

GOOGLE V. THE NEWS

Content is king, but who owns the kingdom?

Copenhagen, 27 October 2025

PRIVILEGED AND CONFIDENTIAL

GERADIN

PARTNERS

COMPETITION SPECIALISTS

What is the issue?

- Google reproduces news media content on Search and related Google services. Traditionally, news publishers have benefitted from referrals from Google. The relationship was symbiotic.
- However, referrals have dropped as Google provides more content on its SERP, now also including AI Overviews. Meanwhile, Google initially did not pay at all for the use of content created by news media. More recently, it arguably pays an insufficient remuneration for it. What was initially a symbiotic relationship suddenly looks more predatory.
- Do these practices constitute an abuse and/or a DMA infringement?



EU's Ribera flags 'threat' to publishers from AI overviews

20 Oct 2025 | 18:36 GMT | Insight

By Lewis Crofts

Publishers and news sites are facing major threats over the growing use of AI-generated summaries, made without payment or permission under copyright law, the EU's competition commissioner said. In a European Parliament debate about Google's anticompetitive conduct in online advertising, Teresa Ribera told lawmakers that the speed of AI rollout brought "enormous" opportunities but also presented a "real risk" to the media industry.

Google's news blocking experiment must respect EU law

The Commission is clear. If Google removes EU press publishers' content from its platforms in a test, Google must: - not abuse its market power under art. 102 of the TFEU - comply with art. 15 of the copyright directive - comply with the Digital Markets Act - comply with the Digital Services Act - comply with the Platform-to-Business Act - comply with the European Media Freedom Act

AF: KAREN RØNDE - 21. FEBRUAR 2025

PRO TECH

French competition body accepts Google's commitments on 'neighbouring rights'

France's competition watchdog accepts Google's commitments following negotiations with press publishers over neighbouring rights, the body said on Tuesday (21 June), while the US giant said it will not contest the €500 million fine against it.

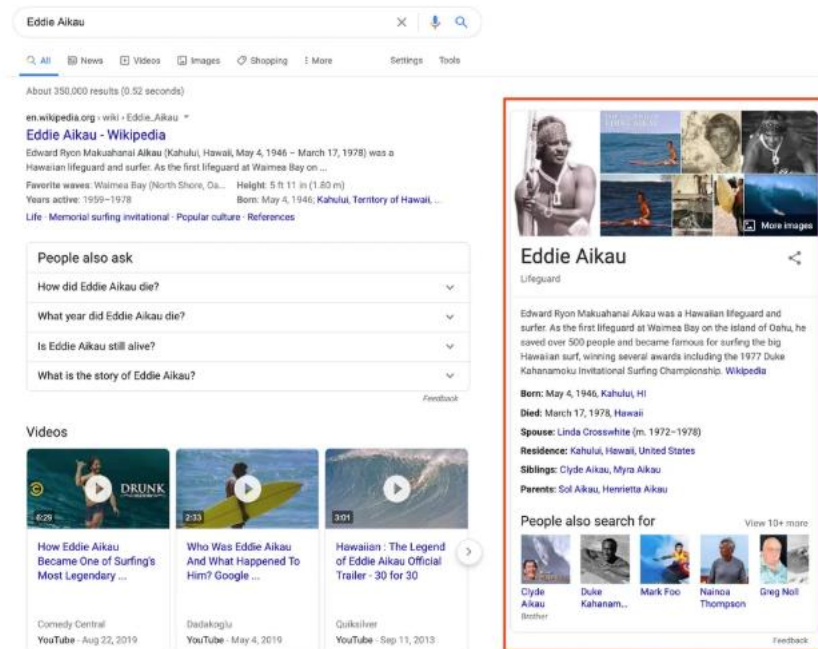
Mathieu Pollet Euractiv France

How does Google use news content?

- Long before the introduction of AI-powered search, Google started using “snippets” of news content on the search engine results page (SERP)



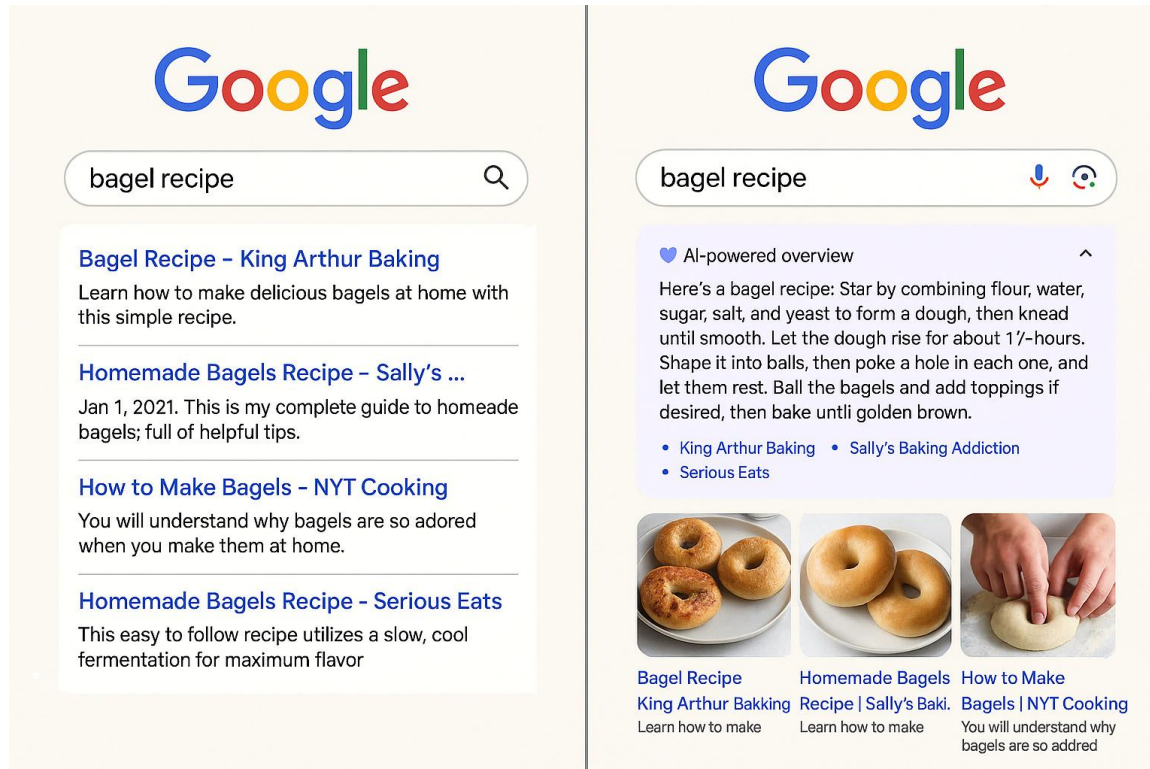
Source: French competition authority



Source: Google

A practice supercharged by AI

- Google has developed from a pure search engine to a tool that answers questions, most recently powered by AI. Compare the old “blue links” to today’s results:



Source: created with ChatGPT

Why does this matter?

- The traditional view: Google benefits from news content to enhance its Search offering, and news publishers benefit from Google because users click on links and land on their websites, earning publishers advertising revenues.
- This only works if users **actually click** on those links. As Google has increasingly published content taken from news media's websites to respond to search queries, click-through rates have been falling. This fall is reported to be extreme with the introduction of AI overviews and AI mode.
- The numbers show:
 - 70% of users may never read beyond the first third of an AI Overview (source: Growth Memo)
 - Click-through rates on desktop decline from 25% to 3% where there is an AI Overview (source: Daily Mail CMA submission)
 - Visibility of YouTube (also Google-owned) in AI Overview ranking has increased (source: Daily Mail CMA submission)
 - Overall, advertising revenues of news publishers have shown a steady decline, whereas Google's advertising revenues have significantly increased.
- The traditional bargain where publishers make up for a lack of remuneration from Google through advertising revenues no longer holds.



Press Gazette Events | October 21, 2025

Google AI Overviews 'leading to affiliate revenue drop of 20-40% at some publishers'

AI Overviews having impact on reviews content traffic of up to 50%, event hears.

By Alice Brooker

Legal framework

- In 2019, the EU adopted **Directive 2019/790** (the “DSM Copyright Directive”). Among other things, the Directive provides for the creation of a related right for the benefit of publishers of press publications, giving them the right to authorise or prohibit the reproduction of their publications by platforms, aggregators and search engines (Article 15).
- **Article 102 of the TFEU** provides a general prohibition on abuse of a dominant position. This includes both exclusionary and exploitative conduct. Exploitative conduct includes both unfair pricing and the imposition of unfair terms.
- Under the **Digital Markets Act**, gatekeepers are prohibited from self-preferencing on their core platform services (Article 6(5)), and must apply fair, reasonable, and non-discriminatory general conditions of access for business users to their search engine (Article 6(12)).
- As we will see, Google’s treatment of news content has led to several competition cases.

French case

- The FCA investigated Google's unilateral decision no longer to display excerpts from articles, photographs and videos within its various services unless the publishers gave it permission to do so **free of charge**.
- Many publishers decided to do so, as they considered that they had no choice but to be visible on Google.
- In its interim measures decision of April 2020, the FCA considered that Google may have:
 - imposed unfair transaction conditions on publishers and news agencies within the meaning of Article 102(a) TFEU **by avoiding any form of negotiation and remuneration** for the reuse and display of content protected under related rights
 - treated economic stakeholders in different situations in an identical manner, without any objective justification, and, therefore, to have employed a **discriminatory practice** within the meaning of Article 102(c) of the TFEU
 - **Circumvented** the Law on Related Rights by (i) using the possibility available to publishers and news agencies to grant free licences to systematically impose a principle of non-remuneration for the display of protected content on its services, without any possibility of negotiation; (ii) refusing to communicate the information needed to determine the remuneration; and (iii) using headlines of articles in their entirety based on the assumption the Law was not applicable to them.

French case (2)

RELATED RIGHTS / GOOGLE

Reminder of the previous steps

Autorité
de la concurrence

JULY 2019

Transposition of the Directive into French law with the adoption of Law No. 2019-775 of 24 July 2019 to create a related right for the benefit of press agencies and publishers

• COMPLAINT OF PUBLISHERS AND NEWS AGENCIES

NOVEMBER 2019

Autorité receives several complaints from SEPM, APIG and AFP against Google

APRIL 2020

The Autorité issues injunctions as part of the urgent interim measures against Google

20-MC-01 of 9 April 2020

•• INTERIM MEASURES AND NON-COMPLIANCE WITH THE MEASURES

JULY 2021

The Autorité fines Google €500 million for non-compliance with these injunctions

21-D-17 of 12 July 2021

JUNE 2022

Google makes commitments to create a framework for negotiating and sharing the information necessary for a transparent assessment of the remuneration of related rights

22-D-13 of 21 June 2022

••• DECISION ON THE MERITS AND NON-COMPLIANCE WITH THE DECISION

MARCH 2024

Fine of €250 million for non-compliance with 4 of the commitments and a breach of the general principle of cooperation with the monitoring trustee

24-D-03 of 15 March 2024

N.B. also: Paris Commercial Court Order in November 2024, ordering Google to **halt** experiment removing news results for certain users.

Spain and Germany

- In March 2023, Spain's CNMC announced the opening of proceedings against Google for “possible anti-competitive practices affecting publishers of press publications and news agencies established in Spain”. The case is reported to be similar to the FCA case, although it also relies on economic dependence of publishers on Google.
- In 2021/22, Germany's Bundeskartellamt looked at a different but related issue, known as Google Showcase. This is a Google service that shows a curated selection of news articles. The BKa investigated Google's terms for Showcase under Article 19a GWB and closed it without formal findings after Google announced changes:
 - Showcase would not be embedded in Search
 - Clauses that made it more difficult for publishers to act through collecting societies were removed
 - Clearer, non-discriminatory access information for publishers

How does this translate to AI?

- AI Overviews and AI Mode have supercharged publisher concerns around the use of their content by Google.
- First, this **exacerbates existing concerns** such as those considered in the French and Spanish cases.
- Second, this raises **new questions**:
 - What is the position when it comes to **training** and **grounding**? In the French case, training was covered through a breach of the FCA commitments. Absent such commitments, publishers can opt out of their data being used to train AI models, **but** it is reported that Google still uses such data when preparing AI Overviews, even when publishers opt out. The only way to opt out of AI Overviews is to opt out of Search altogether. That would mean a huge drop in traffic.
 - Is an AI overview a “reproduction of a publication” (DSM Copyright Directive), or is it something else?
 - What about the DMA? Is Google potentially:
 - Self-preferencing its own AI response tool over those of others?
 - Imposing unfair terms of access on publishers (as business users of Search)?
 - What about copyright, are all these concerns not better addressed through an update of copyright laws?

Google is using content from publishers who “opt out” of other AI training to power AI Overviews

LINK: [WWW.BLOOMBERG.COM](https://www.bloomberg.com) | POSTED BY: ANDREW DECK | MAY 5, 2025

Google has been using publisher content for AI Overviews — even if publishers have “opted out” of being used to train Google’s Gemini model, according to testimony from a Google product VP.

EQ

BBC

Register

Sign In

Is Google about to destroy the web?

13 June 2025

Share Save

Thomas Germain



Generative AI developers to see EU lawmakers call for extraterritorial copyright

By Luca Bertuzzi

October 20, 2025, 09:28 GMT | Insight

EU lawmakers are preparing to call for EU copyright laws to apply extraterritorially to generative AI systems, meaning AI models trained outside the bloc would still need to comply with EU copyright rules to access its market. The draft also seeks mandatory transparency on training data and a shift from the current “opt-out” system for rights holders.

RELATED SECTIONS

Artificial Intelligence
Intellectual Property

Things to look out for

- European Commission is actively monitoring these issues and is reported to have received complaints (source: Reuters)
- CNMC decision is due
- Chegg v Google litigation in the U.S. relies on antitrust law to address use of content
- Several ongoing initiatives under copyright laws may have an impact on the treatment of these issues under competition law, see the FCA case and the CJEU in *Meta v Bundeskartellamt*
- Impact of AI on Google's market position.



TECH

Chegg sues Google for hurting traffic with AI as it considers strategic alternatives

PUBLISHED MON, FEB 24 2025•5:05 PM EST | UPDATED TUE, FEB 25 2025•9:38 AM EST



Jordan Novet
@IN/JORDANNOVET/



Jennifer Elias
@JENN_ELIAS

SHARE [f](#) [X](#) [in](#) [✉](#)

Things to look out for (2)

- The jury is still out on what is the most appropriate analytical framework:
 - Copyright law (or an amendment of copyright laws)
 - Article 102(a) (exploitative conduct) → essentially the French approach
 - Article 102 (exclusionary conduct – with Google leveraging its market power in Search to gain market share in AI-powered responses to queries) → Google Shopping 2.0?
 - DMA Article 6(5) (self-preferencing) or 6(12) (unfair terms of access)
 - A combination of all or some of these?