Comments to Online Platforms Study

Appendix J: Potential interventions in general search

February 2020.

ABOUT US

Lilo.org is a general search engine that funds projects of public interest. Created in 2015 by French Engineers, our search engine generates more than 10 million visit per month[1], mainly in France and Europe (UK included).

Our mission is to develop web services that can be used to finance and promote social and environmental projects carried out by qualified actors from civil society (associations, NGOs, foundations, etc.). This commitment is included in our statutes since our foundation.

Our business model reflects this mission. 50% of our income is dedicated to the funding of social and environmental projects. The Lilo Search Engine has already raised more than € 2,695,000 for this purpose. Our income comes from ads in search results (sponsored links in search results; an advertising model that respect the privacy of our users).

With Lilo, internet users have the opportunity to choose the social and environmental projects they wish to support. As a web platform, and in accordance with our statutes, we produce and publish educational content to enlighten the general public on social and environmental issues in various fields. We defend a positive approach that can federate and enable everyone at his own scale, to be a committed citizen and to contribute to the understanding and solving of the challenges of our time.

Finally, respecting the internet user's privacy is part of our ethics. We do not collect or resell our users data. Our ambition is to defend and promote a more ethical web, at the service of the people and the environment.

We have experienced a significant growth over the past two years. This illustrates the general public's interest in taking back control of its usages and date, in supporting good causes and in acting for the common interest. This observation, combined with the growth of other committed players, leads us to believe that a fundamental trend has emerged. However, despite a very strong organic growth, we still face economic and structural barriers that inhibits our development and, from a general interest perspective, also inhibits the emergence of alternative proposals to the dominant models.

We learned about this consultation at a late stage and truly regret not being able to share our comments and observations with you earlier. We are not able to provide you with an exhaustive feedback to the issues raised, but we humbly hope that the below will help broaden your perspective.

We finally wish to thank you for this initiative and assure you, on this occasion, of our willingness to collaborate with an open-minded approach, with the aim of fostering a healthy competition that can certainly go hand-in-hand with the general interest.

Regards,
Sophie Bodin, CEO of Lilo.org

[1] Similarweb.com

DEFAULTS POSITIONS

J.1 Should there be some form of restriction on the ability of Google to buy default positions and / or the ability of browsers or device manufacturers to place defaults on their own properties? What benefits could this intervention deliver and what adverse effects could the prohibition of such practices have on competition?

We consider that the current practice limits or even contradict the primary principle of free and open access to the Internet and can be misleading to the population about the real choice.

Giving the current competitive current context of search engine market, we strongly support the principle of limiting the ability for one player to engage in arrangements that make it the default search engine on the majority of browsers and operating systems.

In regard to the potential economic impact of the restrictions in the ability to monetize defaults those restrictions could be limited to the biggest players (eg. Market share above 20%).

J.2 Do you think that there is a case in principle for a choice screen remedy to increase competition and consumer choice in search?

We believe that we should aim for an open and equal access to all players and that therefore an effective remedy would be to provide users with a fair choice of search engines.

The setting of this "fair choice screen" could nevertheless be critical. When the choice is too limited as it is for instance the case today on the Safari Browser, it does not play its and on the contrary increase the barriers to entry to smaller players. As shown in Duckduckgo studies[2], increasing the number of search engine available in choice screens leads users to choose from more diverse search engine hence increasing the competition from the actors directly benefiting the users.

J.3 Do you have views on the appropriate design of a choice screen remedy and in particular: a. Should the design of the remedy be left at the discretion of the company implementing it or should a regulatory authority have stronger involvement in design? b. Do you have views on the way in which the European Commission's choice screen remedy is being implemented by Google? c. How should the number of slots on the choice screen be determined? How should they be allocated and ordered, and in particular is auctioning an appropriate method or should other approaches be used?

While we strongly support the concept of choice screen, we fully share the concerns of Google choice screen that will take effect from March 2020 in EC for several reasons:

• The ability to pre-install search engines before the choice screen is used will make it a less effective remedy.

• The presentation of four actors instead of one will give the illusion of an informed choice, when it is in fact very limited. We strongly believe this will be misleading giving the idea that those four players are the only choice for potential search services.

[2] https://spreadprivacy.com/search-engine-preference-menu/

• The use of an auction is inappropriate in regards of the competition.

• Finally, the auction approach is particularly detrimental to emerging alternatives, especially those who like Lilo devote a substantial part of their income to fund general interest causes and exclude the monetization of users' personal data from their business model.

Instead of having a “commercially driven choice screen” we believe we should aim for having a “fair choice screen” that would not be restricted to a limited number of players that have paid for it. To this regard, we share the concern raised by Duck Duck Go and Ecosia, that “the process of an auction, combined with a limited number of choices made available to users, constraints user’s ability to switch to alternative general search providers.”

We consider that the design of the screen choice should be left to the discretion of a regulatory authority, in order to create the right conditions for a fair display:

• Allowing everyone to discover the diversity of the existing offer.
• Responding to the need to facilitate access to information for the general public on the Internet, starting with the range of tools provided for this purpose (search engine).

First and foremost, we consider that the number of players included in the choice screen should not be limited. There are no technical reasons for this, and the design of the search engine should enable to include the smaller players. A reasonable “threshold/criteria” could be set to ensure that the search engine is relevant for the internet users but we recommend to have this threshold as low as possible to enable fair competition and we would not recommend to refer to the existing market share on a specific country, device or browsers. An alternative could be to have for the search engine ‘approved’ by the regulatory authority base on the ability for a player to offer a relevant general search service to internet users.

We also believe that some rules could be set in terms of display criteria:

• First of all, the internet user could be provided with a basic indicator showing the total number of actors existing and offered in the language and in the country preselected by the user himself.

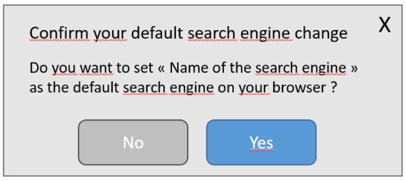
• Following which all search engines meeting these primary criteria could appear following a neutral criterion (eg. Random / alphabetical order / market share / number of users on the operating systems/browsers…) supplemented with the possibility of searching by entering the first letters of the engine (dynamic display).

• Finally, each search engine’s display would be done by means of a short descriptive text and a logo - at the discretion of each actor concerned.

These proposals aim at allowing the internet user to actively choose his own search engine according to an open architecture, and consistent with his preliminary criteria of use (country and language).

Should an auction process still be permitted, the “sponsored” section should be clearly stated as such to users and in any case be limited to 50% of the screen enabling users to understand they can scroll down to discover more search engines options.

Within the above guidelines, a fair choice screen associated with a simple javascript function should prove to be an effective way to provide users with an easy way to chose they search provider.



J.4 Do you have views on the appropriate scope of a choice screen remedy and in particular: a. Should the remedy apply to all firms or only to large firms? For example, could the remedy be effective if it applied only to competition to be the default search engine on Google's and Apple's mobile operating systems? b. Is SMS status a useful concept in this respect?

We believe the choice screen would be a stronger remedy if implemented similarly across all players and systems.

ACCESS TO SEARCH QUERY AND CLICK DATA

53. We have a number of consultation questions with regards to how effective and proportionate a remedy would be that provided access to search query and click data

We will not go on detail on this point but we believe internet users would welcome and benefit any remedy that would enable to raise the quality of the search results across the alternative players in general search.

SUPPLY OF SEARCH RESULTS

54. We are interested in stakeholders' views regarding whether the largest search engines should be subject to an obligation to supply search results and adverts on FRAND terms.

The model of largest search engine providing results and adverts to other general search providers have emerged during the last years enabling players such as Lilo (but we can also mention Ecosia) to develop and propose alternative compelling search platform to the internet community. Therefore we believe in an open eco-system with different king players and in creating the conditions to ensure the long-term viability of this open-ecosystem. Building a high-quality search engine requires critical mass and is resource heavy also considering consider the carbon footprint. It does make sense to have players with different level of integration in the search market and to some extent, the science that result from data of the general public could in the end be regarded as a kind of "common good" and should be made accessible. Enabling the long-term viability of the eco-system also means enabling the large alternative search engine to Google to have access the critical mass to develop an independent search engine with high quality results and be attractive to advertisers. To the extend the way the remedy would implemented or the context in which it would take in place (e.g. interaction of potential interventions linked with this appendix), will have to be considered to foster competition at all levels.

INTERACTIONS IN THE IMPLEMENTATION OF THE POSSIBLE INTERVENTIONS

55. We are interested in how the possible interventions set out in this appendix would interact with one another and whether they would be effective in isolation or whether their effectiveness is likely to depend on being introduced with other interventions. J.18 To what extent are these remedies substitutable or complementary in nature? J.19 Would these interventions be effective in isolation or would they need to be introduced as a package to be effective? J.20 Should these remedies be rolled out together or would be appropriate and proportionate to adopt a more gradual approach to their introduction?

We believe this appendix captures quite well the different type of interventions that would enable to address the competition concerns in this market. All those interventions should rather be considered as complementary even if each them can be rolled out with an adapted calendar according to the level of complexity / time required. As a short term action, we would recommend to have a truly FAIR choice screen implemented within a short timeframe on Android to replace the choice screen based on the auction that Google has developed and that will be effective as of March 1st in the EC. Further restrictions on the default position, should enable to roll out this fair choice screen on any contexts where currently defaults occur including mobile operating systems, devices and browsers at a later stage. The access of alternative search engines to the critical mass of search query and click data appears as a second necessary complementary remedy that needs to be activated within the shortest timeframe to ensure a high-quality search engine can be developed as alternative to Google.