



# CMA Market Investigation Reference: Mobile Browsers Consultation

We provide here our response on the mobile browsers and cloud gaming consultation final report dated 10 June 22<sup>1</sup>. Our response and views are framed as a small international, but UK headquartered, search engine company. As such we are competing with both Google and Apple, and face barriers constructed by both companies, and particularly on mobile devices. Currently these barriers are most severe on mobile browsers. We detail below what we consider is exclusionary and exploitative conduct in mobile browsers by Apple and Google. We also detail practical remedies; some that will be familiar and also remedies that we have not seen proposed before. We support the market investigation reference and firmly believe that well chosen and implemented remedies can have a hugely positive impact on competition.

Colin Hayhurst, 21 July 2022  
CEO at [REDACTED]

## Context and MIR Scope

Mojeek is a small UK company focussed on providing international web search. As such we are the only company in Europe that has an independent web search engine index, with related services. Our direct competitors are Google and Bing (Microsoft), and our indirect competitors are DuckDuckGo, Ecosia and others who use Bing or Google as their main search index. As it happens our biggest barrier in the market is Apple. Their agreement with Google and what we consider is exclusionary conduct makes reaching and retaining users on Apple devices especially difficult.

We wish to voice our support for the CMA's mobile ecosystems final report<sup>2</sup> and MIR proposal. We appreciate the careful and professional work that has been researched, carried out and reported. We encourage the CMA to conduct its investigation as soon as is possible. We have no doubt that mobile browsers prevent, restrict or distort competition in in the UK. We see and experience this in web search. Web search in turn most obviously affects search advertising and online marketing. But it also affects competition in the wider economy, providing a key intersection for the digital information ecosystem.

We support the emphasis on mobile browsers and mobile browser engines. We compete on desktop and mobile and there is no doubt that the competition on desktop, whilst dominated for us by three companies (Apple, Google and Microsoft) is more open. We find it much harder to make progress into mobile because of the moats put around Google search, notably with mobile browsers, and especially with what we consider is exclusionary conduct. It is not just the domination of the two companies in

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1 <https://www.gov.uk/cma-cases/mobile-browsers-and-cloud-gaming>

2 <https://www.gov.uk/cma-cases/mobile-ecosystems-market-study>

mobile, but also the extra barriers that arise probably as a corollary of details in their mutual agreement on search<sup>3</sup>.

Even though we are a search engine company Google is less of a problem to us than Microsoft on desktop. Across desktop, and particularly so on mobile, Apple is actually the biggest barrier to competition in web search and more so than than Google and Microsoft. This may sound counter-intuitive but should be clearer from the rest of this document. This context is further explained in a post we have written about the OS-browser-search stack and how it is largely closed off to search rivals by the agreements between Google, Apple and Microsoft<sup>4</sup>. The three, wittingly and unwittingly, are working together to prevent, restrict or distort competition not only, but particularly so, in the UK.

We therefore agree very strongly with Mozilla who stated in their consultation response<sup>5</sup>: “When reviewing SMS designations, we hope the CMA/DMU considers not just the impact of Google and Apple individually, but all dominant platforms in the GAFAM group.”

Below we address two specific questions (numbered 5) in the consultation call<sup>6</sup>.

## Do you have any views on our current thinking on the types of remedies that a MIR could consider?

As a company focussed on our independent search engine, we partner with and/or communicate with a wide variety of browser vendors and developers. This includes alternative browser engines vendors and developers. We therefore welcome the fact that the MIR proposes to look at browsers and browser engines. We feel sure that innovation in browsers can be unlocked with more freedom for developers.

We support proposed remedies in section 2.37 of the MIR and in particular:

- requirements that make it more straightforward for users to change the default browser within their device settings;
- choice screens to overcome the distortive effects of pre-installation;

We would suggest that choice screens should be used as follows:

1. For browsers
2. For voice/digital assistants
3. For search engines but with vital changes:
  - 3.1. The current choice lists of five on Safari/Chrome are too short. But importantly they also lack diversity of genuine search engines ...
  - 3.2. Search choice shortlists should have a diversity of genuine search engines. In the UK, and in most countries, the choice screen list of five is effectively **only two search engines**; since the choices are Google, Bing with the rest being Bing syndicates (Yahoo!, DuckDuckGo, Ecosia).

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3 <https://9to5mac.com/2022/05/23/apples-google-search-payment/>

4 <https://blog.mojeek.com/2022/05/gatekeepers-of-the-western-web.html>

5 <https://assets.publishing.service.gov.uk/media/6229acf6e90e0747aa8eb698/Mozilla.pdf>

6 [https://assets.publishing.service.gov.uk/media/62a0d8ef8fa8f50395c0a0d4/Browsers\\_and\\_cloud\\_MIR\\_consultation\\_document\\_-\\_FINAL.pdf](https://assets.publishing.service.gov.uk/media/62a0d8ef8fa8f50395c0a0d4/Browsers_and_cloud_MIR_consultation_document_-_FINAL.pdf)

4. Lessons can be learned from the EU Android search choice screens about how a larger choice sets can be handled and aid competition. The new Android search choice screen<sup>7</sup> process has been positive compared with previous iterations. It has enabled a wider range of search engines/services to compete and been opened up by the removal of payment barriers.
5. A similar large choice screen for mobile browsers would definitely promote competition.

Whilst mobile browsers are currently the biggest barrier for competition from us and others, we already see Google and Apple pre-empting current and anticipated remedies on browsers. They have already moving the battle, in search at least, using **similar tactics at the operating system (Android and iOS) level**. Search channeled outside browsers, using OS-level search (Spotlight/Siri on iOS and Google/Google Assistant on Android), mobile search widgets and voice/digital assistants will escape remedies made solely for mobile browsers. We therefore urge CMA to look at remedies that not only relate to mobile browsers but also **OS level conduct where mobile browser (and search) preferences are being circumvented**. The way these two companies can harm competition by controlling and sometimes closing out interoperability across the stack (operating system, browser, search and voice) will be important to understand and research for future-proof remedies.

## Are there other measures we should consider?

These are additional remedies on mobile that will improve competition, that we propose for consideration:

6. Require all browsers to allow custom search engines
  - 6.1. **Presently no custom search engines can be added to Safari.** Users have only a closed choice list. Safari is alone in the major browsers in operating this way. **We believe this is exclusionary conduct.**
    - 6.1.1. Despite mobile OS market share in UK being split 51%/49% for iOS/Android, mobile data on usage from Mojeek is at split around 22%/78% for iOS/Android. This discrepancy is largely we believe a result of this exclusionary conduct.
7. Prevent what **we believe is exclusionary conduct in OS level search**:
  - 7.1. Apple's Spotlight/Siri ignores whatever search choice a user makes in any other browser, and instead uses settings from the Safari browser<sup>8</sup>. **This we believe is exploitative conduct.**
    - 7.1.1. Remarkably if the Safari browser is deleted, then Spotlight/Siri web searches will still be done with the Safari search choice used in other mobile browsers. Since the default in Safari is Google search it will almost always be that. For example ...
    - 7.1.2. if you set your default browser to say Chrome or Edge, and set the your search engine choice to say Mojeek in those, then web searches started from Spotlight/Siri will be done by the default or manual setting in Safari. Mojeek or any indeed any other choice made is simply ignored.
  - 7.2. Google search widget
    - 7.2.1. on iOS searches respects the search engine choice made in Chrome but ...
    - 7.2.2. on Android all searches are always directed to Google. Search settings in Chrome are ignored. **This we believe is exclusionary conduct.**

<sup>7</sup> <https://www.android.com/choicescreen-winners/>

<sup>8</sup> <https://twitter.com/ColinHayhurst/status/1533856000821837824>

- 7.3. Incidentally Microsoft practice similar conduct (with Windows 11) for the OS search widget, using Edge and Bing<sup>9</sup>. It cannot be a coincidence that Mojeek saw a 23% drop off in searches from Windows users following the introduction of Windows 11.
8. Consider other options related to interoperability and notably from outside of Apple and Google. We have one suggestion ourselves:
  - 8.1. Choice screens could be standardised across iOS and Android; this would mitigate the tendency for Apple and Google to control choice architecture.
9. Prevent the usage of defaults for browsers and search. Users could be asked to select their default choice from a choice screen for:
  - 9.1. browsers on first usage of a device
  - 9.2. search engines on first usage of device
  - 9.3. search engines on first usage of any new browser
10. Require multiple search choice architecture in browsers; notably in Safari and Chrome in the context of mobile browsers for this MIR. This topic is expanded upon in the section below.

We also broadly support the remedies suggested by DuckDuckGo in their consultation response<sup>10</sup>. Most notably we agree that competing providers should not be obliged to pay Google or Apple to take part in choice screen selecting.

## Multiple Choice Architecture in Browsers

Having made suggestions for choice screens we recognise, as Mozilla do also<sup>4</sup>, their limitations as currently deployed in browsers and search. We support their statement: “we believe the CMA should consider public research, metrics collection, and other research to explore alternative remedies to prevent further harm to competition”. However we would add that practical alternative remedies are likely to come from direct consultative research with commercial challengers to Apple and Google. We hope that you will consider our suggestion here of a multiple choice remedy.

Mozilla themselves have innovations in Firefox that can aid competition, notably in their multiple choice architecture for search. Virtually all main browsers (including Safari/Chrome) have followed the Chromium one search choice paradigm. This is harming competition and informational diversity. There is no need to use one search engine for all searches; as the Firefox browser multiple search choice architecture provides and proves. We have written about this and explained how it works in Firefox<sup>11</sup>. We have also implemented multiple search choice architecture in Mojeek<sup>12</sup>. We note that our simple multiple search choice innovation has proved very popular with and useful to users.

Multiple search choice expansion to mainstream browsers, and beyond Firefox can make a big impact. Whilst the one search choice paradigm suits gatekeepers, it does harm to competition and the wider digital economy. Multiple choice architecture is a remedy that can make sense; as it clearly does so in search, but also perhaps in other areas.

11. We urge the CMA to investigate the multiple search choice remedies for (mobile) browsers.
12. We encourage the CMA to consider other multiple choice architecture remedies.

<sup>9</sup> <https://blog.mojeek.com/2021/11/how-microsoft-sucks-people-in.html>

<sup>10</sup> <https://assets.publishing.service.gov.uk/media/6229abe78fa8f526d8531663/DuckDuckGo.pdf>

<sup>11</sup> <https://blog.mojeek.com/2021/09/multiple-choice-in-search.html>

<sup>12</sup> <https://blog.mojeek.com/2022/02/search-choices-enable-freedom-to-seek.html>