Bachtrack Ltd response to CMA Consultation on Google Search

Firstly, I'd like to welcome the proposed CRs and this consultation. For many years now, we in Internet publishing have treated Google rather like the Greeks of old bowing down before their gods and the oracle: the oracle gives opaque pronouncements that one does one's best to obey, with little confidence that the results will find favour with the deity. It's high time that this changed.

To declare some background: Bachtrack Ltd's sole business is to publish bachtrack.com, a free-to-view specialist website for classical music, opera and ballet worldwide, launched in 2008. With somewhere between ███████████████ visitors per month, we are large and important by the standards of our specialist industry; we are tiny by comparison with major national publishers or e-commerce sites, let alone the big multinationals.

We are small business with annual turnover in the region of £██████. We are fully funded by advertising and sponsored content from customers who are mainly within our industry (we are not a ticket agency, we receive no grants). As such, we are utterly dependent on Google to direct search users to our content.

Response to the Fair Ranking Conduct Requirement

Transparency in search ranking

Item 5 of the proposed CR in 3.1 is critically important to us: it is an absolute necessity that we should understand how the ranking system works, and when it changes, clearly enough to avoid wasting huge time and resource guessing at what we should do. Frankly, the documents referenced in 4.12 as being described by Google as "a large amount of information about its ranking and presentation of search results" are moonshine – I would defy anyone to turn them into actionable tasks with any certainty of doing so to the Googlebot's satisfaction.

I'm fully aware of Google's concern about bad actors gaming the system – but right now, that gaming is happening anyway, and I believe that they are erring way too far on the side of opacity.

I would also note that Google's advice does not always match reality: I would point to the sitemap priority field as something that we have been careful to set properly, but where I have no evidence that Google pay any attention to it whatsoever. Since March 2024, we have suffered badly from Google prioritising our older, less relevant articles at the expense of newer, better articles that we have stated clearly is at a higher priority.

I'm also specifically not asking Google to tell us what content to create. We assiduously obey their exhortations to "create great content" and trust the Googlebot to find it; but our trust is limited.

Proper transparency would be an excellent start; what would be even better would be a requirement for feedback. This does not need to be a "complaints system" as such: we simply need to be told about things that are imperfect in what we have done. For example, statements like "your URLs are too long and we have ignored everything after 64 characters" or "this page has been downrated because we detected keyword-stuffing" would be immensely helpful.

Prioritisation of Google's own content

Even where we rank highly in organic search, we have seen significant erosion in our search performance within the last year, resulting from Google prioritising YouTube videos and AI

summaries ahead of the first organic items, augmented by large blocks of "people also searched for" or Wikipedia excerpts. The problem is exacerbated by the fact that the majority of our traffic comes from mobile phones, where users are often required to scroll down several screenfuls of such material before they reach the first organic search result.

In the case of AI summaries, this practice is clearly referred to in section 4.5 of the document, but it's not clear to me that it is properly reflected in the proposed Fair Ranking CR in 3.1. I think it's critically important that it should be.

I would like to join those mentioned in the 1.9 (b) (i) who have expressed concern that Google gives priority to partners who have a deal with them – the name Reddit was mentioned; I might guess from typical search results that Quora and Wikipedia are in a similar category.

Exclusion of paid-for content

While I don't object to the exclusion of paid-for search results, section 3 seems to me to be dangerously worded: in particular, I believe that Google could use it to void any complaint in the area of 4(a)(ii) by simply stating that the relevant content had been paid for. I suggest that rewording is needed.

I would also add my concern over the increasing blurring of paid-for and non-paid-for search results, which were once clearly delineated. I believe that in the interests of fairness, the CR should require Google to reinstate that clear delineation. It's not clear to me what would be the best way of incorporating this into the structure of the proposed CR, but I hope a way can be found.

Response to the Publisher Conduct Requirement

I have little comment to make other than to express my full support. Sections 9 and 11(b) of the proposed CR seem particularly important to us.

The one comment I would make is on the phrase in 1.15(c) "inhibiting publishers' ability to maintain and improve their compensation for such content". As a small publisher, that ability is currently non-existent: we have no way of even requesting that Google compensate us for use of our content in training.

I would feel far happier if such a way existed and there was a clear framework for a small site to make its content available in return for compensation at some reasonable rate. My guess is that this nirvana is outside the scope of the proposed CR, but I would make the point that such a framework would make a substantial contribution to fairness in Google's use of our content for training. It would then be up to us to set the balance between remuneration for Google's AI use versus remuneration from advertisers on our own site – if the market is efficient, this could be to the benefit of end users overall.

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Director, Bachtrack Ltd
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