

NON-CONFIDENTIAL Financial Times Response to the CMA Consultation - Google's general search services: proposed Conduct Requirements – Publisher Conduct Requirement

About the Financial Times

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With a paying readership exceeding one million, the FT is a truly global business: over 50% of our customers are based outside of the UK. In an era of increasing information chaos, FT group journalism provides clarity, certainty and trustworthy journalism. We are pleased to have maintained our position in the 2025 Reuters News Report¹, as the most trusted non-broadcast news organisation in the UK, placing third behind the BBC and Channel 4 News.

1. Summary

The FT welcomes the CMA's proposed Publisher Conduct Requirement ("**Publisher CR**") as an crucial intervention to address clear market harms created by Google's Strategic Market Status ("**SMS**") in general search. The CMA identifies that publishers must allow Google to crawl their content for search visibility, and that this dependency is now being leveraged through the use of crawled content as the basis for search generative AI features (e.g. AI Overviews and AI Mode) and broader generative AI services (e.g. Gemini), in ways that are commercially beneficial to Google, but which have clear and significant adverse effects on the ability for publishers to invest in quality content.

As a trusted news brand, we welcome recognition by the CMA about the associated risks posed by these forms of AI summarisation to publishers' brands, transparency for users, and longer-term investment in high-quality public interest content such as news.

At the heart of our submissions on this topic over recent years has been our desire to see interventions that open up digital markets in order to ensure that they work in the interests of businesses and consumers. In order for that to be the case, it is essential that the Publisher CR is operationally enforceable, resistant to circumvention, and future-proof as generative AI systems evolve.

¹ <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2025>

2. The FT supports the CMA’s theory of harm and analysis of consumer benefits

The FT welcomes the CMA’s proposed Publisher Conduct Requirement ("CR") as a proportionate and necessary intervention to address structural market features arising from Google’s Strategic Market Status ("SMS") in general search.

The CMA correctly identifies that publishers’ ability to reach audiences through search depends on permitting Google to crawl their content. That dependency has evolved: content originally made available to facilitate indexing and referral traffic is now also being used to power generative AI features (including AI Overviews and AI Mode) and broader AI services such as Gemini. Where such features substitute for click-through to publisher sites, they alter the economic balance that has historically underpinned the search ecosystem.

While product innovation is legitimate and expected, it is important that changes in interface design do not undermine the commercial incentives required to sustain high-quality journalism.

The core objective of the Publisher CR should be to restore meaningful choice and improve bargaining conditions in circumstances of structural dependency. For that objective to be realised, the regime must be operationally effective, resistant to circumvention, and adaptable as generative AI systems evolve.

In this context, we recommend changes to the CR in a number of respects:

Effectiveness of “controls” and swift escalation in cases of non-compliance

The requirement for effective publisher controls is welcome, but it must be underpinned by verifiable implementation of compliance and robust enforcement. If the proposed behavioural remedies don’t deliver meaningful publisher choice, the CMA should have a plan in place to escalate to more robust remedies, including requiring structural measures if necessary.

Granularity of publisher choice across AI use cases

Publishers must be able to exercise distinct, granular controls over different uses of IP, including grounding, training, and fine-tuning. As noted in our previous response to the relevant CMA RFI, we believe it essential that we are able to do so at both directory and page level across all use cases. Bundled or imprecise controls would significantly weaken our autonomy and ability to negotiate effectively, undermining the CR’s objectives.

Fine-tuning as an economically meaningful use of content

Fine-tuning represents a distinct and increasingly important use of publisher content, with the potential to substitute for grounding over time. The absence of a dedicated control risks eroding the value of publisher controls and weakening the long-term effectiveness of the CR.

Preventing circumvention and data leakage

The CR must not be undermined by routes through which Google can acquire opted-out publisher content, including via open source datasets. [As recent investigations have shown](#), despite efforts by publishers to have archives of news IP excluded from such third party data sets, reliance on assurances that IP would be deleted from data sets appear not to be valid in practice. The Publisher CR must also prevent secondary source scraping, or onward sale of data to third parties by Google.

Transparency sufficient to support bargaining and verification

Transparency obligations must go beyond high-level metrics and provide publishers with the information necessary to assess commercial impact and negotiate effectively, and identify potential non-compliance. This includes per-feature reporting and metrics that provide meaningful contextual information about Google's use of – and user interactions with – publisher content.

Attribution that is prominent and encourages user engagement

Attribution is central to engendering consumer trust in the quality of outputs, and driving engagement with news brands used as sources for outputs. Requirements should ensure attribution is not only accurate to the text of the source, but is prominent and designed to encourage user engagement with original sources.

Territorial effectiveness and international alignment

The CR should operate in a way that avoids territorial loopholes where UK publisher content is used in non-UK AI services. Greater clarity on territorial application, alongside international regulatory alignment, will support effectiveness and legal certainty.

Independent and ongoing compliance oversight

Ongoing independent compliance audits are necessary to ensure that publisher choices are respected and that controls operate to provide control and choice for website owners as intended.

Implementation timetable

A six-month implementation period risks unnecessarily delaying relief from well-evidenced harm. The core requirements of the Publisher CR build on existing systems – precisely because it will be easier for Google to implement - and could be implemented more rapidly.

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