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Megan Gray

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July 15, 2020

Digital Markets Taskforce
c/o Competition and Markets Authority
25 Cabot Square
London E14 4QZ
United Kingdom
digitaltaskforce@cma.gov.uk

Re: Response to Call for Information published July 1, 2020

Dear Digital Markets Taskforce,

I write in response to the Call for Information published by the Digital Markets Taskforce on July 1, 2020.

As you probably know, DuckDuckGo is a privacy technology company, headquartered in Pennsylvania, that helps consumers to stay more private online. DuckDuckGo does not have any branches or subsidiaries in the United Kingdom and does not have any UK-resident employees. However, DuckDuckGo would be pleased to engage with the DMT as the DMT prepares its advice for the UK government, strictly without prejudice to whether the DMT or any of the regulatory bodies involved in the DMT has jurisdiction over DuckDuckGo and to whether any compulsory powers vested in those regulatory bodies may be enforced against DuckDuckGo as a company located in the US. Please treat this letter and any other communications with DuckDuckGo or anyone representing DuckDuckGo as made on that basis.

DuckDuckGo provides tools and technologies to help Internet users control their personal information online. One of those tools is DuckDuckGo Search, a private search engine that allows Internet users to search the web without being tracked. Another is DuckDuckGo Privacy Browser, a mobile browser that provides all the privacy essentials needed to browse the web more privately. A third is DuckDuckGo Privacy Essentials, a browser extension that provides the same privacy essentials as in DuckDuckGo Browser, but through other browsers, such as Google's Chrome browser. DuckDuckGo has been competing in the UK search market for over a decade, and it is currently the fourth largest search engine in that market.

As you will be aware from the Competition and Markets Authority's final report on its recently completed market study on online platforms and digital advertising in the UK, DuckDuckGo has engaged constructively with the CMA for the past year in the course of that market study. With its experience of competing in the Internet search market on the basis of offering consumers a pro-privacy

Privacy, simplified.™



alternative for general search services, DuckDuckGo has sought to provide the CMA with a useful perspective, from the vantage point of a company vigorously trying to compete in this market, on the issues arising in the market study, and would be happy to do so for the DMT as well, as you prepare your advice to the UK government over the coming months.

Some of the questions the DMT asks in its CFI touch on matters about which DuckDuckGo has already addressed in some detail in its submissions to the CMA as part of the market study process, as well as in supporting documentation which DuckDuckGo has also provided to the CMA where appropriate. In particular, please refer to DuckDuckGo's submissions dated July 30, 2019 and February 19, 2020, as well as our responses of September 6 and November 13, 2019 to the CMA's s.174 requests. DuckDuckGo is content for the CMA to share those submissions and supporting information and documents with the DMT, but strictly on the basis that they will be treated as subject to the same confidentiality restrictions as DuckDuckGo specified to the CMA.

As regards the DMT's questions in relation to remedies for addressing harm, and in particular your question 8 (What remedies are required to address the sources of market power held by digital platforms?), I ask that the DMT to refer to our response to the CMA dated November 13, 2019 and our submissions of February 19, 2020 in relation to what is sometimes called a 'choice screen' or 'ballot box' but which we have determined (via user testing) is best termed a 'preference menu' for reasons we explain in our submissions and in a series of blogs on this important topic, which you can access here: <https://spreadprivacy.com/tag/preference/>. As you will see from those submissions and blogs, DuckDuckGo strongly favors the introduction of preference menu as one of the most effective means of addressing the market power held by digital platforms (and Google in particular), but only if it is properly designed and if it is not tied to an auction model because such a model only serves to prioritize Google's profits over real consumer choices. DuckDuckGo has conducted careful market analysis, supported by robust survey data and user testing, in making constructive proposals for optimal preference menu design, and we have detailed those proposals in our blogposts. We would be happy to discuss those proposals further with you at your convenience. In DuckDuckGo's view, the implementation of a properly designed preference menu should be an urgent priority for the DMT.

As to your questions in relation to the scope of the new approach being considered by the DMT, while DuckDuckGo welcomes the DMT's attempts to define the scope of the term 'strategic market status' and we are not opposed to the introduction of a code of conduct in principle, we reiterate that DuckDuckGo is doubtful that a code of conduct for companies with strategic market status could be developed and enforced in a timely manner, and time is the very essence of an effective remedy in the search market.

As noted above, we would be pleased for the DMT to schedule a call to discuss any matters arising from this letter or DuckDuckGo's previous submissions to the CMA or any matters otherwise relevant to the DMT's current work.



In any event, we will keep you updated as DuckDuckGo produces further blogs from time to time on matters relevant to the DMT's work and, in particular, on the design of a robust and fair preference menu that properly promotes consumer choice and effective competition.

Sincerely,



Megan Gray