PPA (Professional Publishers Association)

CMA Consultation

Google's general search services: proposed conduct requirements

For inquiries regarding this submission, please contact:

██████████ Head of Policy and Public Affairs,

Professional Publishers Association, Chancery House, Chancery Ln, London WC2A 1QS

██████████████

About the PPA

The PPA (Professional Publishers Association) is the trade association for magazine media. The magazine industry alone is worth £4.4 billion to the UK economy[1] and part of a broader creative industry with a GVA contribution of £125 billion[2].

The sector employs 55,000 people[3] across a range of skills from journalists and videographers to technology developers and data analysts. These publishers are multiplatform trusted editorial brands who have humans accountable for what they put out to their audiences. Together they reach over 83% of the UK adult population each month[4].

The PPA has a broad church of over 200 publisher members ranging from:

- Large multinational consumer businesses - including UK household names like Good Housekeeping, British Vogue, The Week and New Scientist.

- Business media – for decision makers who rely on insights daily and are leading some of the biggest industries shaping our world today (e.g. financial services, energy, pharma and retail). But also including brands that are helping people on the ground do their jobs better (Nursing Times and Farmers Weekly).

- Independent publishers from SMEs to entrepreneurs, including brands speaking authentically to diverse communities – Black Business, and Inclusive Design, an interior design magazine for the disabled community.

- A real diverse mix of publishers and brands but all bound together by the fact they are creating trusted editorial for the communities they serve.

Introduction

The PPA strongly welcomes the Competition and Markets Authority's (CMA) decision to exercise its new interventionist powers in digital markets to promote a fairer and more competitive value exchange between publishers and Google Search services.

The CMA has rightly recognised that Google Search enjoys entrenched and substantial market power. As the primary access point to information in both our personal and professional lives, publishers have long been dependent on Google to ensure that users who wish to find and consume their content are able to do so.

---

[1] Thomas, Lawrence "Magazine Publishers in the UK- Market Research Report (2014-2029)" 2024
[2] Creative UK (2025). Link.
[3] PPA "Sector Insight Report" 2021. Link.
[4] Ibid.

Publishers understand their relationship with Google as one between content provider and intermediary. At its best, this relationship can deliver mutual benefits: publishers supply high quality content that attracts users to search services, while those users generate traffic and advertising revenue for publishers. To support this model, publishers have invested heavily in developing professional expertise in search engine optimisation and in interpreting how their content is indexed, ranked, and presented by Google.

However, this expertise has not protected publishers from routinely experiencing unexplained and punitive downranking in search results. As a result, the relationship has been fundamentally unequal, with Google able to leverage its position to appropriate a disproportionate share of the value created by publishers' content. The Fair Ranking Conduct Requirement (CR) is therefore strongly welcomed by the industry, as it recognises the need to protect publishers from arbitrary or punitive treatment by a platform that occupies a position of significant power.

The search market has evolved rapidly in recent years with the emergence of AI, and the challenges facing publishers have evolved accordingly. Users now have access to a growing range of services that provide instant answers to queries (which are drawn from publishers' Search Content) without requiring a click through to a website. In response to competition from AI assistant tools such as ChatGPT and Perplexity, Google has rolled out new AI-driven products within Search, including AI Overviews, AI Mode and more recently AI summarise in Discover feeds. The CMA has rightly recognised that publishers currently lack sufficient control over the use of their content in search generative AI offerings, as well as sufficient data to understand how that content is being used.

Ahead of the publication of the proposed CRs, the PPA submitted evidence to the CMA calling for Google to be required to provide end-to-end transparency across crawling, use, attribution, and traffic measurement. This would include distinguishing between search indexing and AI related crawling, disclosing when and where publisher content appears in generative AI search features, enabling clear identification of acquisition sources in analytics, and ensuring clear attribution and functional linking whenever publisher content is used in AI generated surfaces.

In that submission, we highlighted that the introduction and expansion of AI Overviews are having a materially harmful impact on publishers by diverting user engagement away from original sources and undermining the long standing "content for clicks" value exchange that underpins the publishing ecosystem. Despite stable or improving search rankings and impressions, publishers are experiencing significant declines in click through rates and traffic as users increasingly receive answers directly within the search results page, leading to a rise in zero click searches. This loss of traffic has direct commercial consequences, including reduced advertising and affiliate revenues, and is

particularly acute for high investment, evergreen content such as buying guides, reviews, and specialist explainers. The submission also emphasised that Google's lack of transparency regarding the performance and impact of AI Overviews prevents publishers from properly assessing these effects or testing claims that AI driven traffic is of higher quality, while existing opt-out mechanisms remain blunt and disproportionate, leaving publishers with no meaningful way to protect their content without risking loss of visibility in search.

The proposed publisher CR addresses many of these issues by introducing mandatory control mechanisms and transparency obligations. However, following extensive consultation with our members, we note that publishers remain deeply concerned about the risk of ▇▇▇▇▇ treatment for exercising these controls, notwithstanding the explicit intention of the CR to prohibit such behaviour. Publishers are also concerned that gaps or loopholes in the controls could result in an "illusion of control," providing only nominal safeguards while failing to deliver meaningful agency in practice

Therefore, throughout this submission, the PPA will make the following recommendations:

1. Begin developing and consulting on a CR addressing fair payment for content immediately, in parallel with the implementation of the proposed measures.
2. Delivery of transparency is a pre-requisite for publishers to meaningfully use the effective controls in the Publisher CR.
3. The effective controls must allow for appropriate granularity for publishers to have meaningful autonomy- in particular:
    a. Controls must allow publishers to opt out on a "per feature" basis; and
    b. Controls must allow publishers to opt out on a "per purpose" basis
        i. Publishers should be able to opt out separately from (i) training, (ii) fine-tuning, and (iii) grounding.
4. The CMA should clearly define what it considers to be grounding.
5. There should be a mandatory interaction between Google and publishers regarding their consent for use of contents
6. The requirement for an independent compliance audit should be ongoing, rather than a one-off baseline assessment.
7. Google should not be allowed to tie search indexing with exploitation of content for generative AI purposes through use of a single unified crawler, rather than separate crawlers.
8. Google should be required to provide publishers with detailed, disaggregated information on when their content is crawled, whether it is used in AI training, fine-tuning, or grounding, and the specific products in which it is used. This information, and associated traffic data, should be:
    a. provided on a per-product basis; and

b. clearly labelled, with traffic from each surface passed through using consistent, trackable identifiers.

9. Google must not be permitted to implement algorithmic changes that effectively punish a publisher for exercising opt-out controls, whether or not punitive intent is explicit.

10. Ranking signals from one surface must not be allowed to inappropriately influence ranking on another surface.

11. Eligibility for the search engine choice screen should not be extended to AI assistive tools such as ChatGPT and Perplexity.

Payment for Content Conduct Requirement

1. Begin developing and consulting on a CR addressing fair payment for content immediately, in parallel with the implementation of the proposed measures.

The PPA understands that the CMA has opted to delay further work on any CR relating to fair payment for content for at least 12 months, pending assessment of the impact of the CRs proposed in this consultation.

We urge the CMA to **begin developing and consulting on a CR addressing fair payment for content immediately, in parallel with the implementation of the proposed measures**. This would ensure that an appropriate remedy is ready should the initial CRs fail to incentivise a fair value exchange between Google Search and publishers. It would also create a pathway for remuneration where publisher content is used in search-related generative AI features.

A payment for content CR should operate alongside the Publisher CR, enabling publishers both to exercise controls and to negotiate payment for the use of their content. Without this element, publishers are left to negotiate in structurally unfair conditions, with critical parts of the regulatory framework still missing. The CMA's decision to embrace a behavioural remedy versus a structural one exacerbates this disparity and increased the urgency and need for the CMA to proceed with its work on fair payment without delay.

Publisher Conduct Requirement

The PPA supports the core pillars of the publisher CR: effective controls, transparency and attribution. We also agree with the CMA's findings that the existing tools provided

by Google do not offer sufficient choice to publishers over how their content is used in search.

However, there are several areas where the requirements need to be strengthened to ensure that this CR can succeed in its stated aim to give publishers more choice about how their content is used.

> 2. Delivery of transparency is a pre-requisite for publishers to meaningfully use the effective controls in the Publisher CR.

We wish to underscore that **transparency provisions on Google's Search Content use are inextricably linked with effectively exercising control**. Our members have reported to us that the notion of control is predicated on being able to understand the impact of Google's use of their content. If publishers cannot accurately determine whether the exercise of any controls would have a positive or negative commercial impact, then the controls themselves would be worthless. Therefore, **robust transparency must be a pre-requisite for publishers to have meaningful choice.**

> 3. The effective controls must allow for appropriate granularity for publishers to have meaningful autonomy- in particular:
>   a. Controls must allow publishers to opt out on a "per feature" basis; and
>   b. Controls must allow publishers to opt out on a "per purpose" basis.
>   i. Publishers should be able to opt out separately from (i) training, (ii) fine-tuning, and (iii) grounding.

The controls must allow for appropriate granularity for publishers to have meaningful autonomy. We agree with the findings of the CMA that the existing arrangement where publishers have to opt out of snippets in order to opt out of AI overviews is not a choice tool for publishers at all. As publishers are punished in traffic if they have no snippet whatsoever it cannot reasonably be understood as a choice.

However, **the PPA disagrees with the CMA's proposition to allow Google to group all of their search generative AI offerings together in the controls.** It keeps publishers locked into an "all or nothing" decision making context and doesn't account for the diversity of the ways in which users interact with different AI products in ways that are material to the reasons for having controls in the first place.

For example, members noted that **consumer interaction with publisher content differs significantly between AI Mode and AI Overviews**, both in substance and in user behaviour. AI Overviews are typically used as a "quick answer" surface, while AI Mode is more often used for deeper exploration and research. These are distinct environments, and referral rates and attribution formats differ accordingly. Google's AI products are not homogenous, and they should not be treated as such for the purposes of the control mechanism.

Many publishers have also observed that AI Mode is still nascent and consider that, if AI Mode becomes the dominant interface in future, they may wish to participate in it so that users can explore topics in greater depth and click through to publisher content that would be withheld from AI Overviews. Regardless of whether this turns out to be the case, it should be for publishers to decide whether to say yes or no to this form of engagement with their content, not Google.

For example, if a publisher invests in producing an article titled "*Best Caribbean islands to visit with kids,*" they may wish to opt out of AI Overviews. Users engaging with search in this context are typically asking a highly specific question with a discrete answer and are therefore more likely to click through to the publisher's website where that answer is not fully contained within an AI Overview. Conversely, where the answer is summarised within the AI Overview, users may be less likely to click through.

By contrast, in the context of AI Mode, a publisher may be more inclined to opt in. AI Mode may be more likely to attract a different kind of user who searches for information in a less specific, more exploratory manner and, as a result, are more likely to move beyond a high level summary and click through to a publisher's site for more detailed guidance.

Google's decisions about how to monetise its generative AI products may also differ from product to product, and would increase the need for publishers to have a choice about where their content might appear.

Therefore, **a control that allows publishers to opt out on a "per feature" basis is essential to ensuring that control is meaningful rather than illusory**. Per feature controls would also provide important future proofing, particularly if Google were to seek to leverage market power in one product by bundling it with others, thereby pressuring publishers to supply content to services they would not otherwise choose to support.

Moreover, we believe **that effective controls must allow publishers to opt out on a "per purpose" basis. Publishers should be able to opt out separately from (i) training, (ii) fine-tuning, and (iii) grounding.**

The PPA particularly wish to emphasise the need for a specific control on fine-tuning. As models are fine-tuned with increasing frequency, reliance on live retrieval or grounding will decline. Publisher data used for fine-tuning has independent value and should be subject to meaningful consent and transparency. Arguments that a fine-tuning opt-out would risk down-ranking publisher content should not be accepted: preventing direct or indirect detriment arising from the exercise of publisher controls is a core objective of the CR, including in relation to grounding, and must apply equally to fine-tuning if publisher choice is to be effective in practice. Furthermore, even according to Google, fine-tuning is necessary for text generation. Google should not be permitted to exploit publisher content for the express and admitted purpose of generated textual responses, much as the CMA has recognised the need for control over the same genre of activity, in the context of grounding. **The absence of a specific publisher control over fine-tuning will materially erode the effectiveness of the Publisher CR over time**.

Additionally, the PPA notes that the proposed CR requires Google to provide controls for training and grounding in its broader AI services, but only for grounding in search generative AI features. We are concerned that this creates a material gap, allowing Google to deny publishers the ability to control training of search generative AI features. The CMA should **monitor the impact of this** assess whether the existing provisions will continue to provide publishers with a meaningful ability to opt out of the use of their content for the training of Google's search-related AI services.

> 4. The CMA should clearly define what it considers to be grounding.

T**he CMA should also clearly define what it considers to be grounding**. Without a precise definition, any grounding control mechanism risks being ineffective, leaving publishers with limited or illusory choice.

> 5. There should be a mandatory interaction between Google and publishers regarding their consent for use of content.

The PPA also believes that **the requirement simply for Google to publish publicly how publishers can opt out of appearing in Google search AI features is insufficient**. We believe that there should be a **mandatory interaction between Google and publishers** regarding their consent for use of content. This could come in the form of a **consent banner that appears when a publisher opens the Google Search console**. This would

hold Google's accumulation of publishers' data to the same standards that publishers are held to when collecting data of users visiting their websites.

The control, as presented in the CMA's CRs, is **effectively the most permissive form of an opt-out regime**, with all content included by default. Relying solely on information in the public domain will further exacerbate the challenges publishers face in navigating this new control. Publishers seeking to negotiate more balanced and mutually beneficial terms through the control banner are placed at a disadvantage when others have not opted out simply because they were unaware that opting out was an available option.

The PPA has consistently argued against an opt-out regime in the context of text and data mining for LLMs, as such an approach neither provides a suitable or fair framework for publishers to negotiate with AI developers nor adequately reflects the requirements of copyright law.

We believe that a consent banner would be both technically feasible and a mechanism that can deliver a reasonable compromise that better serves publishers than the proposal currently set out by the CMA.

> 6. The requirement for an independent compliance audit should be ongoing, rather than a one-off baseline assessment.

The requirement for an independent compliance audit should be ongoing, rather than a one-off baseline assessment. As the CMA has suggested, the compliance report should include adversarial testing to verify that publisher content is not used where it has been opted out. It should **also test for punitive downranking of publishers exercising their opt-out controls**. The report should be conducted biannually and remain independent to ensure credibility and enforceability.

> 7. Google should not be allowed to tie search indexing with exploitation of content for generative AI purposes through use of a single unified crawler, rather than separate crawlers.

The PPA echoes the concerns raised by Cloudflare and other publishers that **allowing Google to use a single unified crawler, rather than separate crawlers for search indexing and AI-related exploitation, undermines the objectives of the CRs**. Under this approach, publishers exercising the CMA-proposed controls to opt out of their content appearing in Search AI tools must rely on Google to implement "back-end" separation, rather than being able to use tools to block the crawler itself, before Google

has scraped any data. Critically, this separation only occurs after a publisher exercises a control, by which point content may already have been crawled and ingested by models.

In addition, without crawler separation, publishers will not have access to real-time data about how Google is accessing their content for different purposes, for example the number of times and the date/time the crawlers have accessed content. This is important information for publishers to be able to establish the value of their content ahead of any payment negotiations.

This approach also leaves Google out of step with competitors such as Perplexity and OpenAI, who provide separate crawlers to enable publishers to exercise meaningful choice.

8. Google should be required to provide publishers with detailed, disaggregated information on when their content is crawled, whether it is used in AI training, fine-tuning, or grounding, and the specific products in which it is used. This information, and associated traffic data, should be:
   a. provided on a per-product basis; and
   b. clearly labelled, with traffic from each surface passed through using consistent, trackable identifiers.

The CMA should require greater, disaggregated transparency regarding Google's use of publishers' content. The current CR, which provides only for the publication of aggregated information on search content usage, is insufficient. Google should instead be required to provide publishers with **detailed, content-level information, including when their content is crawled, whether it is used in AI training, fine-tuning, or grounding, and the specific products in which it is deployed**. Such transparency is essential to enable publishers to assess usage, monitor compliance with their intellectual property rights, and negotiate fair remuneration for their content.

While the PPA strongly supports the requirement to provide additional user engagement data in respect of search AI services, separate from general search, it considers that this data should be supplied on a **per-product basis** (including Search, Discover, AI Overviews, and AI Mode). As set out above, these products operate in materially different ways. Publishers therefore require product-specific data in order to make informed commercial and strategic decisions.

The PPA welcomes the CMA's recognition that publishers need sufficient information to assess the **quality and value of traffic generated** by Search, Discover, and AI-powered features. However, inclusion in Search Console alone is inadequate, as it does not enable publishers to identify or analyse user journeys in real time. Google should

therefore be required to **clearly label and pass through traffic from each surface using consistent, trackable identifiers** (for example, parameters that can be carried into analytics tools such as GA4). This would allow publishers to distinguish users arriving from different surfaces, tailor page experiences accordingly, and independently measure engagement, conversion, and monetisation outcomes.

Fair Ranking Conduct Requirement

9. Google must not be permitted to implement algorithmic changes that effectively punish a publisher for exercising opt-out controls, whether or not punitive intent is explicit.
10. Ranking signals from one surface must not be allowed to inappropriately influence ranking on another surface

The PPA broadly supports the Fair Ranking CR, which mandates that Google rank search results in a non-discriminatory and objective manner. We agree with the CMA's findings that Google's historical policy was too "high level" and lacked the specificity needed for publishers to determine when they are being downranked for unfair reasons. Our members report that ranking updates have often been confusing and, at times, misjudged; for example, the "helpful content" update produced outcomes that did not align with the stated aims of the change.

We particularly welcome the Fair Ranking CR's explicit requirement that publishers must not be downranked for exercising the controls mandated under the Publisher CR. This is crucial, as our members indicate they would be reluctant to use these controls if doing so could trigger a penalty. Nevertheless, we believe the following refinements are necessary to safeguard publishers against unfair punitive downranking:

- **Google must not implement algorithmic changes that effectively punish a publisher for exercising opt-out controls, whether or not punitive intent is explicit.**

- **Ranking signals from one surface must not inappropriately influence ranking on another surface.**

Punitive or cross-surface ranking effects could undermine the very purpose of the Publisher CR. Without explicit safeguards, publishers may face indirect consequences

for exercising their lawful controls, including reduced traffic, lower visibility, and loss of revenue. Ensuring that algorithmic updates cannot have the effect of penalising opt-out choices, and that signals from one surface do not bleed into another, is essential to maintain meaningful, actionable control for publishers.

We do not accept that Google cannot control "second order effects" of its algorithms, as is provided in footnote 59 of the Publisher CR. Google must test its systems to ensure they do not disadvantage publishers which have opted out (and this should also be assessed by an independent third party).

Additionally, as previously mentioned in this submission, the PPA recommends that **Google be required to fund biannual reports, carried out by an independent third party, that test for punitive downranking where publishers have exercised controls**.

User Choice

> 11. Eligibility for the search engine choice screen should not be extended to AI assistive tools such as ChatGPT and Perplexity.

The PPA agrees that a mandatory browser choice screen allowing users to select their default search engine would give users greater control over how they interact with Google and alternative search providers.

However, given that the CMA has provisionally excluded Gemini from the SMS designation on the basis that "how it is currently offered and used" falls outside the scope of the digital activity of search, the PPA considers that **eligibility for the search engine choice screen should not be extended to AI assistive tools such as ChatGPT or Perplexity**.

Providing users with a menu of alternative search engines, such as Bing, is in the interests of both users and publishers. However, the inclusion of AI assistant tools within the choice architecture would raise distinct concerns and risk undermining the purpose of the remedy.

The CMA's eligibility criteria require that services included in the choice screen deliver the core experience users expect from a search engine. AI chatbots such as ChatGPT and Perplexity are materially different from search engines. They are not designed primarily to direct users to external websites, but instead present information directly, often synthesised from third-party content, including copyrighted material, without

necessarily driving traffic to rightsholders or operating within established licensing frameworks.

The PPA recognises that the CMA is actively monitoring how consumer behaviour and market dynamics may evolve and **would support a future extension of the SMS designation to Gemini**. However, at present, Gemini remains outside the designation and appropriate licensing and remuneration frameworks for AI assistive tools are not yet in place. These issues are currently under active consideration by government.

Accordingly, **the PPA urges the CMA not to treat AI assistant tools as eligible search engines for the purposes of the browser choice architecture**, particularly while Gemini remains out of scope of the search designation.

Conclusion

In conclusion, the move to implement CRs on Google search services represents a landmark moment and directly addresses the very issue the Digital Markets Unit was created to tackle: preventing dominant platforms from abusing market power.

The CRs proposed by the CMA tackle long standing challenges faced by publishers, including punitive and opaque downranking practices. The PPA also recognises that the publisher CR reflects the evolving challenges of the market, particularly as Google search introduces AI products.

If executed effectively, this regulatory intervention could be transformative for the publishing sector, providing meaningful controls, transparency, and protections. We hope the CMA will work collaboratively with us to make the necessary refinements and would be happy to facilitate further engagement with industry experts to support this process.