



Football Writers' Association Response to the CMA's Proposed Google Search Conduct Requirements

Selective Licensing

Submitted on behalf of the Football Writers' Association (FWA) by [REDACTED]

The Football Writers' Association represents professional football journalists working across national newspapers, broadcasters and independently on digital platforms. We write to address a specific competition concern arising from AI-integrated search functionality: **the selective licensing of journalistic content** by a platform designated with Strategic Market Status (SMS) under the Digital Markets, Competition and Consumers Act 2024 (DMCC Act).

We are not aware of this issue having been raised in any other submissions that we have had access to, and we believe that this concerning activity could also provide a positive framework for an industry-wide solution.

Football journalism is more than match reports. It investigates ownership structures, financial sustainability, governance and regulation. It holds institutions to account. It gives voice to supporters and communities. If the underlying reporting plurality diminishes as we move to an AI-centred world, the consequences will extend beyond the sports pages.

1. AI-Integrated Search

AI-generated news summaries embedded within search services rely on third-party journalistic reporting as the key input. Where a dominant search platform internalises that value — presenting synthesised responses that reduce the need for user click-through to original sources — the platform effectively shifts economic value away from content producers.

If, in parallel, the platform enters into commercial licensing agreements with only a limited number of major publishers (as, we understand, Google is currently doing through the 'Google News Showcase' initiative), it risks:

- Distorting competition in the market for news production;
 - Entrenching some select incumbent publishers;
 - Denying smaller, independent or specialist publishers, and individual journalists, from meaningful participation in AI-related revenue streams.
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2. Exclusionary Risk

Selective licensing by an SMS firm carries a risk of exclusionary effect.

Where:

- AI-generated search responses reduce referral traffic to publishers;
- Only certain publishers receive compensatory commercial terms;
- Independent publishers and individual journalists lack access to equivalent arrangements;

the cumulative impact will:

- Accelerate market exit among smaller publishers;
- Reduce entry incentives for new journalistic ventures;
- Narrow media plurality in football reporting.

We understand that the DMCC regime is expressly designed to prevent SMS firms from engaging in activity that distorts competition, yet selective licensing appears to be occurring and will be distorting.

3. Fair Dealing Obligations

We submit that the CMA's Conduct Requirements should ensure that any licensing arrangements connected to AI-integrated search comply with non-discrimination and fair dealing principles.

In particular:

- Equivalent commercial terms should be made available to all qualifying publishers/journalists on fair, reasonable and non-discriminatory terms.
- Eligibility criteria should be transparent and objectively justified.
- Access should not depend solely on scale, bargaining power or pre-existing corporate relationships.
- Independent and journalist-led titles should have a realistic and practical route to participation.

Absent such safeguards, selective agreements risk becoming a mechanism through which an SMS firm effectively determines which publishers become economically viable.



Conclusion

AI-enhanced news search depends upon original reporting as the core input. If compensation frameworks are selective, the economic viability of independent journalism will weaken, and market concentration will increase.

We understand that the CMA's role under the DMCC Act is to ensure that firms with Strategic Market Status do not distort markets through exclusionary or discriminatory conduct.

We therefore respectfully submit that any AI-related licensing arrangements implemented by an SMS search provider (for example, under the Google News Showcase initiative) should operate on transparent, fair, reasonable and genuinely non-discriminatory terms, accessible to all qualifying publishers and individual journalists.

Such an arrangement would be an important step towards ensuring fair compensation is received by qualifying content creators and could provide a framework to ensure an appropriate structure is in place to incentivise journalism in the age of AI as a whole.