



Letter to the Competition and Markets Authority (CMA) on its Strategic Market Status Investigation into Google’s General Search and Search Advertising Services

3 February 2025

The Open Markets Institute welcomes the opportunity to comment in support of the CMA’s Strategic Market Status (SMS) investigation into Google’s general services. **We request that the interventions considered by the CMA contain meaningful structural and behavioral remedies to prevent current and future harms, including assessing the divestment — at minimum — of Chrome and Android, supported by behavioral remedies preventing the future anticompetitive behaviors, including in the market for artificial intelligence.**

The Open Markets Institute and its Center for Journalism & Liberty, based in Washington, D.C. and Brussels, Belgium, is a non-profit organization dedicated to promoting fair and competitive markets. Our mission is to safeguard our political economy from concentrations of private power that undermine fair competition and threaten liberty, democracy, and prosperity. Open Markets regularly provides expertise on antitrust law, competition policy, and technology policy to governments, lawmakers, competition authorities, courts, and journalists around the world.

Of particular relevance for the CMA’s SMS investigations are the recommendations we made to the [U.S. Department of Justice \(DOJ\) Antitrust Division](#) in support of its proposed final judgement in the case that found Google held an illegal monopoly over search and text advertising. Similarly, [a letter](#) we wrote with other civil society organizations in support of the European Commission’s DG Competition’s case on Google’s monopolistic practices in online advertising technology (‘adtech’) addresses many of the questions the CMA seeks to answer.

We respectfully submit this evidence in response to the CMA’s investigation to provide additional considerations for the inquiry and to push for meaningful behavioral and structural reforms in order to prevent misconduct from reoccurring as well as to mitigate monopolistic practices in related markets, such as artificial intelligence.

Q1: Do you have views on the proposed scope of our investigation and candidate descriptions of Google’s general search services?

We support the CMA’s treatment of Google’s general search and search advertising as a single digital activity, general search services. These two activities are extremely interdependent. Google’s search engine dominance attracts a large number of businesses that rely on advertising

on Google’s search results page to reach customers. Google engages in self-preferencing in both product lines, leveraging its dominance in one market to boost its market position in the other. Google’s adtech business, which intermediates the buying and selling of digital ads that support most of news media, entirely depends on its success in search – **without its leading market position in search, it would not have been able to establish dominance in the adtech market.**

Furthermore, we support the inclusion of Google’s artificial intelligence (AI) interfaces, as accessed using Google Search, in the scope of the investigation. Such interfaces must include the AI foundation models and retrieval augmented generation (RAG) underlying AI applications. Google’s general search services are increasingly the primary commercial gateway through which its AI chatbots, such as Gemini, are accessed. For instance, Google has integrated Gemini into its search platform to summarize search results through AI Overviews, which has been rolled out to all users in the UK without an option to opt-out of the service.¹

Through AI Overviews, Google is moving beyond selling ads on traditional search results that connect users with the open web — it’s directly selling highly targeted ads on AI-generated summaries that obscure access to the open web.²

The general search and search advertising markets are so directly intertwined that publishers seeking to block Google’s web crawlers in an attempt to guard against their content being used for AI Overviews would also risk not appearing in Google search results at all.³ Such a move could be disastrous to outlets that rely on Google for discoverability and for driving web traffic that enables them to make ad revenues.

Q2: Do you have submissions or evidence relevant to the avenues of investigation set out in paragraphs 26-28? Are there other issues we should take into account, and if so why?

In support of the CMA’s decision to investigate the extent of competition between Google Search and specialized search services, we highlight that in the U.S. DOJ case, these were not found to be competing markets. Based on evidence presented by both plaintiffs and the defendant, Judge Amit Mehta concluded that specialized search providers were not a substitute for Google’s general search services because they were specifically focused on a vertical or domain, instead of allowing users to search anything on the web.⁴

¹ Google, “New ways to connect to the web with AI Overviews” (2024), <https://blog.google/products/search/new-ways-to-connect-to-the-web-with-ai-overviews/>.

² Google, “New ways for marketers to reach customers with AI Overviews and Lens” (2024), <https://blog.google/products/ads-commerce/google-lens-ai-overviews-ads-marketers/>.

³ Nico Grant and Katie Robertson, “Google’s A.I. Search Leaves Publishers Scrambling,” *The New York Times*, <https://www.nytimes.com/2024/06/01/technology/google-ai-search-publishers.html>.

⁴ CourtListener. “Memorandum Opinion in UNITED STATES OF AMERICA v. GOOGLE LLC (D.D.C., 1:20-Cv-03010),” August 5, 2024. <https://www.courtlistener.com/docket/18552824/1033/united-states-of-america-v-google-llc/>.

Another key factor that is that specialized search depends heavily on general search to be discoverable on the web. Specialized search providers, such as Amazon and eBay, are among Google’s largest search advertising customers and depend on search ads to reach interested consumers at the point of purchase.”⁵

Q3: Do you have views on how Google’s general search services might be affected by the development of AI interfaces providing alternative means of returning information?

Our assessment of market dynamics and recent technological advancement shows that **AI hasn’t transformed the search market in ways that diminish Google’s dominant position**, and that **AI interfaces should rather be treated as services that can be easily leveraged by market players such as Google to abuse their dominance**. In his ruling for the DOJ case, Judge Mehta concluded that AI has not fundamentally changed the search market: AI has not “eliminated or materially reduced the need for user data to deliver quality search results.”⁶ Acknowledging that AI can be a force of change in the future, though, Judge Mehta has formally instructed that the issue of whether the AI is likely to be leveraged by Google to reinforce its anticompetitive behavior will be a part of the upcoming remedies trial.⁷

Although AI interfaces, such as chatbots and AI assistants, do indeed serve as an alternative, they are nowhere near as popular as Google’s general search services. For example, ChatGPT, the most popular AI interface, has 180.5 million monthly active users,⁸ while Google.com receives 85.5 *billion* monthly visitors⁹ (a number that is likely to be a drastic underestimate, considering the number of users who access Google Search through other commercial gateways).

These commercial gateways are another way in which Google secures and protects its dominance in its search services amidst the evolving AI interface market. Google engages in self-preferencing to integrate its search engine as the default app on its commercial gateways, including Android phones, its Chrome browser, its ChromeOS operating system, Google Nest speakers, Google TV streaming devices, and more. For enterprise customers, Google has recently integrated Gemini as well.

Furthermore, Google has increasingly sought to capture the market of AI interfaces itself – first by designing its own chatbots, then, when its Bard chatbot failed to compete with popular competitors such as ChatGPT and Perplexity AI, by integrating a larger suite of AI products into

⁵ U.S. Department of Justice. U.S. and Plaintiff States v. Google LLC [2020] Amended Complaint, No. 1:20-cv-03010, (D.D.C.), <https://www.justice.gov/atr/case-document/file/1428271/dl?inline>.

⁶ CourtListener.

⁷ Ashley Belanger, “Google’s plan to keep AI out of search trial remedies isn’t going very well” (2024), *Arstechnica*, <https://arstechnica.com/tech-policy/2024/11/google-drags-ai-rivals-into-search-trial-as-judge-entertains-ai-remedies/>.

⁸ Shubham Sage, “Number Of ChatGPT Users (January 2025)” (2025), *DemandSage*, <https://www.demandsage.com/chatgpt-statistics/>

⁹ Statista, “Worldwide visits to Google.com from October 2023 to March 2024” (2024),

<https://www.statista.com/statistics/271412/most-visited-us-web-properties-based-on-number-of-visitors/>.

search. For all of these reasons, we consider AI to be a complement to general search services that, in light of Google’s dominant position, can be used by Google to perpetuate its harms to competition in search and beyond.

Q4: Do you have views on whether the issues outlined in this section are the right ones for the CMA to focus on, or whether there are others we should consider?

We believe the CMA has correctly identified many major issues relevant to the SMS investigation into Google. The weak competition and high barriers to innovation and entry caused by Google’s dominance in the market, as well as the company’s leverage of its market power and exclusionary conduct, have all created extreme harms on many levels.

- **Harms to the quality of the information ecosystem**

Google’s behavior has weakened consumer choice and hindered consumer ability to access reliable information. It has eroded information ecosystems¹⁰ by prioritizing sponsored search results and highly targeted advertising over user safety, while recklessly integrating its AI products into search, despite being prone to extensive hallucination effects.¹¹ As one of the world’s most powerful gatekeepers to information, Google must be held accountable for degrading access to trustworthy information and instead promoting unreliable, fake, or even dangerous information to its global user base.

- **Harms to the news media market by Google’s dominance in search**

Additionally, we urge the CMA to consider how Google’s general search services have distorted competition in other markets. While the effects on the AI market have already been mentioned, harms to the media industry must be examined in further detail. Google’s conduct in the general search services space has not only caused harm to consumers – it has also fundamentally transformed and undermined the media and publishing industry.

The CMA has correctly identified that one of the measures it needs to assess involves requirements on Google to ensure fair terms for use of news publishers’ content, especially as it refers to compensation for the use of news content in search, AI Overviews, and RAG that grounds responses of AI-assisted search.

Complementary to that approach, we recommend the CMA consider how Google has exploited its dominant position in search to compel publishers to accept terms of use for products *outside* of the search market, such as Accelerated Mobile Pages (AMP).

The Center for Journalism & Liberty has extensively studied how Google’s adoption of AMP as a standard to load publishers’ content faster ended up enabling the corporation to accumulate

¹⁰ Radsch, Courtney. “Healthy Information Ecosystem.” Transparency and Accountability Initiative. Accessed January 31, 2025. <https://healthyinfoecosystem.com/>.

¹¹ Imad Khan, “Google Gemini Chatbot Review: Hallucination Station,” *CNET* (2024), <https://www.cnet.com/tech/services-and-software/google-gemini-chatbot-review-hallucination-station/>.

data to which its rivals did not have access, forcing dependent publishers to acquiesce or suffer being relegated to obscurity in search. AMP provides a compelling case for product tying and exclusionary behavior that can be prevented by prohibiting Google from discriminating against publishers and users that refuse to adopt its standards.¹²

With the advent of AI Overviews, publishers already lack a sufficient method to opt out of this service without destroying their business. As the CMA ponders the effectiveness of imposing an opt-out option provided by Google, we propose a stronger and more effective remedy to ensure publishers regain negotiating power. Our proposed remedy is to mandate an opt-in to AI crawling, which would place the burden of obtaining consent for the use of publishers' content on the dominant firm.¹³

- **Approaching Google's operations as an ecosystem rather than singular markets**

It is also important to consider that Google's products and business lines should not be studied merely in silos. **They are all part of a giant ecosystem Google has built to make itself more and more powerful.**

General search services is just the start. The whole system – including cloud computing, app stores, smartphones, other smart devices, office productivity software, email, and so on – has been designed in such a way that each component depends on others to fortify Google's dominance in one or multiple markets. All its products collect proprietary user data that is then fed into other services to create more targeted “recommendations,” sell to advertisers, and so on. While we applaud the CMA for starting to investigate general search services, we also urge authorities to view all of Google as an ecosystem, with search as the source of its power.

Q5: Do you have views on whether the potential interventions are likely to be effective, proportionate and have benefits for users, including consumers and business search users? Are there other measures the CMA should consider that would be more effective or proportionate, or that would deliver greater benefits for users?

Our opinion is that only a mandated divestment of part of Google's services, within the scope of Pro-Competition Interventions that the CMA is considering, would effectively address the harms caused by Google's dominance in general search services. Along these lines, we urge the CMA to consider the mandated separation, at minimum, of Chrome and Android from Google's search business.

These two complementary products are key methods by which Google distributes its general search services to consumers. Google Chrome is the most popular web browser, with a 65% of

¹² Radsch, Courtney, and Karina Montoya. “Beyond Court Remedies in the Google Search Case: A Competition Reform for the Search Ecosystem.” Concurrences Review, January 2025, <https://www.journalismliberty.org/publications/the-google-search-decision>

¹³ *Idem.*

market share as of August 2024.¹⁴ Google’s ownership and control of Chrome allows the company to profit from making Google Search the default search engine (without an option to switch, in most markets), but also ensuring that virtually all user queries and data are routed to the company.¹⁵

Google’s control of Chrome is also considered a major barrier to entry for competing search engines.¹⁶ Because Chrome is such a major distribution channel, Google’s control over it limits the ability of competitors to reach users and gain market share. A divestiture of Chrome would mean its new owners could open the browser up to new search engines.

Similarly, Android is a key gateway for Chrome to push its search services to consumers. Android — Google’s mobile operating system that is used by smartphones made by Google, Samsung, Motorola, and more — is the most popular mobile operating system, capturing 73% of the global smartphones market as of December 2024.¹⁷ Through Android, Google self-preferences its search engine by pre-installing it and prominently placing it on devices, resulting in 95% of search queries of Android being made using Google Search.¹⁸ This limits the ability of competing search engine to gain traction and reach users. Android is also a gateway through which Google sells ads and collects user data that is valuable to its advertising business. A divestiture of Android would open up Android to rival search providers and remove a key source of user data that benefits Google’s general search services.

We believe that imposing Conduct Requirements without structural remedies will be insufficient to stop Google’s pattern of behavior to sidestep regulation that threatens its private interests, as well as its practices to exploit conflict of interests.

Google has a history of circumventing behavioral remedies. For example, the Publisher Remuneration Rights case by the Autorité de la Concurrence in France attempted to impose behavioral remedies five years ago to enforce Google’s compliance with EU regulation and remuneration of publishers for news links distributed on Google Search — and the Autorité ended up chasing Google until recently¹⁹ to impose another fine related to the unfair use of publishers’ content for training of its now called Gemini AI assistant.

¹⁴ Statista, “Global market share held by leading internet browsers from January 2012 to August 2024” (2024), <https://www.statista.com/statistics/268254/market-share-of-internet-browsers-worldwide-since-2009/>.

¹⁵ Executive Summary of Plaintiffs’ Proposed Final Judgment: U.S. and Plaintiff States v Google LLC [2020].

¹⁶ Kollnig, Konrad. “Chrome Is the Forgotten Fulcrum of Google’s Dominance.” ProMarket (blog), August 8, 2024. <https://www.promarket.org/2024/08/08/chrome-is-the-forgotten-fulcrum-of-googles-dominance/>.

¹⁷ StatCounter Global Stats, “Mobile Operating System Market Share Worldwide” (2024), <https://gs.statcounter.com/os-market-share/mobile/worldwide>

¹⁸ As of 2016. See European Commission, “Antitrust: Commission fines Google €4.34 billion for illegal practices regarding Android mobile devices to strengthen dominance of Google’s search engine” (2018), press release, https://ec.europa.eu/commission/presscorner/detail/en/ip_18_4581.

¹⁹ Autorité de la concurrence. “Related Rights: The Autorité Fines Google €250 Million,” March 20, 2024. <https://www.autoritedelaconcurrence.fr/en/article/related-rights-autorite-fines-google-eu250-million>.

After finding that Google abused its dominant position in the market for general search services in April 2020, the Autorité ordered interim measures in the form of injunctions. The Autorité later found that Google had not complied with these injunctions and imposed a fine of €500 million. Subsequently, in June 2022, Google proposed commitments to address competition concerns, which the Autorité accepted for a five-year period and appointed Accuracy as a monitoring trustee.

However, in March 2024, Google was fined again for failing to fulfill four of its seven commitments, including obligations to negotiate in good faith and provide transparent remuneration information to publishers — a conduct that enabled it to scrap publishers’ content for AI training that powers its now popular AI assistant Gemini. This case shows that Google’s dominance shields it from losing business despite being non-compliant with regulatory action, proving that behavioral remedies provide little incentive for a monopolist to stop its anticompetitive conduct.

Similarly, in the European Commission’s ruling that Google violated EU distorted competition in the adtech industry, it stated that “a behavioural remedy is likely to be ineffective to prevent the risk that Google continues such self-preferencing conducts or engages in new ones.”²⁰ This stance is shared with U.S. DOJ in another case awaiting resolution in federal court: Google’s conflicts of interest are so deeply embedded within its adtech operations that both antitrust regulators see no other solution but to separate the business.

We urge the CMA to address the fundamental source of Google’s monopoly power: search. However one looks at Google’s multiple operations beyond search, its market power would have not grown to the massive extent it is today without search. The company has created an artificial ecosystem of interdependent businesses that serves to maintain and extend its market dominance across our information ecosystem. These interdependencies are not naturally occurring market developments — rather, they are strategically created and leveraged by Google to reinforce its monopolistic position.

It is imperative to cut off the root that enables Google to leverage its market power across multiple sectors. This includes removing supports that would allow Google to extend its Search Marketing Services (SMS) dominance into other emerging sectors like AI. Removing supports that would propel SMS in other sectors like AI. Requiring Google to divest Chrome and Android would represent a meaningful step toward dismantling the company’s dominance over many sectors, disrupt its self-reinforcing ecosystem, ensure a more open and competitive technology industry for all.

²⁰ European Commission. “Antitrust: Commission sends Statement of Objections to Google over abusive practices in online advertising technology” (2023), https://ec.europa.eu/commission/presscorner/detail/it/ip_23_3207.