

Mobile browsers and cloud gaming - Consultation Response

Here I provide my response to your “Mobile browsers and cloud gaming” consultation. This response reflects my personal views, as a UK resident and independent web developer, specializing in the Open Source space, with over 10 years of working with web technologies and browsers. I have experience with native Android development in addition to a lot of experience making cross-platform web-based applications. I don't have any industry experience in relation to gaming specifically, so my input is very much focused upon my experience as a web application developer.

1. Do you consider that our analysis is correct with respect to the suspected features of concern in the supply of mobile browsers and cloud gaming in the UK?

I do believe your analysis here to be correct in respect to mobile browsers. The identified control of Apple and Google is an established concern especially as both of these companies have large potential to profitably gain from their control of the web.

The lack of varied browser engines on iOS is definitely problematic. It forces developer time and focus upon Safari for iOS, instead of focusing on building to wider web standards, since iOS user market segment cannot be ignored. This effectively gives Apple no reason to compete or improve its standards compatibility. This also requires developers to “buy-in” to the Apple ecosystem, hindering accessibility to web development and distribution for many; Apple provide no debugging guidance or tooling for supporting iOS Safari, outside of using Apple systems & products, despite the massive audience they control. Contrast this to Microsoft, who would provide virtual machines, among other options, to allow development and testing for Internet Explorer.

2. Do you consider that our analysis is correct with respect to the reference test being met in relation to the supply of mobile browsers and cloud gaming in the UK?

I would consider your analysis to be correct.

In regards to Apple's mandating of Webkit on iOS, I think the problem of concern is fundamentally their restrictions upon third parties in general. I would fear that even if other browser engines are supported by Apple, they will impose additional, more specific rules and restrictions to stifle competition.

In terms of pre-installation and defaults, I see Google as particularly monopolistic in its push of Chrome through Google Mobile Services, which hinders the possible alternate browser distribution that could be achieved by phone manufacturers.

3. Do you agree with our proposal to exercise the CMA's discretion to make a reference in relation to the supply of mobile browsers and cloud gaming in the UK?

I do agree. There has been little sign of Google or Apple taking any significant steps in addressing the issues laid out in your report hence I believe external intervention to be necessary.

4. Do you consider that the proposed scope of the reference, as set out in the draft terms of the reference published alongside this document, would be sufficient to enable any adverse effect on competition (or any resulting or likely detrimental effects on customers) caused by the features referred to above to be effectively and comprehensively remedied?

I do consider the proposed scope to be sufficient, as long as "the supply of mobile browsers and mobile browser engines" would cover the privileges that the operating systems supply to those browsers. My fear is that "supply" could be interpreted to only cover availability on app stores and not the privileges granted to those browser applications by the platform owners.

5. Do you have any views on our current thinking on the types of remedies that a MIR could consider (see above and Chapter 8 of the market study final report)? Are there other measures we should consider?

While I think that "Unlocking competition to the App Store and the Play Store" could theoretically break down the most barriers, by removing control of distribution, I think this would be practically the most difficult to enter due to the existing established nature of the app stores and technical challenges of entry routes as we have seen on Android, where sideloading of different stores is already possible.

"Enabling competition between browser engines on iOS" would of course be effective as a direct remedy, and one that is sure to be utilized as confirmed in your feedback from browser vendors. Many developers do see Google/Chrome's dominance as a risk in this solution though, with a concern Google would use this reduced barrier as an effective route to monopolization. Personally I disagree with the idea of sitting in an active abuse

of a monopoly (Apple's browser blocking) to defend against the *potential* risk of a greater monopoly. That said, for this fear I do think it would be important that remedies to Google's forceful tactics of distributing Chrome are assessed and provided alongside such remedy as the opening of browser engines on iOS.

In regards to "Mandated standards for browser functionality", I agree with the assessment that this would likely be "over prescriptive" and the prospect of regulatory bodies effectively defining technical implementation in this way can cause contention and raise concerns of innovation impact. If other browser engines were allowed, without artificial functional/integration hindrance, then I believe that would stoke competition enough to achieve the same benefits as mandated standards. I would imagine that, for example, a large games publisher telling users to "Use Firefox or Chrome to play our game, due to lack of functionality in Safari" would be an embarrassment for Apple and act as a motivation to improve their standards compliance.

For "Interventions to promote more active consumer choice", I do see this as important. Apple has made significant progress in the past years to allow alternate default browsers, to bring it on par with Android but, as you state, the process for setting the default could be improved to be more accessible thus reduce the barrier. While I agree with your statement that you "do not consider that outright restrictions on pre-installation of browsers are likely to be necessary", I think it's important to address the control of those browsers put upon manufacturers; Particularly Google's use of "Google Mobile Services" to require Chrome on devices.

6. Do you have any views on areas where we should undertake further analysis or gather further evidence as part of an MIR in relation to the supply of mobile browsers and cloud gaming?

My only input here is I believe the CMA should consider how remedies are introduced and their impact in combination. I believe the introduction of additional browser engines on iOS would provide a significant window for competition to flourish, which could be better taken advantage of by that competition if the barriers to usage & default-settings were reduced. In addition, as mentioned earlier, adding choice controls across both platforms would control Google/Blink's dominance as they also spread to iOS.