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Dear Sirs and Madams,

Mobile Ecosystems Market Study Interim Report: response from DuckDuckGo

DuckDuckGo is a privacy technology company that helps consumers stay more private online. DuckDuckGo has been competing in the UK search engine market for over a decade, where it is now the third largest search engine.¹

We wish to voice our support for the CMA’s analysis in the interim report of its market study into mobile ecosystems (the “Interim Report”). We believe that the Interim Report shows a deep understanding of mobile ecosystems and the competitive imbalances that characterize them. We encourage the CMA to drive its work forward as quickly as possible.

The fundamental problem

The Interim Report rightly highlights² that Google Search is the default search engine at all pre-set search access points on its own properties (e.g., the Android operating system and the Chrome browser), the iOS ecosystem and in most other web browsers. Indeed, as the Interim Report shows,³ Google has a strong incentive to invest in products and placements that generate traffic for Google Search. On their end, Apple and original equipment manufacturers (“OEMs”) using Android, as well as web browser developers, all have a strong incentive to agree to revenue shares with Google Search in return for default positions. This is due to the unrivalled profitability of Google Search, made possible by its market power, in an industry characterized by strong network effects.⁴ This position is currently not contestable, either because Google itself controls the

¹ Per data from Q4 2021 Cloudflare Radar search engine market share report, to be released soon.

² e.g. paragraphs 20 and 38 of the executive summary.

³ e.g. paragraph 2.42

⁴ We provide further explanations on search engine defaults in our [White Paper on the Search Engine Market](#).

ecosystem, or because it pays unmatchable sums to third-parties for gaining that control.⁵ As a result,⁶ many of the competitive imbalances that exist within mobile ecosystems stem from the market power of Google Search and the cross-incentives that it generates – for Google, to protect its market power; and for OS or browser providers, to protect the rent they receive from selling the default position to Google. We cannot expect Google to act against its own commercial incentives without the interventions that force it to do so.

Google therefore holds an insurmountable advantage over other search engines like DuckDuckGo, which rely on mobile browsers and mobile operating systems to a very great extent in order to reach end users.

Choice screens and ease of switching

Given that search is at the source of the competitive imbalances in mobile ecosystems, the CMA should consider remedies which aim at addressing the barriers to competition in search, as well as among web browsers as the primary way to search the web. In particular, the CMA has the opportunity to complement the Commission’s antitrust remedies, beyond the realm of the Android decision, by imposing effective remedies on both Android and iOS, as well as on the Chrome browser.

The CMA is right to point out the limited effectiveness of choice screens at the moment. We share the CMA’s view that the currently available choice screens for search engines and for browsers are not effective enough.⁷ We believe this is due to the flawed implementation of these types of remedies thus far by Google, and the persistence of artificial barriers to switching. The European Commission has been a pioneer and their work can now help the CMA in designing the next generation of remedies.⁸

Conversely, well-designed choice screens have the potential to bring significant benefits as part of a wider package of measures.⁹ A properly-empowered Digital Markets Unit (“DMU”) would be able to monitor and tweak a choice screen remedy to ensure that it is effective. It is unquestionably within the skillset of the remedies team at the CMA/DMU to oversee the design’s effectiveness, monitor and periodically revise an effective choice screen remedy. If the evidence shows that certain designs irritate users or are otherwise ineffective, then they should be revised.

⁵ See e.g. paragraphs 2.41, 3.160-3.166, 3.190, 5.237 of the Interim Report

⁶ As CMA highlights in, e.g., paragraphs 46 and 51 of the executive summary and paragraph 3.163

⁷ See e.g. paragraphs 5.14 to 5.20, 5.169 to 5.172, 5.229

⁸ Together with Ecosia, Lilo, Qwant and Seznam, we made similar points in the context of the negotiations of the EU’s Digital Markets Act, in a [joint letter](#) dated October 2021.

⁹ paragraph 7.68

The Interim Report already goes some way in showing how choice screens can be made effective.¹⁰ This should be done in combination with remedies that aim at facilitating the switching of search engine defaults:¹¹

- **Google should be prohibited from securing preset default positions** for its Chrome browser and its search engine on the mobile operating systems of the regulated firms, and (for search engines) on their browser. Concretely speaking, the existing Android choice screen for search engines would be complemented by a similar choice screen on iOS and on the Chrome browser.¹² Similarly, the existing Play Store choice screen for browsers would be replaced by a choice screen appearing at initial device onboarding, which would also impact default settings.
- **Choice screens should be available to users at all times in the device settings menu.** The assurance given to users that they will easily be able to later switch to another search engine will encourage users to try alternatives in the first place.
- **Choice screens should impact all pre-set search access points** at once, including new ones that emerge.
- **Users need to be able to one-click switch** at any time via prompts shown at app download or when visiting a search engine website, and this choice needs to apply to all preset search access points. It is a critical weakness of the existing Android remedy that users still have to go through 15+ clicks to switch their search engine default when they download a new search app.¹³
- **The DMU should oversee the choice architecture** and the wider ecosystem to ensure users are not being nudged towards, or away from, a given product. As the CMA knows very well, continuous testing and tweaking is key.
- For instance, the regulated firms should be prevented from trying to get people to switch back, using dark patterns or other means.¹⁴
- For choice screens, design features like an introductory screen,¹⁵ the display of a description of each search engine and its logos, and simple language, would all make a significant impact in eliminating dark patterns.

¹⁰ See e.g. paragraphs 5.171, 5.182 to 5.185, 5.235 to 5.237.

¹¹ [Our presentation](#) on “Search engine defaults, visualized”, show the importance of these remedies in images.

¹² Both on mobile, when not already pre-installed and thus affected by the choice screen, and on desktop.

¹³ [Dear Google: We Agree Search Competition Should Be "Only 1 Click Away" – So Why Is It 15+ on Android?](#), DuckDuckGo’s SpreadPrivacy blog, Oct 14, 2020.

¹⁴ As of February 2022, Google still uses a dark pattern on Chrome desktop disguised as a security alert that aims at drawing users back to Google Search, right after they made the choice to switch by installing another search engine’s extension. [“Google is manipulating browser extensions to stifle competitors, DuckDuckGo CEO says”](#), Cristiano Lima, *Washington Post*, January 5, 2022.

¹⁵ This helps ensure consumers slow down in the onboarding process and get in the right frame of mind to make a search engine selection. We propose a screen entitled “About Search Engine Selection.” It would explain, “On the next screen, you will select a search engine. Search engines vary in how they present results, match your values, and collect your data.”

- Where users exercise choice over their default browser, it must not be overridden in certain contexts, such as when a browser is launched within a particular app. Clearly, if a user makes a choice about their preferred product, that choice should be respected across different apps. For more technically-minded users, the settings menu could offer the ability to choose different browsers or search engines in different contexts, but we would assume that few users would need this function.
- Competing providers should not be obliged to pay Google or Apple to take part in the choice screen (this was a feature of the initial Android choice screen design, which has correctly been removed).¹⁶

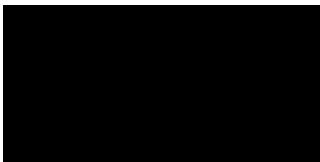
We encourage the CMA to delve deeper into choice screen design and switching remedies in the second half of the market study.

Time is of the essence

While we applaud the depth of the analysis being undertaken, we are disappointed about how long the process is taking. We note that, if the CMA had undertaken a market investigation following the online platforms and digital advertising market study, the final report in that market investigation would already have been published and the CMA would now be implementing the remedies adopted. In contrast, we are now in a position where the CMA is not in control of the DMU proposals, and we still have no clear indication of when (if ever) legislation might be put before Parliament.

We are grateful for the opportunity to give our views on the Interim Report and we wish you all the best for the next stage.

Yours faithfully,



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¹⁶ “[Choice Screen auctions](#)“, Michael Ostrovsky, Stanford University, May 2021. This paper shows the pernicious effect of the Google auction-based system on search engine competition.