



Berlin, 25. Feb. 2026

Corint Media submission on the CMA's proposed conduct requirements, further to the SMS designation of Google in General Search and Search Advertising

Dear Sir or Madam,

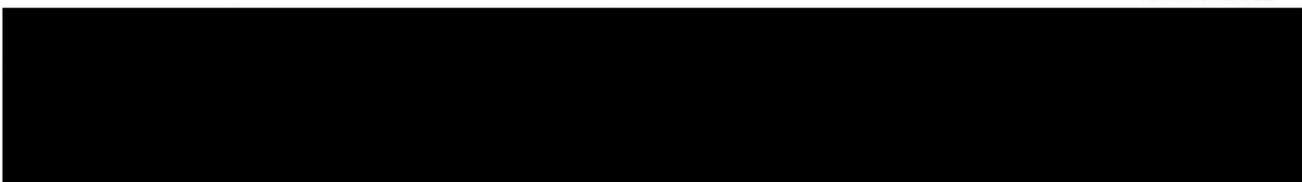
Corint Media thanks the Competition and Markets Authority ("**CMA**") for the opportunity to comment on the proposed conduct requirements for Google Search and related services.

Having reviewed the consultation documents carefully, we are concerned that some sections appear to adopt **Google's own framing** – a *misleading euphemism designed to obscure anti-competitive conduct*. The CMA has been granted far-reaching investigative and enforcement powers under the Digital Markets, Competition and Consumers Act 2024 ("**DMCCA**"). We urge the CMA to fully exercise these powers to protect the UK's digital economy and to set a regulatory benchmark for Europe.

1. Introduction to Corint Media

Corint Media GmbH is one of Europe's leading rights management organisations for private television and radio broadcasters as well as digital press publishers. We are a **regulated non-profit** organisation based in Berlin, representing over 500 rightsholders. We have **collected over one billion Euros** in fair remuneration and are dedicated to sustaining a viable digital media ecosystem.

Inter alia, our mission is to secure the financing of professional journalism through the enforcement of press publishers' rights and regulatory compliance vis-à-vis global digital platforms. In view of Germany's enactment of the first press publishers right worldwide already in 2013, no other collective rights management organisation has a more profound and **longstanding experience** regarding the challenges and pitfalls of enforcing fair remuneration **vis-à-vis Google** and other Big Tech monopolies.



2. Cooperation with the European Commission

Corint Media is in continuing exchange with the European Commission's Digital Markets Act ("**DMA**") and Article 102 TFEU enforcement teams and closely cooperates with the German Federal Cartel Office. The challenges identified by the CMA mirror those raised on the continent under both frameworks.

With this submission we, therefore, aim to contribute to a **consistent regulatory approach** between the United Kingdom and the European Union.

3. CMA Has Not Yet Requested Raw Data and Full Disclosure of Algorithms

We understand that, under the DMCCA, the CMA has far-reaching investigative powers. Therefore, we are surprised that the CMA has not yet required Google to produce **raw ranking data, training datasets**, and information regarding **algorithmic weighting**. The DMCCA empowers the CMA to demand such disclosure directly.

At present, CMA analysis appears to rely heavily on submissions from smaller competitors such as Ecosia or DuckDuckGo. Commendable though their insights may be, this *outsourced understanding* cannot substitute for forensic data access. Effective regulation requires evidence, not inference.

We **encourage the CMA** to force Google to disclose all relevant **raw data** directly to the CMA, including all **details of its ranking algorithm** as this would reduce the guesswork and ensure fact based as well as manipulation free investigations and, thus, make enforcement more reliable.

4. The existential Threat to Press Publishers

Independent **press publishers invest heavily** in verifying information and maintaining journalistic standards yet now face systematic appropriation of their content by dominant digital gatekeepers. Google's products, especially AI Overviews and AI Mode, directly consume, summarise, and monetise press publishers' work while eliminating user referrals and visibility.

This practice dismantles the press publishers' capacity to fund journalism. In Germany, ad revenue has collapsed. Where Google has offered token "partnerships," they are illusory markets. Google uses its dominant position to enforce unilateral "take-it-or-leave-it" arrangements that exploit press publishers' dependency on Google's distribution.

Corint Media's long-standing experience shows that licensing income cannot compensate for the loss of user visibility. Once audiences are captured within Google's own interface, brand awareness, readership, and subscription potential are lost irreversibly. **The damage is structural, not transactional:**

Independent press publishers face existential economic challenges in the digital information market. Their livelihoods are on the line. And the threat should be addressed immediately, not only for the sake of press publishers but, more importantly, for the sake of the public's access to professional journalism. **Reliable, well-funded journalism** that can fairly be **accessed by the public** is a crucial element of any democracy.

However, the press publishers' content is increasingly used by dominant platforms like Google to train, ground, and display AI-generated responses: without sufficient transparency, oversight, or compensation. The resulting loss of visibility and referral traffic has direct consequences for the ability of press publishers to finance professional journalism. In our view, this situation **undermines media plurality and damages democratic discourse**.

If Google's anti-competitive conduct through AI Overviews continues unchecked, the damage to Germany's (and the UK's) press publishers and the journalistic ecosystem as a whole will be deep, exclusionary, and permanent. Without decisive enforcement and fair economic returns, professional digital journalism in all its formats will no longer be financially sustainable.

Press publishers dedicate **significant financial and human resources** to producing trustworthy journalistic work (sustaining news desks and correspondents all over the world; commentary and investigative reporting) that nourishes public discourse and informed civic choices. This work relies on large teams of journalists, editors, and subject-matter experts who invest countless hours in researching, writing, verifying, and updating material. **Editorial oversight and multi-layered fact-checking processes** ensure accuracy and credibility, helping publishers safeguard both the integrity of their output and their reputations. Each year, press publishers collectively spend millions to produce original, high-quality news content.

Dominant online platforms are systematically copying, extracting, and summarising press publishers' works on a massive scale without obtaining consent or providing adequate payment. With the very help of the usage of journalistic content Google, Meta and Amazon have been able to attract one **out of every two advertising euros**, and even more than **seventy percent of advertising revenue in the digital world**. Moreover, Google has effectively prevented the establishment of working licensing markets in Germany as well as in the other EU Member States, contrary to the intention of the German and European legislators. This will lead to a competitive erosion of free journalism.

Generally speaking, Google does not offer any adequate compensation for using the press publishers' high quality input. Google does not offer *any* remuneration for using content in AI Overviews and AI Mode, save for a few token "partnerships".

Google has entered into AI content "partnerships" with a small number of prominent press publishers. These arrangements are not a genuine licensing solution. Rather than negotiating industry-wide, transparent contracts that recognise the economic value of press publishers' intellectual property, Google selectively hands out limited-term deals to a small group of press publishers under unequal conditions.

This pattern closely **mirrors** the strategy already seen with **Google News Showcase ("GNS")**. Under the GNS scheme, only a limited number of press publishers received significant payments, while the majority were excluded.¹ Even those selected were granted funds only on the condition that they also sign Extended News Preview ("**ENP**") contracts. These ENP contracts bundled the supposed GNS-payments with a parallel licence for the press publishers' right. By binding the two together, Google effectively used GNS as a lever to force acceptance of the ENP terms, leaving publishers with no meaningful choice.

¹ At least initially, before the intervention of the German Cartel Office. Further, collective management organisations were barred from the negotiation and press publishers forced to leave Corint Media if they sought GNS payments.

In substance, ENP became a **Trojan horse**: it allowed Google to claim that the statutory press-publishers' right had already been licensed and that a "market rate" for remuneration had thereby been established. Yet those rates were set unilaterally by Google at artificially low levels, **bearing no relation to the real economic value** of the journalistic content used to underpin its services.

These isolated deals **create the appearance of compliance and cooperation**, while in practice they **divide the publishing sector**, amplify bargaining asymmetries, and allow Google to continue extracting the value of journalistic work without systemic remuneration.

Google is replicating the scheme for AI. Again, by design, Google creates a system of selected "partnerships". These **partnerships are non-replicable, opaque, and discriminatory**. They are offered to a handful of large brands precisely to generate political goodwill and to deflect regulatory scrutiny. Smaller, regional, and specialist outlets, which rely disproportionately on search visibility, cannot access any comparable terms. This not only **entrenches Google's dominance** but also erodes media pluralism by ensuring that only a few "approved" press publishers benefit from temporary relief.

Moreover, - and again similar to the GNS scheme - Google's "AI partnerships" are financially insignificant relative to the scale of the content used. The total expenditure represents a **tiny fraction of the advertising revenue** captured from publisher-derived data and traffic. These transactions therefore mask continued uncompensated use of copyrighted material for AI training, grounding, and generation. The substance of the exchange is one-sided: Google acquires the legal and reputational cover of a licence² while paying token sums that do not reflect the genuine economic value of the data being consumed.

In short, these "partnerships" are a strategic smokescreen. They perpetuate dependency, fragment collective action, and enable Google to claim cooperation where the underlying abuse remains unaddressed. Without **regulatory intervention** ensuring that any content-use agreements are fair, transparent, and open on equal terms to all press publishers, such arrangements will continue to distort the market rather than correct it.

Corint Media has 12 years of experience with the press publishers' rights under the German precursor of the DSM Copyright Directive and the DSM itself. Our experience shows that Google will resort to any trick available to make use of the structural imbalance in bargaining power. Neither individual publishers nor their representative organisations can negotiate equitable terms with a dominant intermediary such as Google if they lack continued support of antitrust authorities. The result is a pseudo-market built on unilateral "take-it-or-leave-it" deals, as evidenced by the ENP-contracts.

The arrival of AI Overviews (and AI-Mode) and similar answer systems introduces a **further, distinct layer of harm**. These tools bypass press publishers entirely, converting user searches into self-contained platform interactions. They divert user attention, data, and potential subscriptions away from original sources, effectively excluding press publishers from the markets for visibility, readership, and monetisation. The problem is not one of pricing, but of market elimination. Getting away with this, Google will be able to not only shift the value add of the preliminary work of the press publishers to its own services but to being also able to substitute their work altogether by generating new informational objects still extracting preliminary work of those press publishers.

² While - on other occasions - disputing the requirement for licencing altogether.

This is why Corint Media has long argued that **compensation alone cannot repair such harm**. Even substantial licensing income cannot substitute for the loss of direct access to readers. The **brand visibility** of press publishers is hidden behind a Google-branded layer of summaries. Further, Google keeps all **data insights** for itself making it hard for press publishers to gain subscribers. Therefore, AI Overviews indirectly affect all revenue streams of digital newspapers. Once the user relationship to the press publisher is broken, the press publishers' competitiveness cannot be restored merely through payments.

Therefore, meaningful remediation must address the root of the problem by re-establishing fair competitive conditions. This includes **enforceable publisher control over how their content is used, guaranteed visibility and referral traffic to maintain viability, and remuneration proportionate to the scale and value of that use**. Without such reforms, dominant platforms will continue exploiting their control of distribution, search, and user interfaces to reinforce their advantage at the expense of independent media.

Timely intervention is therefore indispensable. If the current practices are allowed to persist, they will inflict lasting structural harm on competition, media diversity, and democratic discourse. Once independent press publishers are displaced, no subsequent compensation or remedy will be capable of restoring a healthy and competitive media environment in Europe, including the UK.

5. The CMA is Incorrect: AI Overviews are not Search

The CMA states in its Publisher CR, that “*Google has introduced AI-generated responses to Google Search through features such as AI Overviews and AI Mode*”. The CMA should correct this statement, as this statement is paraphrasing Google’s **self-serving euphemism designed to disguise anti-competitive conduct**.

This characterisation is simply false.

First, the above characterisation fails to recognise that Google’s own AI products **are not subject to ranking within its search results**. This results in an inherent bias that systematically promotes Google’s AI outputs, while diminishing the visibility of competing press publisher content in the SERPs. Due to this preferential and discriminatory presentation, press publishers’ content now appears less prominently in response to user queries, leading to a measurable decline in user engagement and fewer referrals to their websites.

Second, AI Overviews are not part of the intermediary function of search engines. The leading German online search expert, Prof. Dirk Lewandowski³, has characterized Search as the “**retrieval of existing informational objects** on the web”, while AI Overviews constitute the “**generation of new informational objects**”. Treating both as a single product allows Google to use its dominance in Search to unfairly promote its AI Overviews, something that is clearly inconsistent with competition law principles developed under Art. 102 TFEU and now reflected in the DMA. We take it that UK law recognizes this as well.

Unlike conventional search, which allows users to query information across the open web and directs them to external sources through clickable links, Google’s AI Overviews produce their own answers by drawing directly

³ Professor Lewandowski is widely recognized in his field. He has recently been commissioned by the German Media Regulators to author a comprehensive report. The report can be downloaded here: https://www.die-medienanstalten.de//fileadmin/user_upload/die_medienanstalten/Service/Studien_und_Gutachten/KI-Gutachten_2025_final.pdf.

on press publishers' original content. This transforms Google's role: instead of **merely displaying search results** (accompanied by advertising)⁴ that leads users to other websites, Google now uses **generative outputs** that keep interactions within its own service.

In this new model, Google's relationship with press publishers is effectively reversed. The company no longer acts primarily as a gateway to online content but as a gatekeeper that captures and retains user attention. The result is reduced exposure, traffic, and engagement for press publishers. When such conduct involves the use of copyrighted material by a dominant platform without permission, it cannot be viewed solely through the lens of intellectual property law. This constitutes a competition problem with far-reaching consequences for market dynamics.

Google's ability to prioritise AI-generated responses is reinforced by another significant structural advantage: its exclusive access to extensive **data** on how users interact with press publisher content across the web. This information allows Google to see precisely which results users click on and when they choose not to. With this comprehensive visibility, Google can continually fine-tune the layout of search results and the positioning of AI Overviews or its "AI Mode" to maximise the time users spend within Google's own ecosystem instead of navigating to external sources. Press publishers, however, are denied reciprocal access to any comparable cross-platform data.

By consolidating and exploiting engagement data that originates from the press publishers themselves, Google can improve and personalise its generative AI product⁵ in ways that systematically channel user attention toward the Google **walled-gardens**. This deprives press publishers of referral traffic and vital audience insights.

From a copyright perspective, press publishers only grant Google a restricted licence for a specific purpose – namely, for the display of their content within search results. This licence does not extend to other uses, such as the training of Google's large language models, especially where those models compete with the press publishers' original work. The right to determine the conditions under which a property may be used belongs solely to the property owner, not to Google. However, copyright law (even if it was strengthened to unequivocally include AI usages) alone cannot address the imbalance that Google's dominant market position has created.

Therefore, we welcome that the CMA is addressing the issue.

6. AI Overviews Substitute Human-Generated Content

Google's AI Overviews, by automatically generating composite answers to user queries based on publishers' works, directly **substitute the human-created journalistic content** they summarise (often introducing hallucinations and errors). This conduct displaces traffic from press publishers' properties and thereby diminishes both reach and revenue of the original content producers. In practical terms, AI Overviews receive the user attention that previously went to the press publishers.⁶

⁴ This constitutes the first layer of value extraction.

⁵ Again: This is not a "generative AI search feature", as Google likes to frame it.

⁶ To be fully precise: even the traditional search engine model is based on Google inserting itself between the press publisher and the public.

This creates not only economic harm but a public risk: users are misled by machine generated answers presented as authoritative.

7. Interim Measure: Disallow AI Overviews until a Fair System has Been Tested

Until a fair and competitive solution has been found, the CMA should **fully disallow the display of AI Overviews as an interim measure**. The harm caused to press publishers is immediate and severe, while the competitive effects of these products remain untested. Allowing AI Overviews to proceed unchecked **risks** locking in structural market imbalances that will be very difficult (and eventually impossible) to remedy later. The European Union, as well as the CMA⁷, have stressed multiple times how **very minor changes in user interfaces affect the content visibility and user engagement**. Therefore, before allowing Google to insert AI Overviews on the top of the most visited website on earth, there should be thorough and independent testing of any remedy. Especially, as the most likely only effective remedy will likely be an unbundling obligation.

Google carries the burden of proof that its system complies with UK regulations. Hence, it should not be allowed to roll out any untested AI service, especially not on the top of its page without prior approval by the CMA.

8. Remedies

a) Unbundling of AI Overviews from Search

Google's conduct combines two distinct products: its general search service and its generative AI product (AI Overviews/AI Mode) into a single, inseparable package. Under established competition principles, including those reflected in Article 102 TFEU and now implemented in the DMCCA, this form of product tying is forbidden when undertaken by a dominant undertaking and when it forecloses competitors or constrains choice.

As detailed above, Search has an intermediary function: it indexes existing websites and provides users with links to external informational sources. AI Overviews, by contrast, generate new informational objects trained and grounded on third-party content, particularly press publishers' works, without directing traffic back to those original sources.

These are fundamentally different economic and functional products. Users may wish to search for information without AI summaries; publishers may consent to their content being indexed for Search but not used for generative AI. Yet Google offers no possibility to separate one from the other. Therefore, access to the traditional Search product is bundled compulsorily with Google's new AI output, an abuse of dominance that forecloses independent media.

The outcome is an example like well-known patterns of classic tying abuse: Google Search (the tying product) is dominant and unavoidable. AI Overviews (the tied product) is made mandatory for Search consumers and content suppliers.

The required remedy is therefore a **complete unbundling**. Because Search and AI Overviews serve different market purposes and rely on different legal frameworks (indexing vs content generation), they must be

⁷ Cf. 5.365 of the 2020 CMA DAMS final report, p. 305, https://assets.publishing.service.gov.uk/media/5fa557668fa8f5788db46efc/Final_report_Digital_ALT_TEXT.pdf.

technically, operationally, and legally separated. The AI product must have its own interface, crawler, and dataset. It must not be accessed on the same website as Search and may not be linked to by Search.

Unbundled, the inclusion of third-party content in AI outputs must depend on explicit consent (a whitelisting model, not an opt-out model of any kind) and a standalone business relationship. No consumer access to AI Overviews should occur within the core Search results page.

b) Minimum Safeguards: Non-Preferential Display and Ranking of AI Overviews

In any event, should the CMA not follow the proposed unbundling approach, a thorough testing and a thorough assessment are needed and should be measured (by the CMA) based on raw data. The CMA should test for the question whether proposed remedies have empirically reversed all negative effects (e.g. changes in click-through-rates, referral traffic, decline of advertising revenues on independent websites) of the anticompetitive behaviour (e.g. bundling, self-preferencing)? Once initial testing has occurred, any (even small) change needs to be subject of an **ongoing trialing and monitoring** regime to ensure fairness and compliance.

Should AI Overviews (or any similar service) continue to be allowed to exist on the Google Search page, at least the following safeguards must be applied:

- aa) AI Overviews **must not be ranked at the top of the search results** page by default.
- bb) Their **length** should not exceed that of competing content, including content from press publishers.
- cc) AI Overviews should **not be visually highlighted** in any manner that draws disproportionate user attention compared to other results.

Such measures are the **bare minimum requirement** to ensure equal competitive conditions for all types of content providers.

Traditionally, search engines rank links (snippets) to external “informational objects” and try to optimise for relevance, correctness, timeliness, and completeness.⁸ If these criteria were applied fairly to AI Overviews, they would not regularly earn the top spot, quite the opposite.

If **objective criteria** are applied, AI Overviews **could not earn a high ranking today and will not earn it for the foreseeable future**. LLM answers are generated based on statistical word probabilities, not truth values. They cannot reliably distinguish true from false statements, they tend to invent facts and sources (“**hallucinations**”) and may give different or even contradictory answers to identical queries. This is completely different from news press publishers that invest heavily in manpower and resources to fact-check many aspects of a published article. Humans can reason, AI is fundamentally probabilistic.

Even with **Retrieval-Augmented Generation (RAG)** – where external documents are retrieved and used as a basis for answers – the generative component remains probabilistic, so factual errors are system-inherent and cannot be fully eliminated. There is little empirical evidence as to whether (or by how much) RAG improves reliability. What is evident however, is that RAG displays an (often reputable) source. A user is falsely led to

⁸ Lewandowski, D. (2021). Suchmaschinen verstehen (3rd edn). Springer Berlin Heidelberg. <https://doi.org/10.1007/978-3-662-63191-1>.

believe that if AI-Overview quotes a reputable source, the AI answer must be as reputable as well. However, this is not the case. When AI uses RAG, its system **remains probabilistic**, therefore it cannot guarantee correctness or faithful representation of the underlying documents.

These **errors** are particularly problematic because they **are seldom obvious**. The high linguistic fluency and plausibility of LLM outputs makes them persuasive and hard to critically assess. General warnings such as “AI answers may contain errors” shift responsibility to users without realistically accounting for the effort needed to verify content; empirical work⁹ suggests that users rarely click through to sources or systematically check AI outputs, even though many have already noticed misleading information.

The CMA can easily test the extent of errors in AI Overviews, e.g. by prompting it to give answers to a known subject. Professor Lewandowski has done so by generating absurd answers about his own university.¹⁰ More worryingly, AI Overviews invent sources. In a prominent German case, a lawyer who had submitted an AI-generated brief that included non-existent sources, was reprimanded by the court for doing so.¹¹

AI Overviews are fundamentally flawed as their (lack of) “reasoning” is replaced by superficial cues. While it is easy to generate error-ridden AI answers on any absurd topic,¹² AI errors extend to serious matters, including serious distortions of historical facts. Writing from Berlin, we would like to point out that AI Overviews fully misrepresented the historical Song “**Adolf Hitlers Lieblingsblume ist das schlichte Edelweiß**” (“**Adolf Hitlers favourite flower is the Edelweiß**”). Such errors in historical and other sociopolitical contexts are particularly harmful to European democratic societies which highly rely on the provision of quality checked, reliable information and context.

In many cases, users would obtain more accurate and complete information by visiting the original sources themselves rather than relying on the summaries produced by AI Overviews. However, the design of Google Search discourages that behaviour. Because condensed AI responses appear immediately at the top of the results page, users often settle for these convenient, though potentially inaccurate, summaries.

9. Necessity of Full Separation Between Search and AI Operations

Corint Media strongly supports the introduction of “**crawler separation**” between Google Search and Google’s AI systems. Currently, Google uses the same scraping bot for both indexing websites (for Search) and collecting data for AI Overviews. Under these conditions, the publisher *opt-out* is ineffective: it is impossible to exclude content from AI training or retrieval without also harming search visibility.

⁹ Cf. *News Integrity in AI Assistants*. (2025). EBU/BBC

<https://www.ebu.ch/files/live/sites/ebu/files/Publications/MIS/open/EBUMIS->

[BBC_News_Integrity_in_AI_Assistants_Report_2025.pdf](https://www.ebu.ch/files/live/sites/ebu/files/Publications/MIS/open/EBUMIS-BBC_News_Integrity_in_AI_Assistants_Report_2025.pdf); Gregory, A. (2026, January 2). Google AI Overviews put people at risk of harm with misleading health advice. *The Guardian*.

<https://www.theguardian.com/technology/2026/jan/02/google-ai-overviews-risk-harm-misleading-healthinformation>; Exploding Topics. (2025). *The AI Trust Gap Report*. Exploding Topics.

<https://drive.google.com/uc?export=download&id=1wqnLXF19uY66byRIAiIGesZGhEPUbEZJ>.

¹⁰ We are happy to provide the CMA with many examples.

¹¹ It is unknown which AI the lawyer used, AG Köln, decision dated 2 July 2025 – 312 F 130/25 (KIR 2025, 341, beck-online).

¹² Try prompting AI Overviews to estimate the weight of four spoonfuls of sunscreen, you will get widely different answers each time (we were able to generate answers between 1.5 grams and 80 grams).

We urge the CMA to not be fooled by Google and its many smoke screens. To only quote two examples of Google's misleading claims:

- "Google-Extended". Google claims that blocking this crawler prevents the use of content for training future AI models. It is important to note that Google defines AI only as uses **outside of search**. Google Extended **does not** allow publishers to block their content from being used in AI Overviews or AI Mode, because Google uses the "Googlebot" to feed both its Google Search index and AI-Overview and AI Mode. Blocking "Google-Extended" will not block Google from using content for AI Overviews or AI Mode.
- Similarly, Google tries to obfuscate the narrative by pointing to meta-tags such as "No Index" and "No Snippet". Again, no press publisher can use meta tags to block AI Overviews or AI Mode. If a press publisher was to use the "No Index" meta-tag, they would lose their entry in the Google Search Index entirely. Therefore, they would lose all discoverability on the dominant search engine and, thus ~90% of all search referral traffic. Our understanding is that using "No Snippet" would lead to a downgrade of the search rank as well as click through rates¹³ and (!) not prevent Google from using their content for AI Overviews or AI Mode.

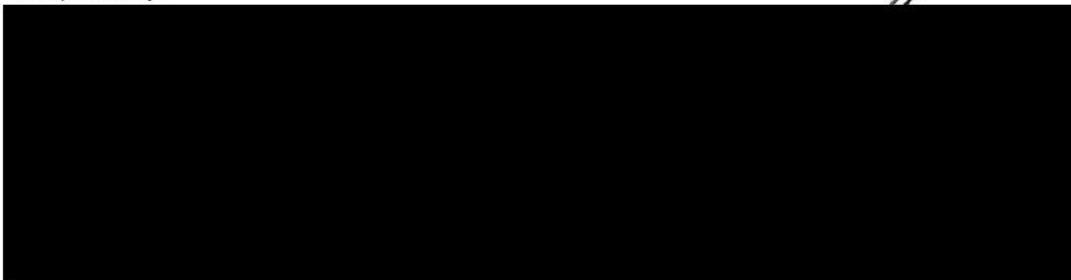
Therefore, at a minimum, the CMA should impose that Google should use two completely separated systems, with distinct crawlers, data storages, and governance. Further, the training and retrieval (RAG) components of AI Overviews must be technically and operationally isolated from all indexing and ranking activities of Search. Without such structural separation, no effective compliance with fair competition principles can be achieved.

10. Conclusion

Corint Media urges the CMA to adopt an approach in close alignment with the European Commission to prevent further market distortions. Given the CMA far reaching powers it can set the example and take the lead. The CMA's intervention can help ensure a sustainable information ecosystem that respects the value of original journalism and transparent competition.

We remain at your disposal for further discussion and cooperation.

Respectfully,

A large black rectangular redaction box covers the signature area. A thin, dark line, likely a pen stroke, extends from the top right corner of the redaction box upwards and to the right.

¹³ A question that the CMA could objectively assess by reviewing Google's raw data.