

INTERPRETATIVE NOTES IN RELATION TO THE PUBLISHER CONDUCT REQUIREMENT

1. The following Interpretative Notes explain the Competition and Markets Authority (**CMA**)’s interpretation of the Publisher Conduct Requirement it has imposed on Google.¹
2. In accordance with the [Digital Markets Competition Regime Guidance](#) (the **Guidance**), the CMA may publish interpretative notes to accompany a conduct requirement or combination of conduct requirements to provide additional information about the conduct requirement(s).²
3. The purpose of these Interpretative Notes is to provide greater clarity about the CMA’s interpretation of the Publisher Conduct Requirement, including the conduct the CMA expects would likely comply with the Publisher Conduct Requirement and the conduct the CMA expects would be unlikely to comply with the Publisher Conduct Requirement, for the benefit of both Google and other industry participants.
4. Although these Interpretative Notes provide information about the CMA’s interpretation of the Publisher Conduct Requirement, it will be open to Google to take a different approach where it is able to demonstrate to the CMA that its approach complies with the terms of the Publisher Conduct Requirement.³
5. As set out in the Publisher CR Compliance Reporting Notice, as part of its compliance and reporting obligations Google must report on the extent to which Google has applied the CMA’s interpretation of the Publisher Conduct Requirement, as set out in these Interpretative Notes.⁴
6. The CMA may update these Interpretative Notes as appropriate while the Publisher Conduct Requirement is in force, for example to reflect changing circumstances, including changes to technology.⁵

¹ See the Publisher Conduct Requirement Notice: available on the [Publisher CR page](#) and can also be accessed via the [case page](#).

² See paragraphs 3.59 to 3.64 of the Guidance.

³ See paragraph 3.61 of the Guidance.

⁴ See the [Publisher CR Compliance Reporting Notice](#)

⁵ See paragraph 3.62 of the Guidance.

Effective controls

1. Paragraph 2 of the Publisher Conduct Requirement explains that the obligations in paragraphs 3 to 8 of the Publisher Conduct Requirement apply in relation to the outputs of all generative AI services and features shown to any natural or legal persons located in the UK. The CMA considers that it would be reasonable to assume that a person is located in the UK on the basis of the location reported by their device.
2. Paragraphs 3 to 5 of the Publisher Conduct Requirement contain Google's obligations to provide publishers with effective controls to withhold their Search Content from being used for the training (which, for the purposes of interpreting the Publisher Conduct Requirement, includes fine-tuning) and grounding of its broader generative AI services and its search generative AI features.
3. In order to provide effective controls we expect Google to:
 - a. make any changes necessary to the existing Google-Extended control to enable publishers to opt their Search Content out of the training of its broader generative AI services and its search generative AI features and the grounding of its broader generative AI services;
 - b. in relation to the training of its search generative AI features, where a publisher has withheld Search Content through the Google-Extended control, ensure that such Search Content is not used for the purposes of training search generative AI features. However, Google is not required to remove Search Content that has already been added to such models;
 - c. in relation to the grounding of search generative AI features, enable publishers to opt out of the use of their Search Content effectively and efficiently at directory-level and page-level; however, where alternative industry standards emerge, the CMA will consider whether paragraph 4 of the Publisher Conduct Requirement remains appropriate in light of the scope and nature of those standards, the potential burden on Google and the CMA's aim; and
 - d. not take any actions or omissions that would frustrate the effectiveness of the controls.
4. Paragraph 5.a. of the Publisher Conduct Requirement requires that the controls evolve in an appropriate way. The CMA expects Google to keep the scope and operation of the controls under active review over time and to extend them to new generative AI services and features as they are developed and released. The CMA also expects Google to adopt a product-agnostic definition such that the controls scope in services which produce a substantial amount of generative output, grounded on or otherwise using Search Content, in response to user queries.
5. In relation to paragraph 5.b. of the Publisher Conduct Requirement, which requires Google not to actively attempt to circumvent a publisher's choice, the CMA expects Google not to, for example, knowingly pay a third party to crawl the website of a publisher that has opted out of its Search Content being used by

Google through these controls. However, the CMA considers that it would be reasonable for Google to acquire such Search Content through open-source datasets, where these datasets have obtained content legally, given the nature of such sources.

Transparency over Google's use of publisher content and publisher controls

6. To satisfy paragraph 6.b. of the Publisher Conduct Requirement, Google should make available to publishers clear and comprehensive information about the controls it is required to provide under paragraph 3 of the Publisher Conduct Requirement, to enable publishers to understand those controls. Such information should include a description of each control and its overall purpose, the key exceptions and limitations to its scope and an explanation of the publisher content the control covers.

Transparency over user engagement

7. The information Google is required to provide under paragraph 7 of the Publisher Conduct Requirement should enable publishers to take informed decisions about whether to exercise the controls Google is required to provide under paragraph 3 of the Publisher Conduct Requirement.
8. The CMA expects the data Google is required to provide under paragraph 7 of the Publisher Conduct Requirement to include the following:
 - a. user impressions – namely data on the display of a publisher's Search Content as part of a search generative AI feature in response to a user query. This should include data on where the publisher's Search Content is attributed in a search generative AI feature returned in response to a user query.
 - b. user engagement with the publisher's Search Content – including data on click-throughs to the publisher's website from links in search generative AI features and a means by which publishers can easily identify those clicks, and therefore assess their 'quality'.
 - c. click-through rate – providing publishers with the percentage of users who click on a link to that publisher within a Google search generative AI feature ('clicks') where that publisher's Search Content has been displayed within a search generative AI feature ('impressions').
9. The data should be provided:
 - a. on a disaggregated basis for each publisher;
 - b. fully disaggregated from other elements of general search, such as organic search results (including web results, images and videos) and search features other than other search generative AI features; and
 - c. through a commonly accessible platform, such as Google Search Console.

Trust in Google's attribution of Search Content

10. The CMA considers that Google's compliance with paragraph 8.a. of the Publisher Conduct Requirement would ensure the meaningful attribution of Search Content in its search generative AI features and therefore contribute to end users' ability to assess and trust the content they read on the web.

11. We expect Google's obligation to publish Explanatory Information on its approach to attribution, pursuant to paragraph 8.b.i. of the Publisher Conduct Requirement, to include information about:
 - a. how Google identifies what Search Content to attribute in its search generative AI features; and
 - b. the steps it takes to monitor the accuracy of its attributions and what steps are available for publishers to identify Search Content that has not been attributed accurately.
12. Given the way generative AI responses are created, we recognise that search generative AI features cannot always be completely accurate; however, pursuant to paragraph 8.b.ii. of the Publisher Conduct Requirement, we expect Google to outline the steps it takes to ensure and measure the factuality of search generative AI features, including how it deals with factual inaccuracies when they arise.

Publication of Explanatory Information for publishers

13. In relation to the information Google is required to publish pursuant to paragraphs 6 and 8.b. of the Publisher Conduct Requirement, Google should:
 - a. provide the information in an accessible location and format. For example, it could be incorporated in Google's information pages (eg [What Is Googlebot | Google Search Central | Documentation | Google for Developers](#));
 - b. publicise the information, and direct publishers towards it when queries are raised about the use of Search Content;
 - c. keep the information up to date as Google's product offerings and use of Search Content evolves and provide clarity over the scope by reference to the product-agnostic definition as set out in paragraph 4 above; and
 - d. invite feedback from publishers on areas where the information provided lacks clarity or is incomplete and act on such feedback.
14. Explanatory Information may exclude commercial information where its disclosure might significantly harm Google's legitimate business interests. If Google excludes any information from the Explanatory Information on this basis, it must inform the CMA of that information and explain why it has been excluded. For the avoidance of doubt, the fact that (a) a disclosure may affect a publisher's decision to opt out or (b) Google does not currently disclose such information, shall not, of itself, constitute a significant harm to Google's legitimate business interests.

Anti-retaliation

15. Pursuant to paragraph 9 of the Publisher Conduct Requirement, Google should not:
 - a. maintain or introduce ranking signals whose purpose is to downrank, relative to opted-in content, publishers' Search Content in general search outside of search generative AI features as a result of their choice to opt-out; however, the CMA recognises that Google may not be able to control for all possible second order effects of the controls on Google's overall ranking algorithm; or
 - b. make adverse changes, the purpose of which is to display or present publishers' Search Content differently, relative to opted-in Search Content,

in general search outside of search generative AI features as a result of their choice to opt-out. This includes any change to the presentation of publishers' Search Content in general search the purpose of which is to reduce the rate at which users click through to their Search Content, relative to opted-in Search Content, as a result of the publisher's choice to opt-out. Opting out of their Search Content being included in any of Google's generative AI services and features should therefore not lead to a publisher losing features such as snippets.

16. For the avoidance of doubt, Google does not breach paragraph 9 of the Publisher Conduct Requirement if it (i) promotes to publishers the benefits of being included in search generative AI features or broader generative AI services, or (ii) negotiates an agreement with a publisher in relation to that publisher's use of the controls described in paragraph 3 of the Publisher Conduct Requirement.

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