

DEPARTMENT OF INTERNATIONAL AND PUBLIC AFFAIRS

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We helped draft the [Global Principles for Fair Platform Compensation](#) and believe that a collective approach for negotiations with the social media platforms is essential. Otherwise, experience has shown, it is too easy for these monopolies to divide and conquer the publishers and pay less than a fair press for the news that the platforms have circulated and profited from. As for the amount of profit and the value of news we will not restate here what has been determined in a number of studies including [those](#) carried out by Fehr Advice AG and [Brattle Group with Columbia University](#). We will instead focus here on the practicalities of how to secure payments and comment on the 2025 documents prepared by the Competition and Markets Authority ie the Investigation, the roadmap of possible measures and the proposed decision to designate Google (June 24, 2025).

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Comments on Proposed Designation Decision

Google's market power is undermining competition and harming national innovation and economic growth. [REDACTED]

[REDACTED] Also
Google's data monopoly is growing and [REDACTED]
[REDACTED].

The advent of generative AI-powered search poses the latest, and potentially most serious, encroachment by Google in general search services as Google now uses our content on a real-time basis to ground their generative AI models and generate summary responses to user queries, using retrieval-augmented-generation (RAG). This exploitation of publishers' content by Google through features like AI Overviews or AI Mode threatens to eviscerate the vital search referral traffic on which publishers depend. The percentage of searches now terminating without the users clicking through to another website is increasing up to 60%. At the same time, Google is preparing to move to AI Mode from its beta Labs into Google Search. The mutation of search engines into answer engines extends [REDACTED].

Google's [REDACTED] use of publishers' content for its AI products not only threatens publishers' viability, a healthy and non-manipulative information ecosystem, but also gives Google an unfair advantage over potential competitors as highlighted in News/Media Alliance's motion for leave to participate as *amicus curiae* in *United States and State of Colorado v Google LLC*, also mentioned in footnote 11 of CMA's Proposed Decision of June 24, 2025. Further, Google's control over data across multiple services and platforms will produce lock-in effects for the future.

If Google's conduct is not remedied, it will control much of the internet for the next decade and not just in internet search, but in new technologies like AI, as stated by U.S. Dep't of Justice, Assistant Attorney General Gail Slater Delivers Remarks Before Opening Arguments in Google Search Remedies Trial (Apr. 21, 2025) (available at <https://www.justice.gov/opa/speech/assistant-attorney-general-gail-slater-delivers-remarks-opening-arguments-google-search>).

Comments on Road Map

- **Publisher controls.** We support the CMA's view of placing publisher controls in Category 1 of Conduct Requirements. In that regard, we urge the CMA to impose specific mechanisms that Google should implement so that publishers, websites, and content creators can easily control whether the content of their websites and domains is used in search indexing or in Google's AI products, including training

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AI models and RAG. The DOJ's proposed remedies in *United States and State of Colorado v Google LLC* already request that Google be forced to provide an opt-out mechanism to prevent that publishers' content be used for both search indexing and developing AI products, and this type of control be extended to content creators that use Google-owned platforms such as YouTube. Alternatively, we recommend the CMA considering an opt-in mechanism to Google's AI crawling. This would place the burden of obtaining consent on the dominant firm rather than the weaker party, and it would encourage the development of technical solutions to trace content and data provenance.

Complementary, and along the same lines as the U.S. DOJ, it will be key to impose anti-retaliatory requirements to rein in Google's ability to punish or coerce websites that choose not to opt-in or who chose to opt-out of having their content used in Google's AI products. This is essential given Google's documented history of retaliatory behavior against policies that threaten its business interests. A recent example is Google's readiness to block news publishers from search results in jurisdictions where governments sought to mandate negotiations between news publishers and digital platforms, including in California.

- **Move “Fair and reasonable terms in relation to use of publisher content” from Category 2 to Category 1 of Conduct Requirements.** The Roadmap proposes that consultations for items in Category 2 start from the first half of 2026 and onwards. One of such items is described in the Roadmap as “publisher concerns about the impact of Google's bargaining position, and whether they are receiving fair and reasonable terms (including payment terms).” We believe that this item should be moved to the top of priorities so that the CMA can start consultations shortly after a decision is reached to designate Google with SMS, before the end of 2025. As previously explained, publishers are already suffering from the decline of traffic in search as Google further integrates its AI interfaces in general search services. This integration clearly gives Google further advantages to compete in AI-assisted search while ignoring demands from publishers to negotiate content licensing deals, and it weakens the impact of publisher's investments in blocking AI crawling more broadly, as publishers are seeking alternatives to continue monetizing their content independent of Google's monopoly in search. These concerns are directly linked to ensuring publishers have a choice in how their content, collected for search, is used in Google's AI services. Thus, the CMA should move to prioritize consultation for these concerns as soon as a decision on SMS designation is reached.

Further recommendations:

- Multiple platforms will need to be included in any new laws or codes that the UK government decides to implement. Further there should be flexible criteria so that new platforms can be designated for inclusion as need arises in the future. In particular, the



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question of creator and news content being used by Large Language Models. This is well noted in 1.18 of the proposed designation

- We add that there is a question as to how long Google will continue its monopoly in search given the rise of AI search. However, Google may well end up dominating in the field of AI search in part because of all the data it has accumulated over decades.
- In many markets, Meta and Google have either withdrawn from disseminating news or threatened to do so. We believe governments that are calling for remuneration frameworks need to prepare for this threat. For this reason, two of us (Radsch and Schiffrin) have written on “must carry” provisions which would require platforms to carry accurate news and the forthcoming OSCE report on platforms and journalism provides a number of options for visibility or prominence of quality news. Reporters Without Borders refers to this as a “Must Be Found” requirement which the organizations defines as the responsibility of the social media platforms to “ensure access to trusted sources of information online”. These ideas are akin to the “fair ranking” portion of the Strategic Market Status Investigation.

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Regards,

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