

From: Steve Fenton [REDACTED]
Sent: 17 June 2022 12:41
To: BrowsersAndCloud
Subject: Mobile browsers and cloud gaming

Good afternoon,

My name is Steve Fenton and I have been an active member of the The Web Development community for two decades. I have been developing websites and web applications since HTML 4.0 and participated for a time in WHATWG and W3C working groups for HTML.

I am happy for my name to be published.

1) Do you consider that our analysis is correct with respect to the suspected features of concern in the supply of mobile browsers and cloud gaming in the UK?

Having read the MIR consultation, I believe the CMA has reached the correct conclusion. The restriction of browser engines directly prevents meaningful competition on Apple devices. Competition is needed to ensure The Web is able to progress with innovative features, which requires users to be able to access browsers kept in step with developments.

There are parallels with the situation we saw some years ago when Microsoft were required to encourage users to download competing browsers on Windows, even though it was already possible for users to choose to do so. <https://www.theguardian.com/technology/2010/mar/02/microsoft>

In the article there are two parts I would highlight:

- "Microsoft's browser has been the target of criticism for its failure to adopt emerging standards..." this is a similar criticism levelled at the Safari browser on Apple devices.

- "The main beneficiaries of the ballot are likely to be Google, Apple and the Mozilla Foundation, the makers respectively of Chrome, Safari and Firefox." As a beneficiary of the policy to force Microsoft to recommend other browsers, Apple is now using even more stringent protections for their own browser on Apple devices.

2) Do you consider that our analysis is correct with respect to the reference test being met in relation to the supply of mobile browsers and cloud gaming in the UK?

Yes. An MIR is appropriate and intervention needs to occur quickly to ensure competition is not affected. If the result of this process arrives in 12 months, it is likely that companies will use the delay to launch their own services while there is still no competition. For example (though purely theoretical) if Apple were to launch a cloud gaming service before interventions are in place, they would gain a large user base while they remained the single option for users. Competitors would then be challenged to win users, who may well have "sunk-cost" in the cloud gaming service, such as achievements, credits, or purchases.

3) Do you agree with our proposal to exercise the CMA's discretion to make a reference in relation to the

supply of mobile browsers and cloud gaming in the UK?

Yes.

4) Do you consider that the proposed scope of the reference, as set out in the draft terms of the reference published alongside this document, would be sufficient to enable any adverse effect on competition (or any resulting or likely detrimental effects on customers) caused by the features referred to above to be effectively and comprehensively remedied?

With action taken as quickly as possible, yes.

5) Do you have any views on our current thinking on the types of remedies that a MIR could consider (see above and Chapter 8 of the market study final report)? Are there other measures we should consider?

I agree with all four of the interventions proposed.

6) Do you have any views on areas where we should undertake further analysis or gather further evidence as part of an MIR in relation to the supply of mobile browsers and cloud gaming

No.

Yours faithfully,

Steve Fenton

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