

Guardian Media Group (GMG) Response to the CMA [Consultation](#): Version for website publication

Introduction

Guardian Media Group (GMG) welcomes the CMA's proposed decision to designate Google's general search services as having "strategic market status", and the inclusion of AI Overviews and potentially AI Mode within the scope of such designation. This is a vital step towards ensuring fair competition and sustainable value exchange between large digital platforms and content creators.

GMG however, remains concerned about **the proposed exclusion of Gemini AI Assistant and Google News** from relevant digital activity and would ask the CMA to reconsider its proposal and ensure these services fall within the scope of the digital activity.

Gemini AI assistant

The CMA defines general search as "a service that searches the world wide web, and can draw on other sources, to return information on any subject". Based on this definition, the **Gemini AI Assistant clearly performs the general search activity and should be included in scope.**

Gemini receives user queries or prompts, calls Google's Search APIs to retrieve information from the open web, and returns structured results that mirror those seen in the Search Engine Results Page (SERP), AI Overviews, or featured snippets.

While the presentation and integration of Gemini into Google's software is different to traditional search, it functions in a similar way to AI Overviews - which the CMA rightly proposes to include.

The CMA's roadmap explicitly acknowledges that *"new AI assistants and AI-based search services such as ChatGPT, Perplexity and Google's own Gemini AI assistant is changing the ways users find information online."*

As Gemini becomes more widely used by Google office suite clients, we expect **a shift in user behaviour where queries are resolved within office tools** (docs, gmail, sheets etc) without the need to go to a traditional browser.

Excluding Gemini from the overall scope of SMS designation would **create a regulatory loophole** and allow Google to shift user queries and content consumption towards a parallel system beyond the scope of essential conduct requirements, potentially undermining the effectiveness of any imposed measures.

Google News

We would also ask the CMA to strongly reconsider the explicit inclusion of Google News. Both Google News and Google Discover impact how users interact with news and other information online. Whilst we welcome the inclusion of Google Discover - a passive content feed - excluding Google News which allows users to actively search across a range of subjects

is inconsistent as the latter more directly embodies the type of digital activity under consideration. By bringing Google News within scope, **the CMA would be better positioned to apply targeted, proportionate remedies to protect competition and support content producers.** Excluding it will create a regulatory gap which may encourage Google to shift traffic, user queries and publisher-derived value beyond regulatory reach.

The exclusion of Google News and Gemini also has a **public service impact on consumers** seeking accurate, sourced information. Users do not distinguish between responses from Search and those from Gemini. Transparency is crucial to media literacy and should not be dependent on the type of interface or the specific tab being used to ask the question.

The Guardian's general approach to licensing

GMG has a mature business in licensing and syndicating its journalism to over 100 countries across a number of areas. The B2B strategy is focused on building sustainable, recurring revenue through long-term subscription models. In recent years, we have added AI businesses to our client portfolio.

Google licensing

GMG has previously entered into licensing arrangements with Google. The conditions for access to Google search are uniform. **Publishers can only opt out of AI Overviews by withdrawing from Search entirely** or using no-snippet tags, which in turn reduce referral traffic. [Documents released](#) during the remedies portion of the recent antitrust trial in the US into Google Search shed light on the options Google initially considered. Allowing publishers to remain in Search while opting out of AI grounding was rejected, not for technical reasons, but to benefit Google commercially.

We would ask that the CMA uses its conduct requirement around publisher controls to **prioritise remedies that tackle the practice and impact of linking traditional search indexing with AI Overviews.**

In addition we would ask you to consider adding an **explicit requirement within the transparency requirement to allow publishers to see referral traffic from AI Overviews, AI Mode and any future AI Search products within the search console.**

Conclusion

The pace of technological development continues to outstrip legislative change, making the enactment of the DMCC particularly challenging. While the adoption of tools such as Gemini and AI Overviews remains in its early stages, they clearly signal the direction of travel.

We urge the CMA to **future-proof the process** by ensuring that the scope of Search products explicitly includes Gemini and Google News.

Furthermore, in the short time since the CMA published its initial designation, AI mode has been rolled out in the US where the Guardian has a growing readership. The expectation is that this will soon be available in the UK so it would be helpful if **AI Mode was specifically named as being within scope** in the full designation.

This will strengthen the DMCCA's impact and help ensure a more competitive and fair digital ecosystem in the UK.