 'secret legal cartel', in which it pushes manufacturers to build its devices at a fixed price, in an attempt to keep them from switching to rivals. "Apple wants us to believe that a [open] market exists for cellphones," said Nicholas Johnson, the lawyer representing the plaintiffs in a civil suit against Apple, in an interview with BBC's Newsnight. The Cupertino company has been accused of using its market dominance to overcharge retailers for its products, in order to ensure they will not seek to sell them at the same price. "We're saying Apple is not a monopoly," said Mr Johnson. "Apple is using its market power to act in concert with other manufacturers [via] bylaws and regulations." "They're doing this in secret," added James Brooks, a senior analyst at industry analysts Gartner. "It's an abuse of the regulatory system." According to Mr Brooks, Apple has been winning 'battles' against retailers over the price of the iPhone, either by pre-installing it at a discounted rate, or forcing them to charge it at full price. "This is not the way to compete in markets," said Mr Brooks. "It's not good for consumers." Apple is accused of maintaining prices and limiting what retailers can sell for in the US by waging a series of 'battles', in which it fails to supply enough inventory, or correct pricing glitches. By targeting retailers as a group, it is alleged that Apple's actions have collectively created a fixed price 'cartel' which it is able to manipulate via a legal loophole. "Apple could never have done what we're alleging in a competitive market," said Mr Johnson. The Civil Lawsuit filed in the Southern District of California could be the first class-action case against Apple, and accuses it of using its massive market share to threaten or force manufacturers into signing non-compete contracts. "We're looking at the biggest [industry] case against the most powerful company," said Mr Johnson. "The case is important because it applies to Apple, Microsoft, 6d1f23a050

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