# Proposed decision on the CMA's strategic market status investigation into Google's general search services. Response from DMG Media.

1. This response is from DMG Media, publishers of the Daily Mail, Mail on Sunday, MailOnline and Metro, and through our sister company Harmsworth Media, the i Paper and New Scientist, and their websites. It addresses both the CMA's proposed decision to designate Google Search with Strategic Market Status (SMS) and its roadmap.

2. We welcome the CMA's proposed SMS decision. We also particularly welcome the inclusion of AI Overviews and AI Mode within the scope of SMS although, as we will explain, we believe the scope should be extended to include the Google Gemini AI assistant and Google News.

3. We remain very concerned about the slow pace of imposing regulation to deal with the problem of market dominance in digital industries. In our view this has not been helped by the Department for Business's Strategic Steer for the CMA[1], which appears to be based on a misguided belief that lighter regulation will stimulate growth by persuading global online platforms invest more of their profits in the UK. In truth, we would argue, the CMA's own Profitablity Analysis suggests that Google extracts very large sums from the UK economy and remits them to the USA.

4. There is a long history in digital markets of platforms offering consumers and businesses too-good-to-be-true services then, once they have established market dominance, starting to turn the screw to raise margins and leverage sales of their own associated services.

5. This was where our engagement with the CMA over Google's businesses practices began, with the launch of the Market Study into Digital Advertising in July 2019, which found the following year that competition is '*not working well in digital advertising markets, leading to substantial harm for consumers and society as a whole*'[2]. It is ironic that although the legislation the CMA recommended was, after a long battle and numerous consultations, finally passed last year, the CMA is not yet considering SMS for Google's open-web ad server and ad exchange businesses, pending the outcome of legal actions

in the USA. Through its affiliates Associated Newspapers Ltd. and Mail Media, Inc. DMG Media is pursuing its own US legal action over Google's ad server and ad exchange businesses and provided key evidence in the Department of Justice's case, which found against Google.

## Why the CMA must act quickly on AI

6. Whilst we welcome the fact that the UK at last has legislation in place to tackle the problem of platform dominance in digital markets, we have always been concerned about the blistering speed with which a company like Google, with virtually unlimited resources, is able to move its business to exploit new technology before regulators have even started to tackle its dominance in existing markets.

7. At the very beginning of the AI boom, in our June 2023 response to the CMA's Initial Review of Foundation Models, we warned that '*the shorter synthesized responses on chat search as opposed to traditional search [raise] the possibility that as AI develops, news publishers may be given no credits and therefore receive no referrals unless they pay for them... We must therefore be aware that AI could destroy the economic foundation of journalism altogether*'.

8. Only two years later, this is exactly what we are now seeing with AI Overviews (AIO). Google began introducing AIO in the US in May 2024 and they arrived in the UK in August that year. However, it was not possible to see how widespread they had become in the UK until the beginning of April this year, when Google began testing AIOs for non-logged-in users, which is when we were able to start tracking penetration for our own key search terms. As can be seen in Figure 1 below, from a penetration of 7.5% in April 2025 this has continued to rise and is now nearly 14%. Penetration in the US had already been running at just over 7.5%; in April 2025 it increased overnight to more than 15% and now stands at 20.9% (See Figure 1 below). These figures are for mobile search, but the position for desktop is very similar.

Figure 1: *Authoritas June AIO tracking (as of July 10 - AIO penetration based on 5k keywords from Google Search Console)*
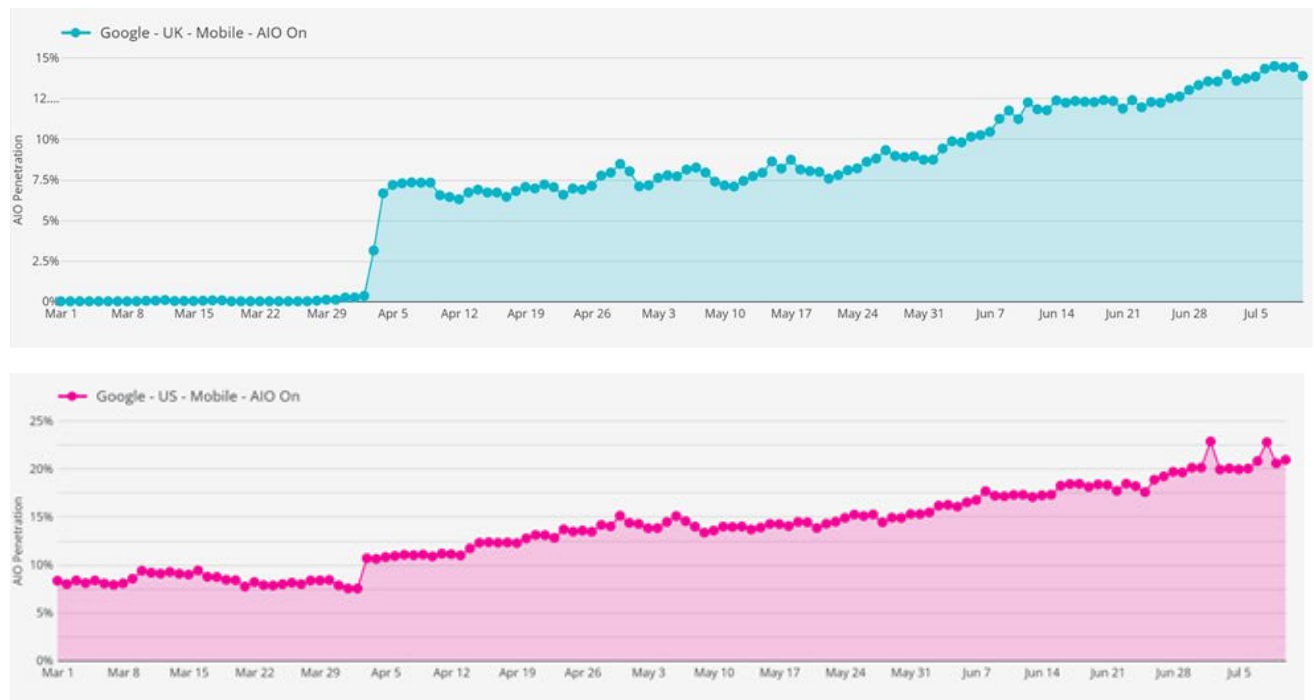


9. AIOs bring with them a whole series of problems:
   - Google typically places them at the top of the search results page, forcing organic links, which deliver traffic to publishers, lower down the page, where they receive fewer clicks.
   - The Overviews are carefully constructed as summaries of available information, so the user has no reason to read any further. Research shows 70% of users never read beyond the first third of an AIO[3].
   - Google links back to itself rather than to publishers, with YouTube now getting most referral traffic in both the US and the UK (paragraph 15 and Figures 6 and 7 below).
   - Google does not show clicks from AIO or AI Mode in Analytics, which makes it difficult to track performance.
   - Google claims AIOs do not appear for news terms. Its definition of 'news' is where a Top Stories carousel is present. However, we have found examples of AIOs appearing despite the presence of Top Stories. This is especially true for entertainment news where AIOs now regularly appear above Top Stories rails.
   - Also, when a story stops trending, typically after 6-9 hours, we have found AIOs replacing Top Stories.
   - Users cannot switch off AIOs, and it is now estimated they appear on 50% of searches in the US. We expect penetration to increase as AIO quality improves and Google rolls out AIOs across news.[4]

---

[3][The first-ever UX Study of Google's AI Overviews: The Data We've All Been Waiting For](#)
[4] [Referral Patterns in Google AI Mode: Understanding the Early Data - iPullRank](#)

10. The most serious of all these is the effect on click-throughs, which is how we monetise search referral traffic by showing ads to users. Our research shows that in the UK the click-through rate (CTR) on desktop declines from 25.23% for a SERP with no AIO and a top ten ranking in organic results (second column below), to 2.79% where there is an AIO with a visibly ranked Daily Mail link (fourth column) – a fall of 89%. Figures for mobile are hardly any better – a fall of 87%. US figures are very similar, with declines of 85% for desktop and 87% for mobile. (See Figures 2 and 3).

Figure 2 *Authoritas UK CTR Impact (June 18 – July 27, 2025)*

| SERPs w/out AIOs | SERP w/out AIOs & Top 10 Organic | Ranked in AIOs | Ranked in AIOs (Visible) | SERPs with AIOs |
|---|---|---|---|---|
| AVG CTR% DESKTOP | AVG CTR% DESKTOP | AVG CTR% DESKTOP | AVG CTR% DESKTOP | AVG CTR% DESKTOP |
| 11.92% | 25.23% | 2.05% | 2.79% | 1.53% |
| AVG CTR% MOBILE | AVG CTR% MOBILE | AVG CTR% MOBILE | AVG CTR% MOBILE | AVG CTR% MOBILE |
| 18.11% | 38.19% | 3.37% | 4.84% | 2.90% |

- From no AIO present on desktop + page one organic ranking (2nd column) to an AIO being present and a daily mail link ranking (4th column) - **CTR declines by 89%**
- From no AIO present on mobile + page one organic ranking (2nd column) to an AIO being present and a daily mail link ranking (4th column) - **CTR declines by 87%**

Figure 3 *Authoritas US CTR Impact (June 18 – July 25, 2025)*

| SERPs w/out AIOs | SERP w/out AIOs & Top 10 Organic | Ranked in AIOs | Ranked in AIOs (Visible) | SERPs with AIOs |
|---|---|---|---|---|
| AVG CTR% DESKTOP | AVG CTR% DESKTOP | AVG CTR% DESKTOP | AVG CTR% DESKTOP | AVG CTR% DESKTOP |
| 12.13% | 27.43% | 2.20% | 3.69% | 1.45% |
| AVG CTR% MOBILE | AVG CTR% MOBILE | AVG CTR% MOBILE | AVG CTR% MOBILE | AVG CTR% MOBILE |
| 15.22% | 33.40% | 2.81% | 4.07% | 1.85% |

- From no AIO present on desktop + page one organic ranking (2nd column) to an AIO being present and a daily mail link ranking (4th column) - CTR **declines by 86%**
- From no AIO present on mobile + page one organic ranking (2nd column) to an AIO being present and a daily mail link ranking (4th column) - CTR **declines by 88%**

11. Other research shows that click-through rates for AI search and chatbots which do not include any organic results are even lower. Tollbit, which is building a rights marketplace for publishers and AI companies, finds that AI search reduces click-through by 91% and chatbots by 96%[5]. The click-through rate for AI apps is 0.67%, whereas click-through from the top ten links in Google's existing SERPs ranges from 2.4% to 27.6%[6], depending on position (see Figure 4).

Figure 4 *Average AI applications click-through rate vs Average Google click-through rates, 1-10 organic positions. Source: Tollbit*
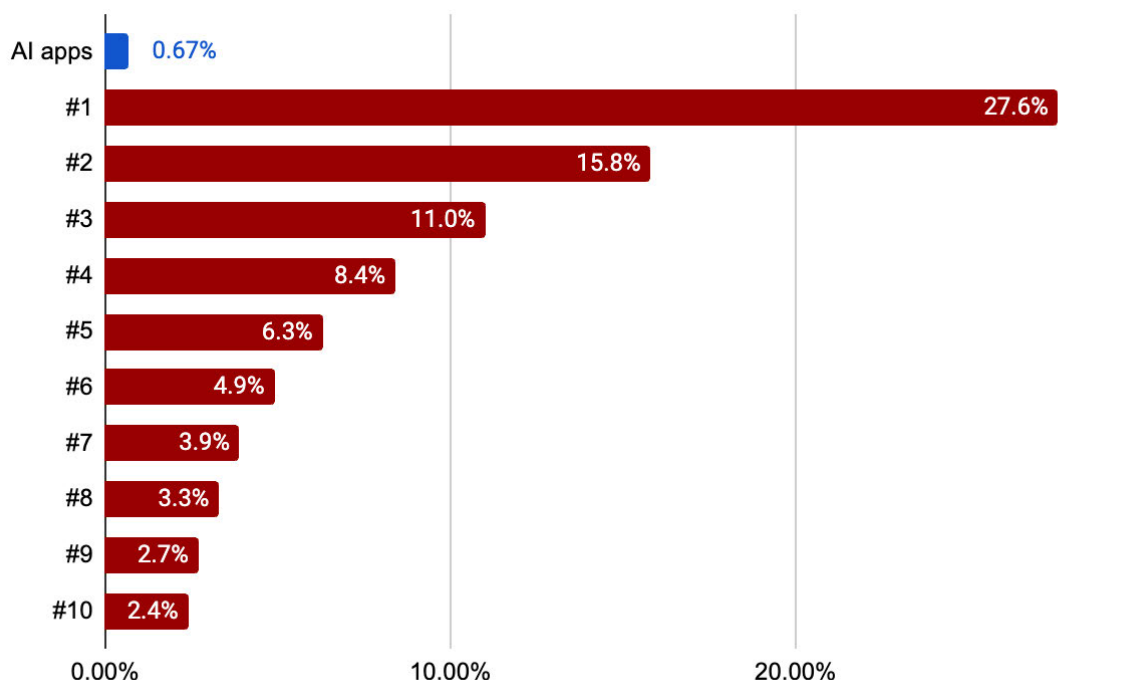


12. A Press Gazette survey of research by SimilarWeb shows that in May 2024, when AIOs were launched in the US, the percentage of Daily Mail searches which yielded no clicks was 48%. A year later the proportion of searches for keyword where an AIO was present which yielded zero clicks had risen to 68.8%[7]. Google is also beginning to sell advertising in AIOs, an indication that

---

[5] TollBit - Monetize your content
[6] Tollbit State of the Bots Q1 2025 https://tollbit.com/bots/25q1/
[7] Newsbrands most hit by increased zero-click searches from Google - Press Gazette

it believes it is starting to achieve its aim of building audience for AI and can begin monetising. [8]
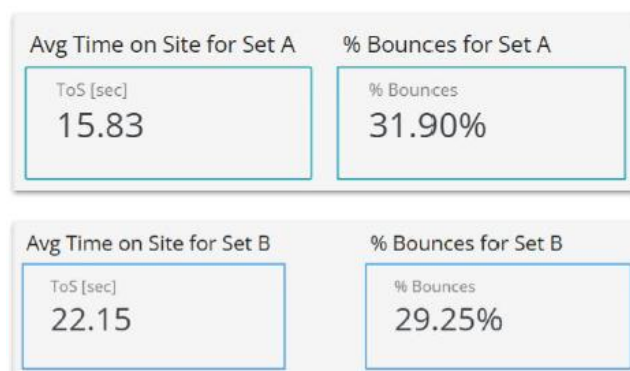
13. Google claims links in AIOs deliver more click-throughs than traditional blue links, and the traffic is of higher quality. Google CEO Sundar Pichai said in an interview with The Verge[9]: '*If you put content and links within AI Overviews, they get higher clickthrough rates than if you put it outside of AIOs*'. Elizabeth Reid, Google's Head of Search told the FT[10]: '*We see the clicks are of higher quality, because they're not clicking on a webpage, realising it wasn't what they want and immediately bailing.*' That is not what our research shows.

14. Based on our ranking keyword data, we analysed and compared two sets of pages:
    - Set A: top 100 article pages with AIOs
    - Set B: top 100 article pages without AIOs

    As Figure 5 below shows, we found the AIO traffic results in less time on site and a higher bounce-rate than traffic from non-AIOs.

*Figure 5. Quality of AIO traffic Mar 1 - Jul 15, 2025. Source: Authoritas.*



| Avg Time on Site for Set A | % Bounces for Set A |
| --- | --- |
| ToS [sec] 15.83 | % Bounces 31.90% |

| Avg Time on Site for Set B | % Bounces for Set B |
| --- | --- |
| ToS [sec] 22.15 | % Bounces 29.25% |

15. In recent weeks Google has begun heavily self-preferencing. Where it supplies visible links in AIOs they are increasingly to YouTube, which is of course another Google property. In the UK and the US, YouTube is now far and away the most visible source cited in the AIOs (see Figures 6 and 7 below). In the USA Google has also very recently rolled out AIOs in Google Discover on Android devices, saying this should be considered a launch, not a test[11].

[8] https://blog.google/products/ads-commerce/google-lens-ai-overviews-ads-marketers/
[9] https://www.theverge.com/24158374/google-ceo-sundar-pichai-ai-search-gemini-future-of-the-internet-web-openai-decoder-interview
[10] https://www.ft.com/content/decc6853-4fff-448c-b1c3-be8824ab511f
[11] https://www.theverge.com/news/708089/google-discover-ai-summaries-ios-android

Discover has become a major source of traffic for some publishers, so this will be another threat to revenue.

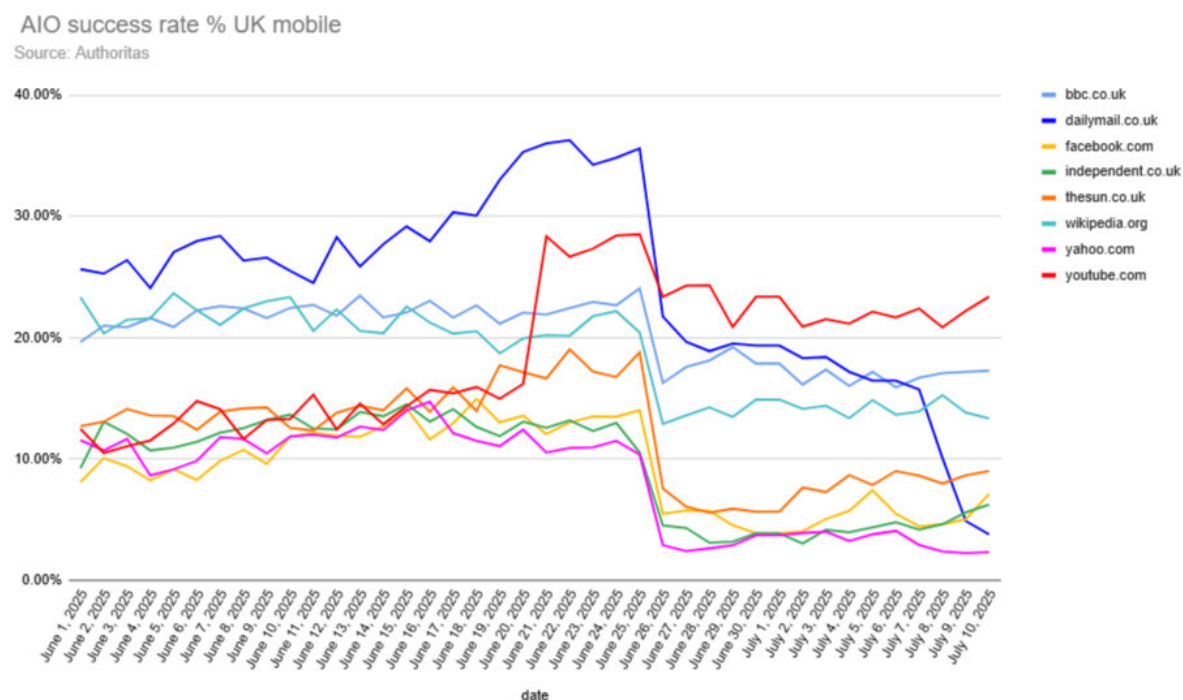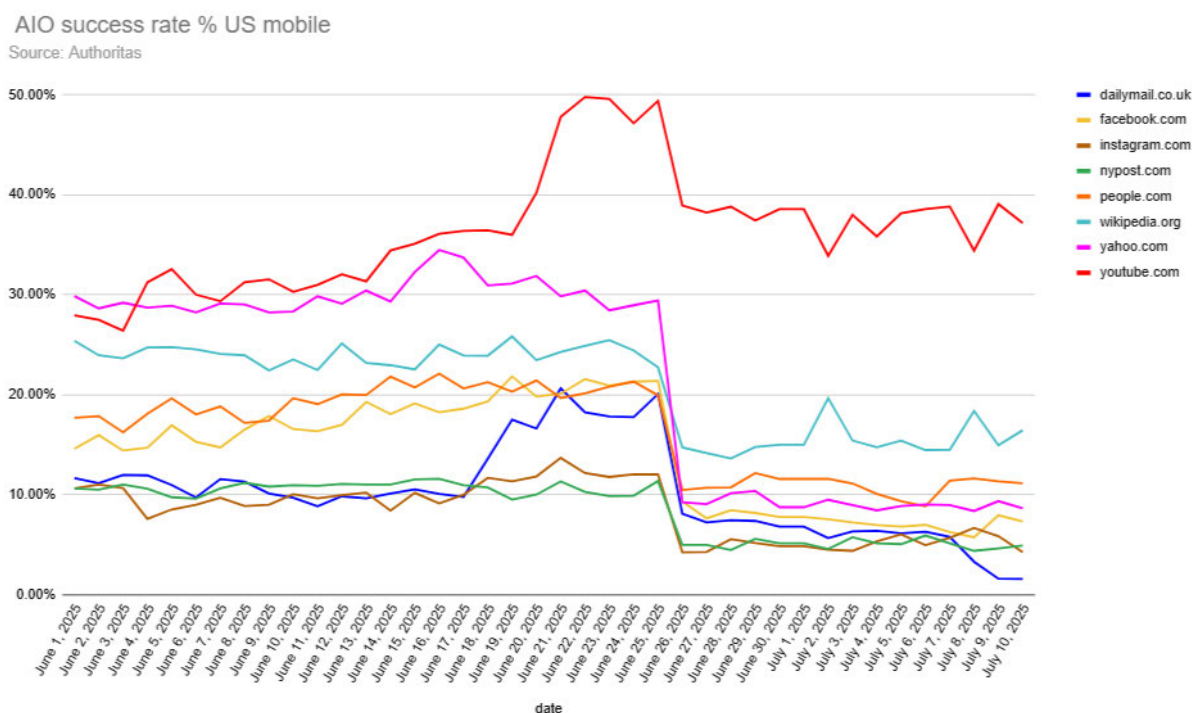*Figure 6. Visibility in UK AIO ranking, June 1 – July 11, 2025. Source: Authoritas*



AIO success rate % UK mobile
Source: Authoritas

*Figure 7. Visibility in US AIO ranking, June 1 – July 11, 2025. Source: Authoritas*



AIO success rate % US mobile
Source: Authoritas

# AI Mode: the threat of Google Zero

16. All these problems are even more prevalent in AI Mode, which Google is introducing in the US, although it has not yet appeared in the UK. AIOs are usually inserted at the top of the SERP, but at least beneath AIOs there are still traditional links. AI Mode gives a much fuller AI answer in response to every search query, and links are much smaller – in the case of mobile it is usually just a link symbol without any branding or story snippet to encourage clicks. Recent US research chows 24% of Google search sessions result in a click; for AI mode that figure falls to 4.5%[12].

17. This creates particular issues for so-called branded search. One of the strengths of the Daily Mail website is the large amount of direct traffic it attracts, where users come to the site to scroll down the home page and spend half an hour or more reading a selection of stories, rather like a newspaper. This traffic is naturally much more valuable than referral traffic consisting of users who have simply clicked on one link in a search result. Many of these direct users use Google as a navigational tool – they will put 'Daily Mail' in the search bar, or Daily Mail plus a topic such as 'Meghan Markle', as a short cut to reach the site.

18. When they do this in AIO, Google gives them a menu of that day's Daily Mail stories, which of course will encourage them to click through. In AI Mode they are given a generative AI summary of the Daily Mail's history and structure, apparently largely taken from Wikipedia. There is nothing which would not be known to a user familiar with the Daily Mail, and no reason to click.

19. A year ago, digital commentator Nilay Patel, Editor-in-Chief of the Verge, coined the phrase Google Zero, to describe when Google stops sending any traffic to third-party websites[13]. That day may be approaching – we suspect it may not be long before Google starts synthesising our content to create its own AI stories in products like Discover. It would be the natural end result of the self-preferencing Google has always engaged in when able to do so. Yet the bitter irony is that while Google may stop sending news publishers referral traffic, it will still be dependent on human-generated news to train and ground its LLMs. Google has always claimed that the value it takes from including news links in SERPs is rewarded by the value it returns in referral traffic. But if or when Google Zero arrives there will be no referral traffic, and therefore not even a case to make that there is a fair exchange of value. ███████████

---

[12] Referral Patterns in Google AI Mode: Understanding the Early Data - iPullRank
[13] https://www.warc.com/content/feed/google-zero-what-it-means-and-why-it-matters/en-GB/10679

## The case for extending SMS status to Google's Gemini AI assistant and Google News

20. DMG Media believes the Google Gemini AI assistant products[14] are an indistinguishable part of Google's plan to leverage its dominance of search into dominance of AI, and for that reason should be brought within scope of SMS designation at the earliest opportunity. When users ask Gemini a question it uses the Search Index to pull the information it needs to provide an answer. Gemini relies on the same search crawlers, indexing, and ranking algorithms that Google utilises to power Google Search.

21. Google News and Google Search are also closely connected products. Both utilise the same web crawlers and the same search index. It is not possible for a publisher to have content shown in Google News but not in Google Search. Google tie these two products together with no separate opt-out mechanism. As Google itself says in its Publisher Centre information[15]: 'Google automatically crawls the web regularly to include websites in Google News'.

22. The technology used to power Gemini AI assistant, AIO and AI Mode overlaps. Gemini also helps Google keep its users in its ecosystem - if users Ask Gemini for the source of its information it overwhelmingly refers them to YouTube, which of course is Google-owned. Google has also recently started offering Gemini as feature of Gmail accounts in the UK. One of the reasons the CMA decided not to designate Gemini was that it did not have a dominant share of the AI assistant market. Google is the biggest provider of email in the UK, with 38% of the market[16]. If Google can use inertia selling to persuade Gmail account-holders to use Gemini its share of the AI assistant market will rise very rapidly. Google is also leveraging its search dominance to preference Gemini in other ways. For example, users can now link their Search history with Gemini. The below screenshot from a Google help page shows how a user can get more "helpful responses" by connecting Search history to Gemini. Although not yet available in the UK, this option is already live in the US.

---

[14] Google Gemini AI assistant products include the dedicated Gemini App and various AI assistants that integrate throughout Google's products, such as Gemini in Google Workspace and Gemini for Cloud, among others. The dedicated Google Gemini App is a personal AI assistant which can be accessed via web platforms, Android app, or iOS app. Gemini in Google Workspace is an AI assistant that integrates across Google's workspace suite including Gmail, and Gemini in Cloud is an AI assistant that integrates across Google Cloud.

[15] https://newsinitiative.withgoogle.com/en-gb/resources/trainings/start-building-your-audience/get-started-on-google-news-with-publisher-center/

[16] https://cybercrew.uk/blog/email-usage-statistics-uk/

**Connect your Search history to Gemini Apps**

You can get more helpful responses in Gemini Apps by having Gemini use your Search history.

**Important:** We're gradually releasing the ability to use Search history in Gemini responses so it might not be available to you just yet.

**What you need**

- A personal Google Account. For now, this feature isn't available to users with a work or school Google Account.
- For now, this feature isn't available to users under 18.
- For now, this feature isn't available in the European Economic Area, Switzerland, or the United Kingdom.
- To ask Gemini to use your Search history, you must have your Google Web & App Activity on.

23. As its market share increases it is highly likely that Google will encourage users to view Gemini as an alternative to, or substitute for Search. This in turn, if Gemini remains out of scope, would mean any Conduct Requirements (**CRs**) imposed on search become redundant.

24. At the very least the input provided by Google Search to Gemini must be included in scope and trigger the 'fair and reasonable terms' CR under the DMCCA. Google should not be able to extract value from content through one service and pass it to another, even if it claims it is distinct, without compensating publishers fairly. The same applies to Google News.

## Payment for content should be recategorized for consultation this autumn

25. The very rapid roll-out of AIOs means the CMA must act quickly to ensure publishers get fair payment for content used in them, by reclassifying payment terms as a Category 1 CR for consultation this autumn. We recognise that Google is not (yet) deriving revenues from AIOs. However, Google is deriving value from publishers' content and should pay a fair amount for that value. The payment terms should be based on the direct and indirect value of the content to Google, minus any value of AIOs to the publisher. We understand this is a complex issue, but it is not new for the CMA, which has amassed knowledge of the subject since joint advice to DCMS with Ofcom in 2021. The CMA should start engaging on this work as soon as possible. The drafting of the CR would simply need to say that Google must offer fair reasonable and non-discriminatory terms to news content

providers and provide some broad principles for calculating the value exchange. The legislation is already designed for this process.

26. We hope that in agreeing fair and reasonable payment terms, the final offer mechanism set out in sections 38 to 45 DMCCA will not have to be used and Google can be incentivised to negotiate in good faith. Even after a CR is consulted on, which the CMA will delay if the issue remains in Category 2, the final offer mechanism can only be used after a conduct investigation finding a breach of a CR and a subsequent breach of an Enforcement Order. As such, it will be a long time (perhaps 2-4 years) before publishers receive fair value for their journalism, in which time the industry may be harmed irreparably.

27. Finally, we note the Roadmap is ambiguous as to whether the payment terms will be addressed as a CR or a Pro-Competition Intervention (**PCI**). We consider these measures should be addressed as CRs. It is clear from the parliamentary debate and the text of the DMCCA this is what was envisaged: trading on 'fair and reasonable terms' is a permitted category of CR (s20(2) DMCCA). In addition, the availability of the final offer mechanism on price is dependent on an underlying CR (s38 DMCCA). Viewing similar interventions through the lens of a PCI would unduly complicate the legal position, by requiring the CMA to find an adverse effect on competition, and would be likely to yet further delay any suitable remedy.

## Why transparency is vital

28. We are very pleased that the Google SMS decision roadmap includes as a Category 1 CR *'Ensuring transparency, attribution and choice for publishers in how their content, collected for search, is used in Google's AI services'*. Clear attribution and links in AIOs would be a huge improvement on Google's current practices. However, if Google Zero is approaching, and Google will no longer be able to claim that it pays for the news content it uses with referral traffic (a claim not justified by current value exchange), it will have to pay with cash. It is vital that transparency applies not only to how content is presented in AI, but also to how it is collected.

29. News is expensive to report, especially the high-quality original content which is most valuable to AI developers. It is also copyrighted. However, copyright law was passed before the AI age, and is very difficult to enforce when content can be scraped in one jurisdiction, often without the

knowledge of the rightsholder, and copied in another. This is a problem which the amendments to the Data (Use and Access) Bill recently put forward by Baroness Kidron would have resolved. AI developers would have been obliged to declare when they were scraping content which, if they had not negotiated a licence, would have automatically given the rightsholder the basis for bringing legal action. The amendments also included a jurisdictional measure which would allow any cases involving LLMs marketed in the UK to be tried in British courts, denying their owners the opportunity to argue that they had done their copying at a data centre in California, where the law might be more friendly to them (though that has still to be properly tested in the American courts).

30. ███████████████████████████████████████████ ████████████████████████████████████ ██████████████████████████ We were pleased when the CMA agreed to bring payment for content into the list of remedies it was considering in respect of Google's market dominance in online advertising, but always concerned that it was seen as a backstop at the end of a lengthy regulatory process. If in the near future there will be no argument about value exchange because Google will be returning no value to publishers, while still exploiting their content, then a straightforward CR that the use of content in training, or Retrieval Augmented Generation **(RAG),** must be subject to a copyright licence can be imposed straight away.

## The CMA should impose a CR to ensure publishers can control which content can be scraped and which cannot.

31. Google currently provides two mechanisms to control how publisher content may be used in Google Search – crawler rules set in robots.txt and meta tags set in HTML on our page. Our experience is that it is not possible to opt out of allowing Google to use our content for AI purposes without also opting out of search referral traffic. This is true for both grounding and RAG purposes, as well as for the training or fine-tuning of LLMs used to power AI Overviews and AI Mode. Google has a monopoly position in general search which provides referral traffic to publishers, and Google leverages this to force publishers to allow it to use their content for AI purposes. Google has tied its search referral traffic to content usage for AI purposes.

32. It is true that the Google-Extended crawler can be blocked via a publisher robots.txt file. This will stop Google using publisher content in the grounding process for Gemini Apps and Vertex AI API for Gemini and in the training of future generations of Gemini models[17]. Google does not claim that Google-Extended will stop, or has historically stopped, Google from using publisher content for all AI related purposes. Google's own help files indicate that using Google-Extended will only 'limit', not stop, Google's use of content for AI training in "some" of Google's systems[18].

33. The wording in Google's help files explaining Google-Extended is purposefully narrow and opaque. It is unclear whether Google-Extended stops the use of publisher content in the training or fine-tuning of current or earlier Gemini models that power Gemini Apps and Vertex AI API for Gemini, or whether Google-Extended stops the use of publisher content in the training or fine-tuning of Gemini models that power AI Overviews or AI Mode. Google's documentation only states that Google-Extended will stop content being used "for training future generations of Gemini models that power Gemini Apps and Vertex API for Gemini".

34. It is also unclear if Google-Extended stops the use of publisher content in AI models outside the Gemini family. For example, it seems that past models such as BERT, LaMDA and PaLM, or current and future models such as Gemma, Veo, Imagen, and experimental models such Project Astra and Project Mariner are not covered by Google-Extended and therefore there is no way to opt-out of content being used to train and fine-tune those models without blocking all Google crawlers including Googlebot.

35. Similarly, Google-Extended does not stop Google from using content for grounding or RAG purposes for Google AI Overviews or Google AI Mode. If we wish to stop Google using our content for those purposes, we must block all Google crawlers including Googlebot. Googlebot is used to crawl content that is then used for all of Google search. Google defines Google search to cover general search including interactive features like featured snippets and top stores, as well as AI products such as AI Overviews and AI Mode.

36. A separate, but important point is that Google-Extended is not claimed to protect any content that Google does not crawl directly from a publisher's site, or is accessed via the crawling of other sites such as the Internet Archive, or other data sets such as Common Crawl. Google only states that

---

[17] https://developers.google.com/search/docs/crawling-indexing/google-common-crawlers#google-extended

[18] https://developers.google.com/search/docs/appearance/ai-features

Google-Extended covers content that Google "crawls from their sites" directly.

37. Google also says meta tags may be used by publishers to limit the information shown from their pages in AI products. Google suggests the use of the 'nosnippet' meta tag to communicate to Google not to display certain types of content in their search results. When a website owner applies a 'nosnippet' meta tag to a specific page it should prevent Google Search from showing the content in its results. However, it does not prevent the page from being crawled or indexed by the search engine, it simply asks to restrict the use of the content in certain features of a search engine results page.

38. Importantly, Google states that a 'nosnippet' meta tag applies to all forms of search results including web search, Google Images, Discover and AI Overviews. So, while this meta tag will prevent the content from being used as a direct input for AI Overviews, it will also prevent the content being used in all search results, leading to the loss of search referral traffic[19].

39. We believe that using 'nosnippet' only covers display purposes in search and has no impact on AI training. We note that Google is very careful to state that using 'nosnippet' will prevent the content from being used as a "direct input" for AI Overviews and AI Mode, which again, indicates there are other indirect purposes that Google may still use the content for, such as AI training or fine tuning.

40. Robots.txt is a voluntary directive and crawlers are not forced to follow it. There has been considerable publicity recently around efforts made by Cloudflare to help publishers block AI crawlers via the content delivery network (CDN) web application firewall (WAF) by providing a physical block. Although this remains an imperfect solution due to the active circumvention attempts of many AI actors, it is a useful technical step for publishers to attempt to introduce friction against AI companies stealing content. In the case of Google-Extended, because it is not a separate user agent string and uses existing Google user agent strings, such as Googlebot, it is not possible technically to block via the CDN WAF. Instead, publishers must rely on robots.txt. Cloudflare have not seen any evidence of Google ignoring robots.txt directives, but have Google listed as not adhering to AI bot best practices due to not having distinct bots by purpose[20].

[19] https://developers.google.com/search/docs/crawling-indexing/robots-meta-tag
[20] https://radar.cloudflare.com/ai-insights

41. We believe the CMA should consult on a transparency CR in Category 1 which requires Google to provide the following data, free of charge, to publishers on request:

    a. materials scraped through web crawling, including the publishers' web pages that have been viewed, the material gathered and the Google product for which it has been used. This should include access to disaggregated data regarding use of their content for search indexing, training or fine-tuning of AI models or AI products, grounding/RAG tools and AI generated content; and

    b. detailed information regarding the display of excerpts of the publisher's web pages, brand and links to webpages where those have been viewed within Google's Search ecosystem (including AI interfaces).

42. This will enable publishers to fairly consider the value of their news content. Any debate and/or negotiations around the value of publishers' content will always be inherently imbalanced without visibility of how Google has used publishers' content. A robust transparency requirement will facilitate an efficient discussion about payment for content from the outset. This data should be provided even if payment for content is delayed until next year, so that news publishers can start to prepare for the negotiations and can see how the data changes over time.

## Attribution

43. Content in AIOs is consistently used without reliable attribution and links to publisher's pages appear only sporadically and without appropriate prominence. We therefore strongly support the CMA's Category 1 prioritisation of a CR requiring content attribution. Any content which has been derived from a publishers' content (or a combination of publishers' content) should be properly attributed, with a link to the publisher's own website, in close proximity to the content and with due prominence and visibility. This attribution should be at least as good as that currently supplied in non-AI search, to ensure that the click-through rates on AIOs are no worse than those on non-AI search. This should include:

    a. A prominent logo to provide branding that clearly identifies the publisher to users.

b. A clickable publisher URL along with a clickable headline link which is more prominent than the answer text provided in AI Overviews.

c. A clear call to action such as "Read full story on Daily Mail" to encourage user engagement.

d. Accurate content with the original headlines and reporting preserved without dilution or introduction of errors.

44. We note, however, that a CR requiring proper attribution cannot replace a CR requiring fair and reasonable payment terms. Unfortunately, AIOs are designed to answer the user's query on the SERP, without referring users for further clicks, meaning click-through rates (and corresponding advertising revenues) are intended to stay low, and will become even lower as the AI answers improve.

## Choice

45. It is not currently possible for publishers to opt out of allowing content to be crawled for training and grounding Google's AI Overviews, unless they also opt out of crawling for Search (which, given Google's dominance, is not commercially viable).

46. We strongly support the CMA's Category 1 prioritisation of a CR which decouples crawling for Search with crawling for AI. Any CR should make clear that publishers can opt out of both types of crawling for AI, i.e. (a) crawling for training and (b) crawling for grounding or RAG, without impacting their position in Search.

47. However, without a CR requiring fair and reasonable payment terms, this CR would not go far enough to generate fair revenue for publishers. A decoupling CR only allows for publishers to opt out of crawling for AI Overviews, while still appearing in Search. However, the reality is, given the growing prominence of AIOs in the SERP, and the dominance of Google in Search, publishers may be forced to negotiate with Google to appear in AIOs. The imbalance of bargaining power between Google and publishers means that these payment terms (and the process by which they are set) are unlikely to be fair and reasonable.

## What metrics on AI Overviews should a transparency CR include?

48. Google Search Console (GSC) only gives publishers aggregated data across the core web Google Search experience. This means that data related to traditional non-AI search ("blue links", "snippets", and "carousels") is purposely comingled with AIO data, giving publishers minimal insight into how often their content is being displayed in AIOs, what content is being displayed, what queries resulted in our content being displayed, and how often it results in a click-through to their website. Similarly, there is no method via Google Analytics (GA) to separate the referral traffic from traditional non-AI search and AI Overviews because the referrer is the same for both.

49. We need data related to AIOs to be separated in both GSC and GA. In GSC an AIO filter should be added so that all current web search reporting functions concerning Clicks, Impressions, Queries, Pages, Countries, Devices and Dates are available separately for AIOs. In GA we need to be able to identify user sessions that begin via a click from AIOs and so require a separate referrer for these clicks.

50. Publishers also need information about zero click queries within AIOs. Publishers need to understand which topics or article excerpts satisfied user intent within the AI response itself. When a user visits our website, we can gather important engagement information around what topics and content is resonating with our users, this provides crucial information to help our editorial team decide what content to produce. If our content is now being consumed in AIOs with no clicks to our website we are denied information about what content is in demand from users. The current lack of access to data that distinguishes how our content is used on traditional non-AI search results and AI Overviews presents several challenges:

    a. Lack of control over AIOs: Publishers are unable to make informed decisions about whether to allow AIOs without the ability to track their usage (assuming the CMA can compel Google to provide the option to disallow Google crawlers by purpose). Without reporting capabilities, it is impossible to assess the impact of Google's AI offerings.

    b. Inability to identify issues: Publishers cannot pinpoint problems between traditional search and AIOs without the ability to see data on them. This is particularly problematic when there are technical issues with search. If

AIOs aren't reportable, we have no way of knowing if they are functioning properly with regards to our content.

c. Optimization strategies: Publishers need distinct optimization strategies – both regarding content produced and user experience on site - for each Google surface where their content appears, such as Google Search, Google Discover, and Google News (which are separately reportable via GSC under the performance tab). AIOs should be treated as a separate surface, requiring its own tailored approach, both technically and content-wise, to ensure optimal performance.

d. Removal requests: Separate to reporting, but still important, is our ability to have content removed from search, which includes AIOs. Publishers are sometimes required to take down articles, and whilst GSC provides tools to have content quickly removed from Google Search, it is not clear if this also removes the content from AIOs.

## Effective complaints process

51. Businesses, including DMG Media, are regularly adversely affected by Google's core algorithm changes, which are often applied with little warning or explanation and no appeal. By way of example, on two occasions, in 2018 and 2019, core algorithm changes caused us to lose around half of our referral traffic. Google's latest core algorithm update started on June 30 and is having a significant impact on non-brand search and Discover across all channels and geographies, with Daily Mail appearing to be disproportionately affected amongst news publishers.

52. Google also arbitrarily applies other policies to its SERP which can have immediate and vastly detrimental impacts on publishers. For example, Google's 2024 Site Reputation Abuse Spam Update forced Daily Mail to remove articles with retailer discount codes. These were popular with consumers and were a valuable revenue source for DMG Media, which has now been reduced to zero. The result has been that users are no longer given guidance from search results for discount codes, sales and answers to questions such as "what are the best air fryers". Instead, they are likely to go to Gemini or AI Mode, when it arrives in the UK. The content they find will be stolen from publishers, but the referral links will go back to Google so it, not the publishers who researched the information, will get the affiliate payments made by vendors of the featured products. It now looks as if the removal of publishers' discount code content from search results was a move to replace it with Google's own AI-created content, for Google's commercial benefit.

53. We welcome the CMA's recognition that Google's algorithms and policies can lead to unfair treatment of businesses and its proposal for a complaints process CR. This CR should include:

    a. an inbuilt monitoring mechanism which requires Google to set, publish and achieve key performance indicators; and

    b. a mechanism for appealing to an independent adjudicator (who would be paid for by Google and approved by the CMA) where a complainant is unsatisfied with the outcome of their complaint. Google would be bound by the decision of the adjudicator, including any steps that should be taken to remedy the complaint or ensure that similar situations do not arise in future.

54. We are concerned that the CMA appears to have deprioritised specific algorithmic transparency measures, which are not mentioned at all in the Roadmap. While an effective complaints process will go some way to mitigating unfairness, it will always be limited by being an *ex post* remedy. Google should take steps to avoid unfair treatment *before* it occurs. This could be included in a CR requiring Google to:

    a. publish all policies affecting the SERP;

    b. publish a reasonable explanation of how its search algorithm decides the rankings on the SERP, which is sufficient for businesses to understand how Google makes ranking decisions (note this can be designed at the appropriate level of detail to avoid bad actors gaming Google's algorithm); and

    c. provide business users with reasonable notice before making a material change to its search algorithm and/or other policies which affect the SERP, sufficient to enable those who are likely to be directly affected by the change to prepare for it. 'Reasonable notice' should be a minimum one month for straightforward changes, and six months for major changes where businesses may need to make technical adaptations to comply with or benefit from the changes.

**Fair ranking**

55. We welcome the CMA's prioritisation of 'fair ranking principles' in Category 1. There should be no discrimination in ranking for commercial reasons, such as refusing to buy Google products or services, nor for reasons based on positions taken on issues of public policy. The fair ranking principles should apply to both sponsored and organic results.

56. It is absolutely key that these principles also apply to what is displayed in AIOs, which are rapidly becoming as important as the traditional links below them. Where a user enters a query and publishers or businesses are presented in response, they need to have been selected on the basis of transparent, fair, objective, non-discriminatory and non-retaliatory criteria. The same is true for where information is provided by any other similar AI interface.

57. Finally, this measure can only be effective in tandem with transparency over the algorithm and its implementation, so that businesses know when they are being unduly discriminated against, and an effective complaints process (see paragraphs 50 - 53 above).

## Data sharing with competitors

58. We note the CMA is considering remedies relating to requiring Google to share data with competitors, e.g. web index and/or click and query data, on fair and reasonable terms (albeit these are in Category 2 and so consultation on any such measures would be delayed until the first half of 2026). We are not, in principle, opposed to any remedy which reduces the barriers to entry in Search and reduces Google's ability to use its market power to exploit users.

59. However, this data must never include publishers' content that Google has crawled and collected, unless that has been agreed with publishers and Google has paid publishers for that content on fair and reasonable terms. Google should be required by a CR not to monetise publishers' content where publishers themselves have not received fair payment.

## Access to key default positions and choice architecture

60. One way Google protects its dominance in Search is by leveraging its dominance in mobile ecosystems. This includes placement agreements with

original equipment manufacturers and mobile network operators and revenue sharing agreements with browsers (including, notably Apple in relation to Safari) to ensure Search is the default search engine.

61. This creates insurmountably high barriers to entry for search competitors. ProRata.ai, in which we have a stake, is developing an answer engine which will have a built-in content provider attribution and revenue model. In time, this could be a powerful constraint on Google's Search dominance and guarantee revenue for news publishers. However, this depends on measures weakening barriers to entry and providing consumer choice over search services.

62. We welcome the CMA's prioritisation of choice architecture in Category 1. Choice screens at key access points, including in respect of AI Assistants, may go some way to addressing these issues.

63. We also welcome the CMA's continued consideration of Google's placement agreements and revenue sharing agreements, pending the parallel US litigation. However, the CMA should ensure it is not overly influenced or delayed by overseas litigation in considering these issues. The CMA has its own deep understanding of these problems through its market study on mobile ecosystems and market investigation into mobile browsers and should act quickly to mitigate the harm caused to competitors and potential entrants in Search.

64. At the time of writing this response, we understand that the US court's judgment on remedies is due imminently. This will give the CMA all the backing it needs to progress the CRs promptly. Google seems likely to appeal the judgment, but that should not be a reason for the CMA to pause its work. As the CMA knows, there is a long history of Google successfully using appeals processes to obstruct and delay measures that would increase competition in the search market, and this must now stop.

## Data sharing across Google services

65. As is well acknowledged, one major driver of Google's ability to dominate markets is its access to a pool of data across its large ecosystem of services.

This enables Google to leverage its position in other markets to protect its position in Search (and *vice versa*). This cross-leveraging makes barriers to entry so high it is virtually impossible for other search engines to compete, leading to detailed, ongoing, reactive regulation being the only way to protect users (such as DMG Media) from exploitative conduct.

66. The CMA has stated it expects to deprioritise interventions imposing 'broad cross-service data sharing across Google's ecosystem' due to insufficient evidence of the harm. We are concerned it could be too early to fully deprioritise this remedy, given it tackles the root cause of why Google remains unchallenged in Search. DMG Media's view is that the CMA should reconsider, in depth, CRs concerned with data sharing. Such CRs could include that (a) Google does not share search data to its other services; and (b) Google does not use non-search data in its search activities.

## Google and the Government's growth agenda

67. We are aware that throughout the drafting and implementation of the DMCCA both the current Government and its predecessor have been subject to very heavy lobbying by Google and other platforms. Recently much of this has focused on the Government's understandable concern to encourage economic growth in the UK, and the Department for Business's recent CMA Strategic Steer gives every appearance of an attempt to address platform lobbying on this issue. The platforms' case is that they are potential investors in the UK and over-restrictive legislation would cause them to take their investment elsewhere. We do not believe that argument holds water. Online platforms are not like the industrial giants of the last century, investing huge sums in overseas production plants which become major centres of design, technology and manufacturing in their own right.

68. A digital business like Google sits in the Cloud, which floats over California. Of course, it will employ some people in the UK (around 7500 at the last count[21]) to manage accounts, collect revenue, and lobby local politicians. But the value lies in the design and marketing of products, which happens predominantly at the centre and is then rolled out on a global basis.

69. We are therefore pleased to see that the CMA has taken steps to measure Google's UK revenue and profitability. The findings have many redactions, but the conclusion is that Google's UK search and search advertising generated

---

[21] https://www.statista.com/statistics/1221823/google-uk-limited-number-of-employees/#:~:text=In%20the%20fiscal%20period%20that,the%20company%20in%20the%20UK

2024 revenues of between £10-20 billion and profits of £3-4 billion in excess of a return based on Google's weighted average cost of capital[22]. What the CMA has not estimated is what proportion of those sums is invested in the UK, and what proportion remitted to the USA. Elsewhere in its profitability analysis the CMA reports that in 2024, '*Google generated operating cashflow of $125 billion, and returned almost $70 billion to shareholders through a combination of dividends and share buybacks*'. Google would not be able to make shareholder returns on that scale unless a high proportion of its global earnings was returned to the USA rather than reinvested in the countries in which it was generated.

70. That is certainly how the White House appears to believe US tech companies should operate. In his Presidential Memorandum '*Defending American Companies and Innovators From Overseas Extortion and Unfair Fines and Penalties*', published in February this year, President Trump said revenues from US digital businesses should contribute the US well-being, not other nations':

> *In recent years, the gross domestic product of the United States' digital economy alone, driven by cutting-edge American technology companies, has been bigger than the entire economy of Australia, Canada, or most members of the European Union. Instead of empowering their own workers and economies, foreign governments have increasingly exerted extraterritorial authority over American companies, particularly in the technology sector, hindering these companies' success and appropriating revenues that should contribute to our Nation's well-being, not theirs.[23]*

71. If the British Government is serious about promoting UK growth it should be using regulation such as that provided by the DMCCA to ensure British digital companies can compete with Google, and British content creators are able to negotiate fair returns for the intellectual property they originate.

**DMG Media**
**July 2025**

---

22

https://assets.publishing.service.gov.uk/media/68598a4c9d116ab6d9eca7ce/Annex_C_Profitability_analysis.pdf

[23] https://www.whitehouse.gov/presidential-actions/2025/02/defending-american-companies-and-innovators-from-overseas-extortion-and-unfair-fines-and-penalties/