

## ACT | The App Association feedback to the United Kingdom Competition and Markets Authority's working papers 4-6 regarding the mobile browsers and cloud gaming market investigation

### I. About ACT | The App Association

The App Association is a global trade association for small business technology companies. Our members are entrepreneurs, innovators, and independent developers within the global app ecosystem that engage with verticals across every industry. We work with and for our members to promote a policy environment that rewards and inspires innovation while providing resources that help them raise capital, create jobs, and continue to build incredible technology. App Association members are located throughout the UK, driving innovation, competition, and job creation. The App Association appreciates the opportunity to comment on the Competition and Markets Authority's (CMA) working papers related to its investigation into the mobile browsers and cloud gaming markets.

### II. Comments on the Working Papers 4 to 6 Investigating Mobile Browsers and Cloud Gaming Markets

#### Innovation and Competition

Regulatory approaches must carefully avoid unintended consequences that could stifle innovation, particularly among small and medium-sized enterprises (SMEs). Innovation drives industry and policies that inadvertently create barriers can disproportionately impact smaller developers who often lead technological advancements. It is vital to support an environment that rewards and inspires innovation.

#### Market Share and Anti-Competitive Behaviour

We believe that market share alone should not be considered a definitive indicator of anti-competitive behaviour. The focus must be on demonstrated harms to consumers and competition. The current evidence in the working papers does not conclusively show such harms. We urge the CMA to adopt a more robust analytical framework that distinguishes between market dominance resulting from superior innovation and efficiency, and behaviour that genuinely harms consumer choice and market competition.

#### Security, Privacy, and Intellectual Property

A highly secure browser engine offers significant benefits for security, privacy, and intellectual property protection. Because browser engines provide wide development power and deep systems integration, even the smallest defect in a browser engine can lead to increased security vulnerabilities, substantial consumer harm, reduced consumer trust, and additional liability and higher costs for developers.

#### Vertical Integration

Vertical integration presents both challenges and benefits. While it can pose competitive challenges, it also brings efficiencies and enhances user experiences. The CMA's investigation should recognise the efficiencies that vertical integration can bring,

particularly for consumers and smaller developers, and balance these against any potential anti-competitive risks.

### Regulatory Considerations

The security and consumer trust implications of regulatory interventions must be a priority in the CMA's considerations. Regulatory solutions should not expose users to greater risks. A balanced approach that recognises the benefits of digital platforms while focusing on actual harms to consumers and competition is crucial. A regulatory framework that fosters a competitive and secure digital market, supporting both innovation and consumer trust, will promote growth and innovation without compromising security and consumer welfare.

### **III. Conclusion**

We support the CMA's efforts but urge a more nuanced and balanced analysis that considers the benefits of current policies and focuses on real harms to consumers and competition. By doing so, the CMA can help create a regulatory environment that supports innovation, competition, and consumer protection, benefiting all stakeholders in the digital economy.

These comments are intended to contribute to a thoughtful and balanced approach to regulating the mobile browsers and cloud gaming markets, ensuring that innovation and competition can thrive while protecting consumer interests.

Sincerely,

Mike Sax  
Founder and Chairperson

Stephen Tulip  
UK Country Manager