

## **Bradbury Harper Ltd – Response to Interim Report Consultation**

Dear Sirs,

We understand the CMA are investigating online advertising inviting businesses to provide responses and feedback to a number of key questions.

In this regard we attach our observations and experiences having worked with Google Ads over a number of years, both directly and with many customers whose accounts we have managed.

We are a telecommunications business providing IVR related services. Our experience with Google Ads can be summarised as frustrating and exploited due to Google's aggressiveness, arbitrariness and dominance.

We have reviewed your scope of work, the French Competition Authority December 2019 findings and those of the Australian Competition Authorities. We believe the latter two countries' findings are of significance and relevance to the UK online advertising marketplace and must be taken seriously as your current scope appears not to have taken much of their findings into consideration.

In particular we would draw your attention to the following we and our clients have faced which relates to Google policies and their application thereof:

- Google policies are confusing in their wording and interpretation
- Google policies are imprecise and open to subjective interpretation and application
- Google's interpretation and application of policies is rarely impartial and objective, almost always to its advantage and benefit
- Google policies are applied in a discriminatory manner with sites suspended whilst others with similar content are not
- Google's arbitrary changes to policies including introduction of new policies to marginalise companies and competition
- Google practices discourage development of innovative sites and services
- No alternative dispute resolution mechanisms leaving businesses exposed to expensive court litigation against Google's unfair unilaterally imposed terms and conditions, that deny pretty much any responsibility or liability for pretty much anything and everything, drafted by magic circle law firms

Google should define its policies and procedures objectively and transparently. In our experience Google's policies are conversely designed to be opaque and difficult to understand, allowing Google to exercise its discretion as to how they should be interpreted and applied, usually to its advantage and benefit. In particular its sale of free items policy is widely abused to suspend ads and accounts in almost arbitrary and contradictory fashion depending on who reviews the account.

Appeals are almost useless as Google staff utilise canned replies referring to general policies without clarifying how the policy has been violated, if at all, nor how things should be rectified. Nuances are unknown to Google.

We have also experienced a regular pattern whereby Google disapproves ads and accounts whilst those of others delivering similar services and content are allowed to continue advertising and can be easily found in Google's SERPS. The argument that they are unaware is unpersuasive as Google staff review these alternatives when ads are suspended and approve them.

The inconsistency of interpretation and application has kept us in a state of operational limbo, unable to operate or make decisions. Google needs to be forced to negotiate its terms and conditions as the current ones are blatantly unfair. Its policies need reviewing and clarifying so businesses have a clear benchmark against which to operate.

The French Competition authority has cited a number of cases where businesses have detailed their experiences with Google policies – rather than reiterating the same at length here, we would recommend it is considered and virtually all of the examples cited therein have been experienced by ourselves or our clients.

The net effect is Google is destroying small businesses and prohibiting them from innovating and growing. The French Competition Authority identified Google implementing such practices despite being regularly alerted to the importance of respecting competition rules.

In relation to the merits and challenges of the potential interventions you have identified, they are lacklustre and reserved. The CMA and the government need to be much more proactive in reigning Google's predatory and aggressive behaviour and fully regulating it maybe even breaking Google into small companies so as to foster greater competition and choice in the marketplace. In an environment where a global corporate like Microsoft is so far behind Google in effect providing no viable competition on the mobile and desktop platforms for small business the state of affairs is dire. We believe the French competition authority's fine is a good beginning along with its findings which we would fully endorse. However it too needs to go much further in its recommendations.

We await your findings with interest.

Yours Faithfully,

Bradbury Harper Ltd