

The prominent cases are Google Search (Shopping) and Google Android

	Case	(Alleged) Abusive Behavior	Jurisdictions (abuse unless indicated)
	Google Search (Shopping)	Self-favoring, directing users to Google offerings	US FTC (no abuse 2013), Germany (no abuse 2013), UK (no abuse 2016), EU (2017), Brazil (no abuse 2018), Turkey (2020), Russia (2022), US DOJ (no abuse 2024), US (pending in California) Hungary (pending), South Africa (pending), India (pending)
	Google Android	Google Search on Android	US FTC (no abuse 2013), Russia (2016), EU (2018), Turkey (2018), South Korea (2021), Italy (2021), US DOJ (2024), India (2022), Japan (pending), and Brazil (pending)
	Google Ad Tech	Favoring own ads auction system	France (2021). FU (abuse 2025). US DOJ (abuse 2025).
		potentially at the expense of publishers	US Texas (pending in New York), India (pending), UK (pending), Chile (pending), Canada (pending), and Australia (pending)
	Google Play	9 1 1	India (2022), US (2023), Japan (pending), South Korea (pending), Germany (pending), Netherlands (pending), Chile (pending), Hungary (pending) Australia (pending)
	Google AdSence	Use of restrictive clauses with websites	India (no abuse 2018), Brazil (no abuse 2018), EU (2019), Turkey (2020) and Japan (pending)

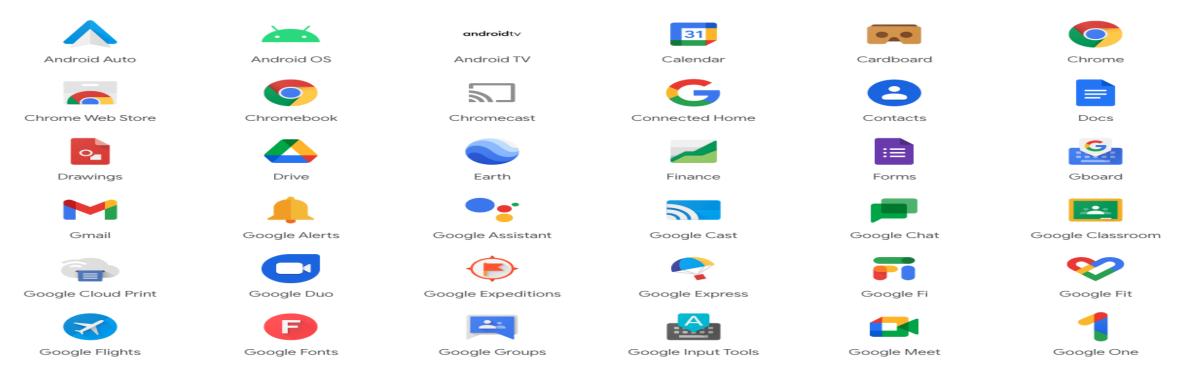
And Ad Tech

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Google AdSence	Use of restrictive clauses with websites	India (no abuse 2018), Brazil (no abuse 2018), EU (2019), Turkey (2020) and Japan (pending)

In contrast, the scraping and other IP cases have not been given prominence, but this will change

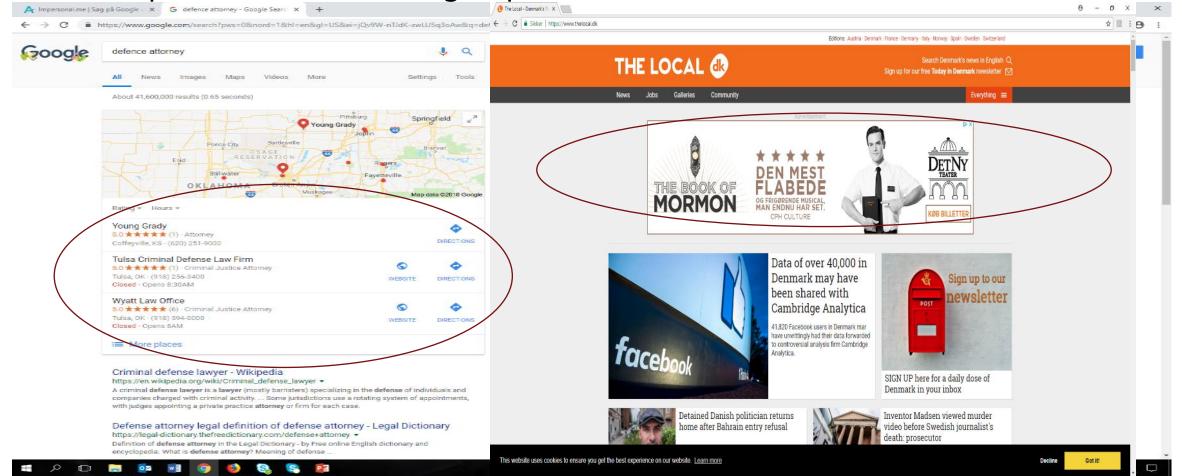
Case	(Alleged) Abusive behavior	Jurisdictions (abuse unless indicated)
Jedi-Blue	Google has concluded revenue- sharing agreements with Meta, allowing this to join Google's Open Bidding program. Enforcers are contemplating if this is akin to market	EU (no issues 2022), UK (no issues 2023), and Brazil (pending).
	snaring.	
Scraping	Using others IP without authorization	EU (pending), Denmark (no issues 2024), Brazil (pending, Germany (informal closing 2022), Spain (pending), US (pending), France (interim relief 2020).
Claim for damage	The different victims of Google's	UK (pending), Sweden (pending), Germany (pending),
3		France (pending), Netherlands (pending), and Czech (pending)
Others	Unknown	Not relevant

 Google offers a large number of services and products (according to Google Search: well over 250 services, and potentially over 800), often of complementary nature and for free. By this, Google has created an ecosystem covering most ways of utilizing and accessing the internet



Google Search and Google AdSence Is about sponsored links. Google Ad Tech is about content pages

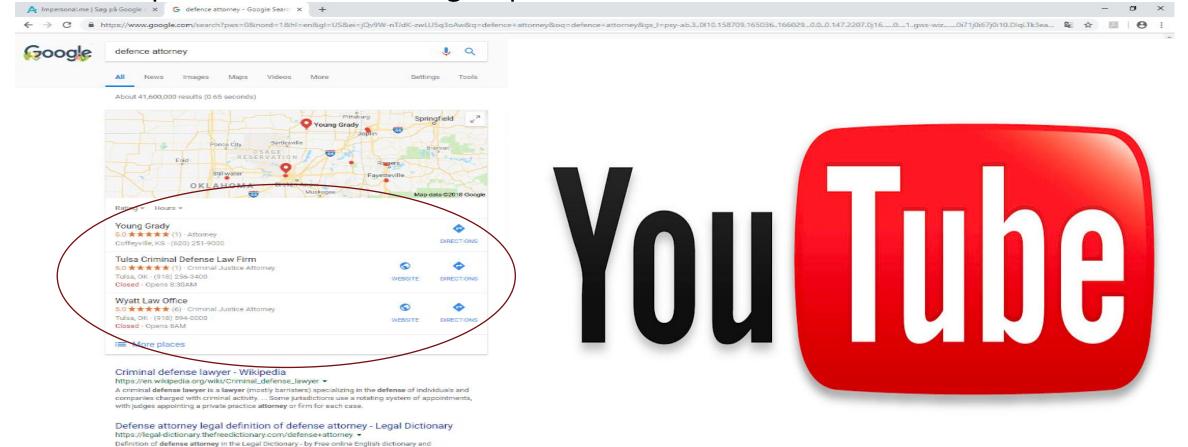
 However, at the core Google sells advertisements. Either on content pages (called publishers) or through sponsored links on the Internet



encyclopedia. What is defense attorney? Meaning of defense

Google is probably one of the biggest publishers with YouTube

 However, Google's core is selling advertisements. Either on content pages (called publishers) or through sponsored links on the Internet



I strongly recommend the antitrust channel on YouTube

 However, Google's core is selling advertisements. Either on content pages (called publishers) or through sponsored links on the Internet





Anti-Trust Channel

@anti-trustchannel · 356 subscribers · 16 videos

In these videos Dr Christian Bergqvist will explain and visualize d

Subscribe

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Videos



Al Pricing – Should We Be Concerned



RPM as object restriction
207 views • 5 months ago

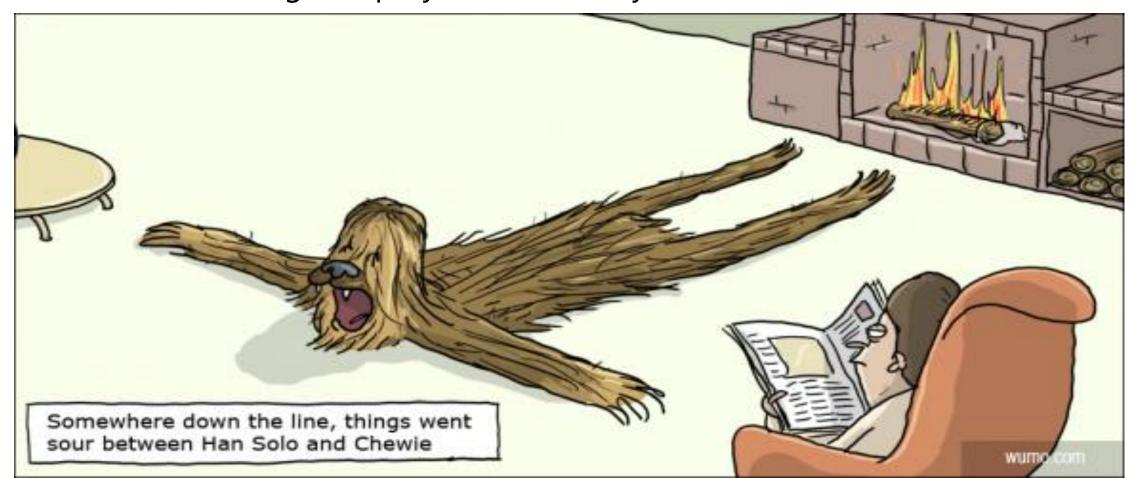


Googles acquisition of DoubleClick

118 views • 11 months ago



 It took several years before interest was given to Google's anti-competitive actions and strategic deployment of ecosystems



Giving rise to the concept of 'hipster antitrust'



The general perception is that this is all new



The general perception is that this

Starting with Lina Khan Amazon paper (2017)

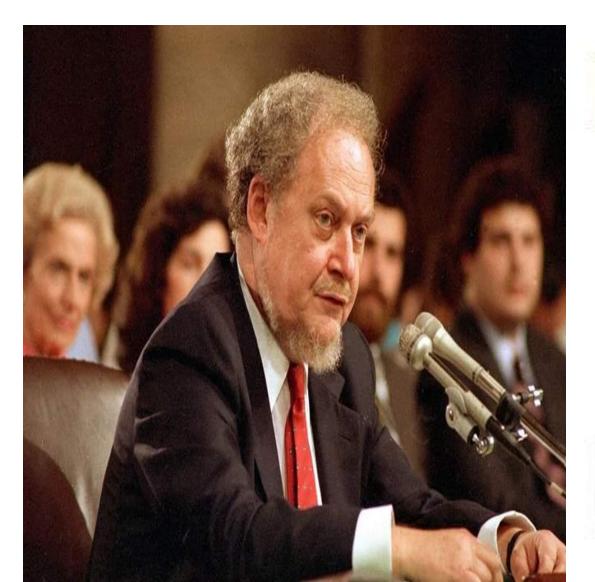
www.yalelawjournal.org

Yale Law Journal -Amazon's Antitrust Paradox



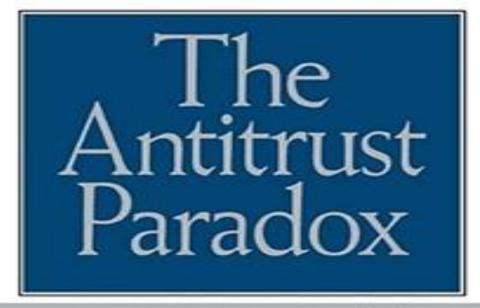
Bork published his book in 1978

But its not, and all goes back to Robert Bork



ROBERT H. BORK

"Trenchant, insightful, perceptive, and peofound... absolutel



A POLICY AT WAR WITH ITSELF

WITH A NEW INTRODUCTION AND EPILOGUE

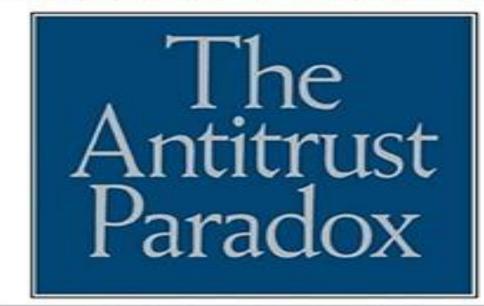
Bork published his book in 1978

And Bork must be really smart



ROBERT H. BORK

"Trenchart, insightful, perceptive, and perfound...absolutel



A POLICY AT WAR WITH ITSELF

WITH A NEW INTRODUCTION AND EPILOGUE

Robert Bork - Known from a massacre (1973)

Saturday Night Massacre

- Nixon wants to give summary of tapes, not the tapes
- Special Prosecutor Archibald Cox refuse
- Nixon orders Att. Gen. E. Richardson to fire Cox (refuses/resigns)
- Order Dep. Att. Gen. W. Ruckelshaus to fire Cox (refuses/resigns)
- Orders R. Bork (next in office) to fire Cox (he does)
- Nixon abolishes Spec. Pros. Office & seals FBI files
 -huge public backlash
- New Spec. Pros. Leon Jaworski
- Supreme Court rules he must give tapes
 -gives 7 of 9 tapes (missing one with Dean + gaps in others)









And an unsuccessful Supreme Cour

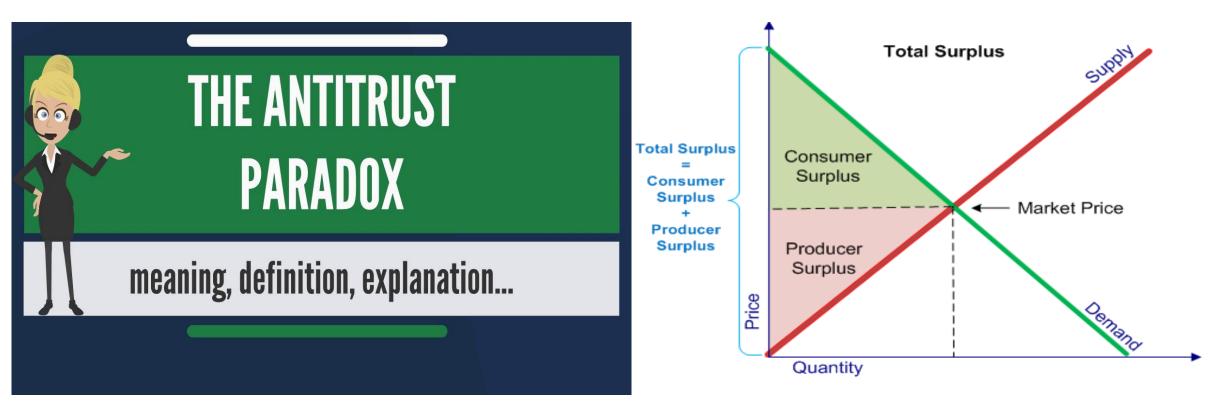
Block by the house, including a young Joe Biden



The judicial version of Darth Vader or He-Man?

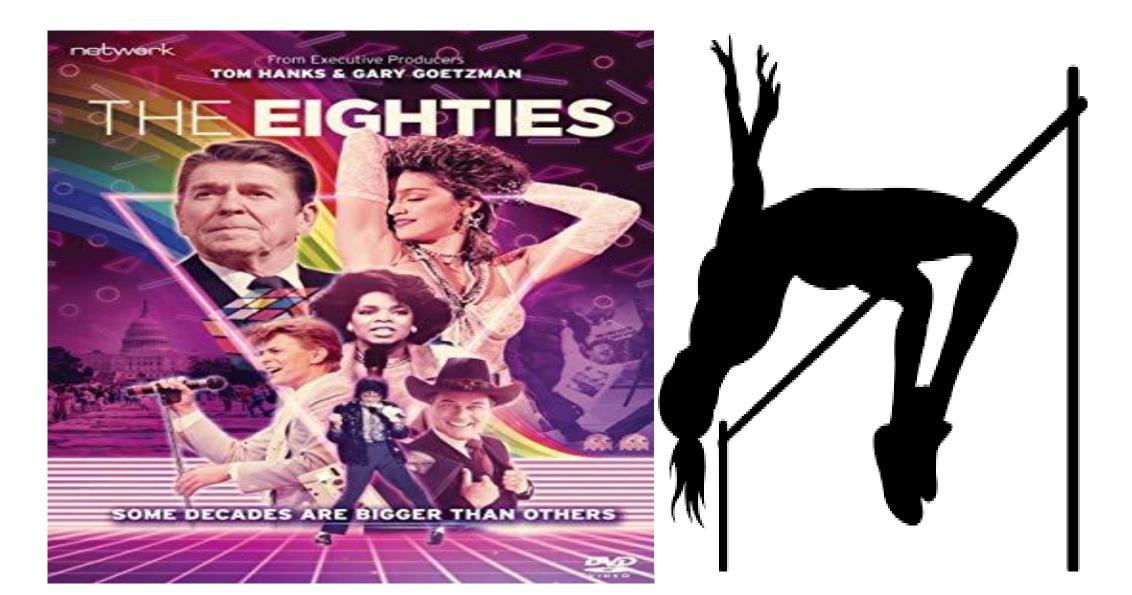


What did Bork articulate (in respect to antitrust)?



- The object of antitrust should be consumer welfare and intervention reserved for agreements impeding consumer welfare
- Only horizontal cartels should be a priority and if unclear = no intervention

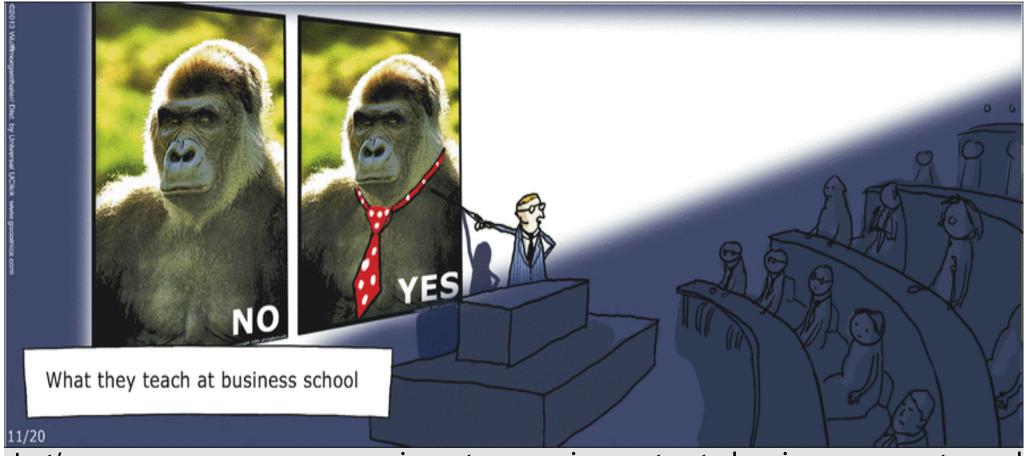
Bork legacy: Minimalistic antitrust



How does this play into Google Shopping?







Let's assume you are going to an important business event and realized you are without a tie

Se get a hugo boss tie arlington



clip with...
78,00 \$
HUGO BOSS
Gratis forsend.



Hand-polished logo cufflinks... 98,00 \$ HUGO BOSS Gratis forsend.



Italian-made silk
tie with...

98,00 \$
HUGO BOSS
Gratis forsend...

Italian-made tie
in micro-...

98,00 \$
HUGO BOSS
Gratis forsend...



Særtilbud

Sponsorerede

Fashion Cer at Pentagon Se fotos

Gem

20 Google-anmeldelser

Ligger i: Fashion Centre at Pentagon City

Adresse: 1100 S Hayes St Ste #N01D, Arlir

Abningstid: Lukket indtil 11.00 ▼

Foreslå en ændring · Administrer denne

Telefon: (703) 418-0690

Spørgsmål og svar Se alle spørgsmål (1)

Populære tidspunkter

virksomhedsprofil

BOSS Store

Herretøjsbutik i Virginia

Website

4.5

22202

Choosing a product e.g. "Hugo Boss ties" still involves multiple searches

HUGO BOSS - Style, Refined | Premium Casual Pieces

Annonce www.hugoboss.com/ ▼

Refine your style with elevated modern looks made with HUGO BOSS precision and expertise.

Business or casual, each piece elevates the next for style that is uncompromisingly BOSS.

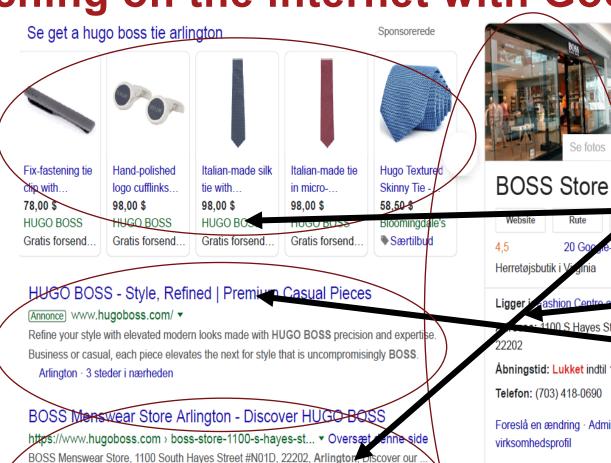
Arlington · 3 steder i nærheden

BOSS Menswear Store Arlington - Discover HUGO BOSS

https://www.hugoboss.com > boss-store-1100-s-hayes-st... ▼ Oversæt denne side BOSS Menswear Store, 1100 South Hayes Street #N01D, 22202, Arlington, Discover our ... Sign up to receive collection preview mailers from HUGO BOSS.

BOSS Menswear Store Arlington - Discover HUGO BOSS

https://www.hugoboss.com > boss-store-menswear-110... ▼ Oversæt denne side BOSS Menswear Store, 1100 South Hayes Street #N01D, 22202, Arlington, Discover our stores!



Choosing a product e.g. "Hugo Boss ties" still involves multiple searches

- 1. general search
- 2. Google offerings (using a special Shopping Unit)
- 3. vertical search providing content for the boxes
- 4. (sponsored links)

BOSS Menswear Store Arlington - Discover HUGO BOSS

Sign up to receive collection preview mailers from HUGO BOSS.

https://www.hugoboss.com > boss-store-menswear-110... ▼ Oversæt denne side Boss Menswear Store, 1100 South Hayes Street #N01D, 22202, Arlington, Discover our stores!

4,5 20 Google-anmeldelser
Herretøjsbutik i Viginia

Ligger i Jashion Centro at Parkegori City
1100 S Hayes St Ste #N01D, Arlir
22202
Åbningstid: Lukket indtil 11.00
Telefon: (703) 418-0690

Foreslå en ændring · Administrer denne virksomhedsprofil

Spørgsmål og svar
Se alle spørgsmål (1)

Populære tidspunkter

Se get a hugo boss tie arlington



clip with...
78,00 \$
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Gratis forsend...

Fix-fastening tie



Hand-polished logo cufflinks... 98,00 \$ HUGO BOSS Gratis forsend...



Italian-made silk
tie with...
98,00 \$
HUGO BOSS
Gratis forsend...
Italian-made tie
in micro-...
98,00 \$
HUGO BOSS
Gratis forsend...



Skinny Tie -...
58,50 \$
Bloomingdale's
\$\infty \text{Særtilbud}\$

HUGO BOSS - Style, Refined | Premium Casual Pieces

Annonce www.hugoboss.com/ ▼

Refine your style with elevated modern looks made with HUGO BOSS precision and expertise. Business or casual, each piece elevates the next for style that is uncompromisingly BOSS.

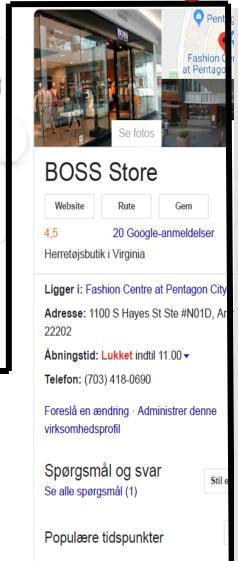
Arlington · 3 steder i nærheden

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- Google refers to its services as universal searches (disputing the separation between horizontal and vertical searches)
- Moreover, Google sees the Shopping Unit as innovation (an improvement to the general search)



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Google Android	Securing preinstallation status for Google Search on Android smartphones, and in some cases (US DOJ) also iPhone	US FTC (no abuse 2013), Russia (2016), EU (2018), Turkey (2018), South Korea (2021), Italy (2021), US DOJ (2024), India (2022), Japan (pending), and Brazil (pending)
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Google Play	The terms and fees for selling apps on Android devices are unfair and exclusionary	India (2022), US (2023), Japan (pending), South Korea (pending), Germany (pending), Netherlands (pending), Chile (pending), Hungary (pending) Australia (pending)
Google AdSence	Use of restrictive clauses with websites	India (no abuse 2018), Brazil (no abuse 2018), EU (2019), Turkey (2020) and Japan (pending)

FTC closed its Google investigation (2013)



See p. 86 of the FTC Memo

- "In sum, Staff acknowledges the difficulties inherent in this area of the investigation, not only because of the legal hurdles we would face, but because of the strong procompetitive justifications Google has set forth.... condemnation, would require an extensive balancing of these factors, a task that courts have been unwilling in similar circumstances to perform under Section 2."
- It was difficult for the Staff to label the behavior as detrimental to the interests of consumers, making it unlikely that the FTC would ultimately prevail in court

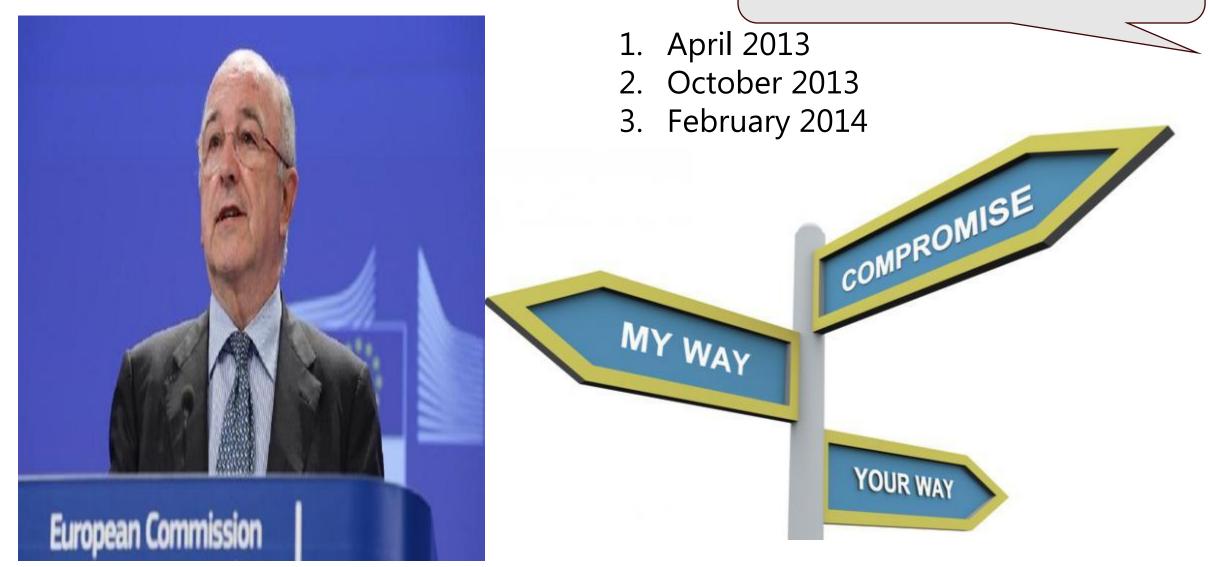
And an unsuccessful Supreme Cour

Bork didn't join the US Supreme Court, but other conservative forces did



And the EU tried to follow suit

With three rounds of commitments attempts before moving to a formal decision



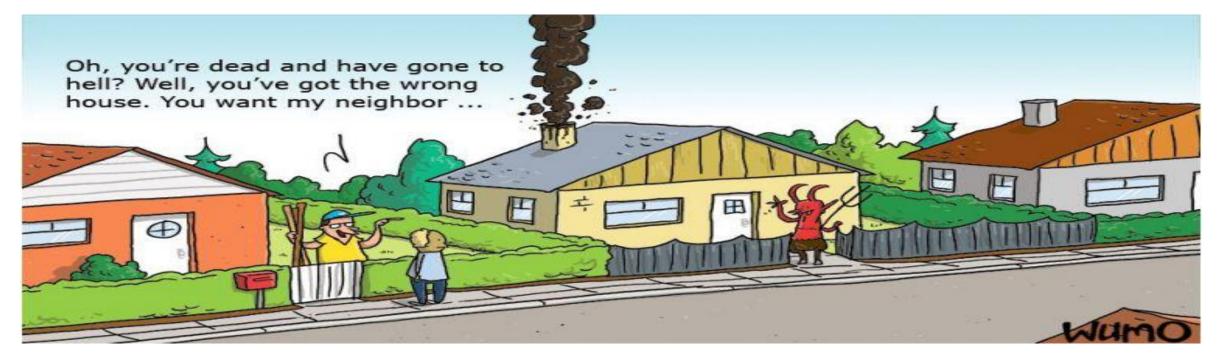
2014: Vestager aka "The Enforcer"



DG COMP's theory of harm untangled

DG COMP's (2017) Decision is badly drafted, but establish that

 It is neither abusive to blend search results, nor to apply adjustment mechanisms, but it can be abusive if this is done maliciously for downgrading competing results



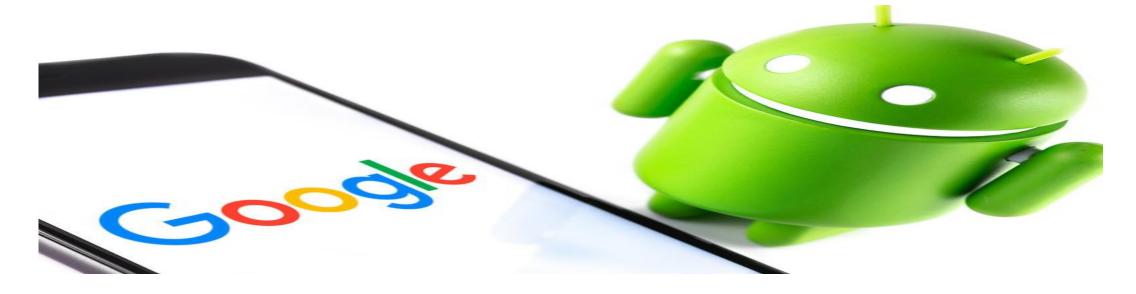
To understand the motive, we need to go Android

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Google Android (in EU and US)

Here, Google had tied different Google offerings

- Google
 - a) Uses *Play Store* to require pre-installation of a suit of Google products, including *Search*
 - b) Paid mobile manufacturer and operators for pre-installation
 - c) Restricted the development of Android OS based alternatives



Users are migrating to mobile searches

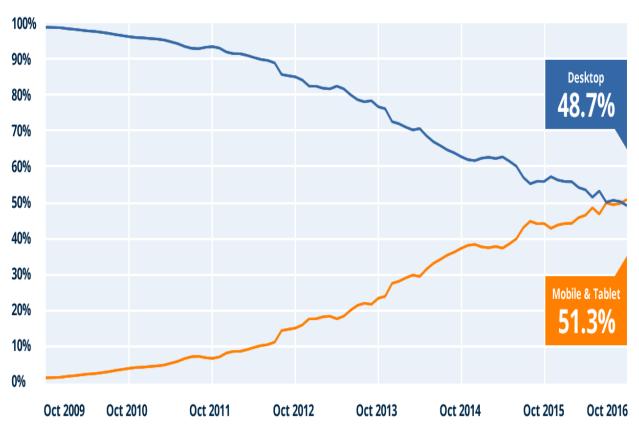
This served to secure default status across platforms

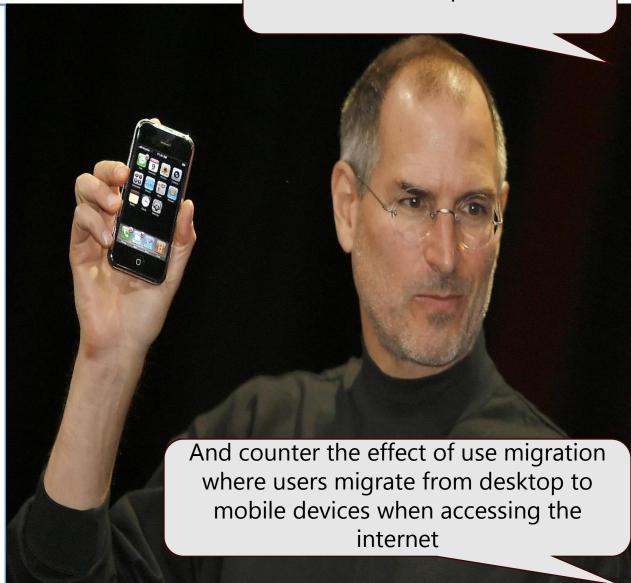


Internet Usage Worldwide

October 2009 - October 2016

Desktop Mobile & Tablet





This all leads back to a series of Browser

Wars (google it if you don't trust me)

The Browser Wars I-IV



WIKIPEDIA
The Free Encyclopedia

Browser wars

A browser war is a competition for dominance in the usage share of web browsers. The "first browser war," (1995–2001) pitted Microsoft's Internet Explorer against Netscape's Navigator. Browser wars continued with the decline of Internet Explorer's market share and the popularity of other browsers including Firefox, Google Chrome (and other Chromium-based browsers), Safari, Microsoft Edge and Opera.

With the introduction of <u>HTML5</u> and <u>CSS 3</u>, a new generation of browser war began, this time adding extensive <u>client-side</u> scripting to the <u>World Wide Web</u>, as well as the more widespread use of <u>smartphones</u> and other <u>mobile devices</u> for browsing the web. These newcomers have ensured that browser battles continue among enthusiasts, while the average web user is less affected. [3]



A timeline of web browsers





Background

Memo from Bill Gates (1995)

The first is the best documented

To Executive Staff and gired reports

From Bill Gates

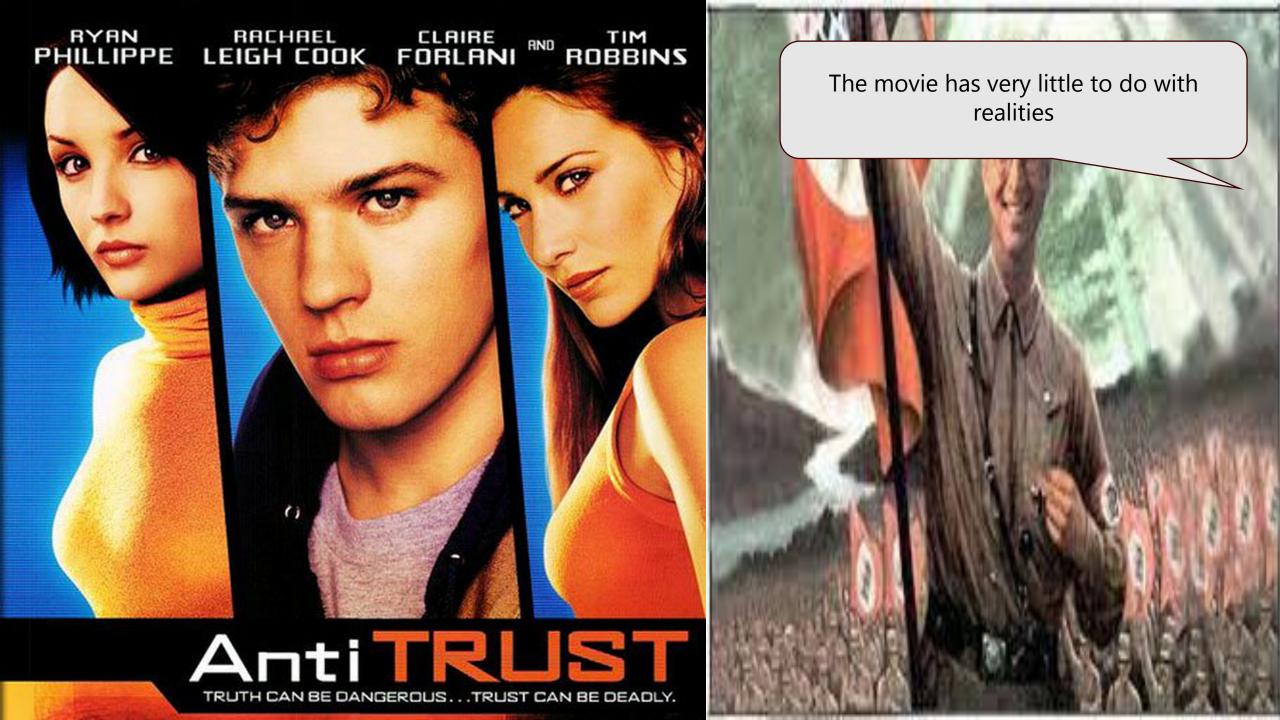
Date May 26, 1995

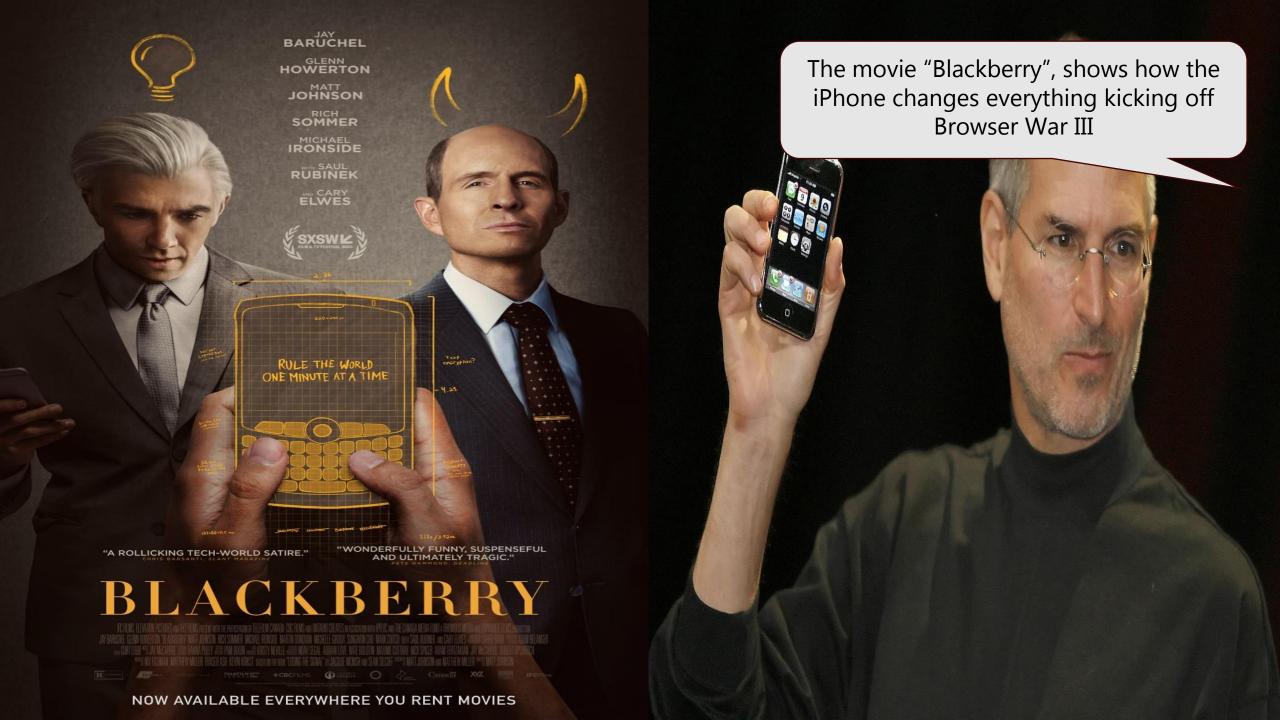
The Internet Tidal Wave

Our vision for the last 20 years can be summarized in a succinct way improvements in computer capabilities would make great software quibuild an organization to deliver the best software products. In the next computer power will be compared by the exponential improvements or









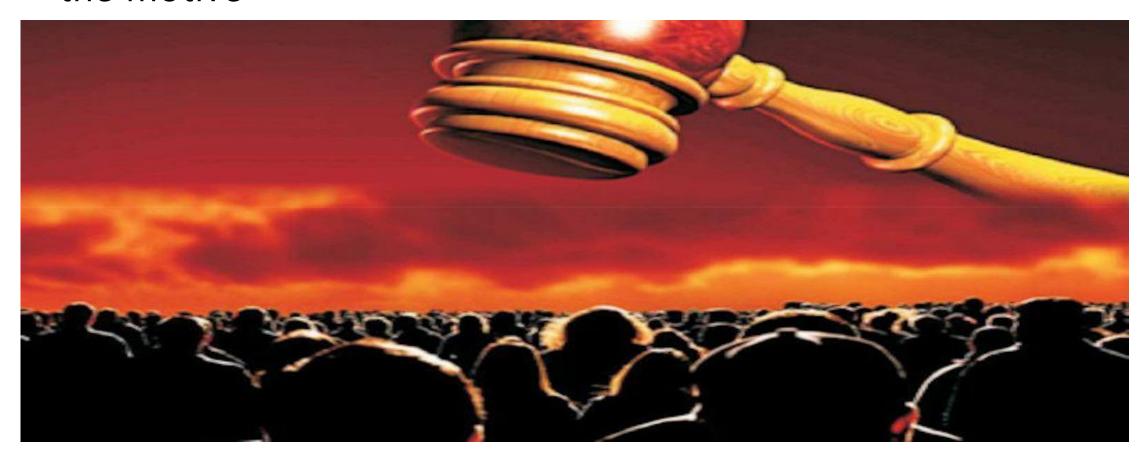
Google Shopping on Appeal (10 SEP 24)

 In September 2024 the Court of Justice, the EU's highest judicial authority, upheld the General Court ruling closing the case



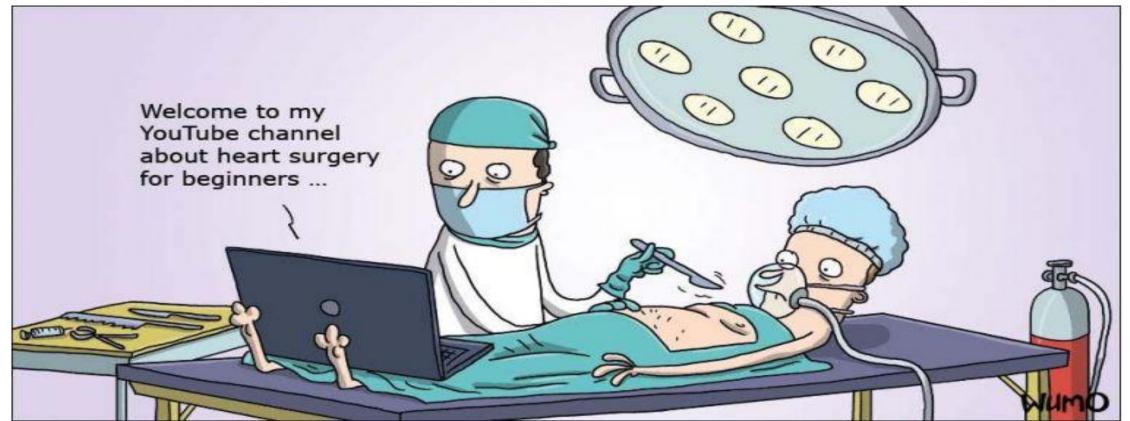
Google Android on appeal (14 SEP 22)

 The Court upheld almost all of DG COMP's Decision, including the motive



The essential conclusions from the rulings

Article 102 can be successfully applied against leverage if there
is political will to police against this (and full understanding of
the business case)



FTC closed its Google investigation

See p. 86 of the F

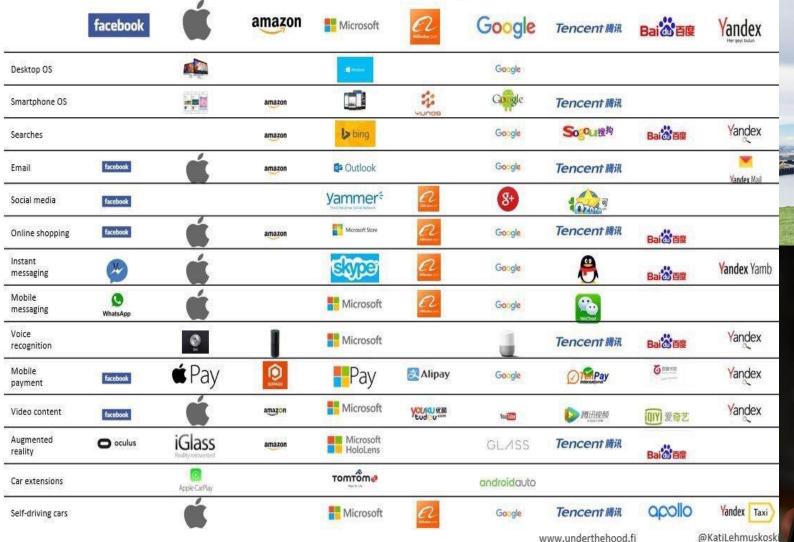
With the benefit of hindsight, it's apparent that FTC had little appetite for a high-profile case they were struggling to understand or explain

- in this area of the investigation, not only because the legal hurdles we would face, but because of the strong procompetitive justifications Google has set forth..... condemnation, would require an extensive balancing of these factors, a task that courts have been unwilling in similar circumstances to perform under Section 2."
- It was difficult for the Staff to label the behavior as detrimental to the interests of consumers, making it unlikely that the FTC would ultimately prevail in court

What is next - Legally

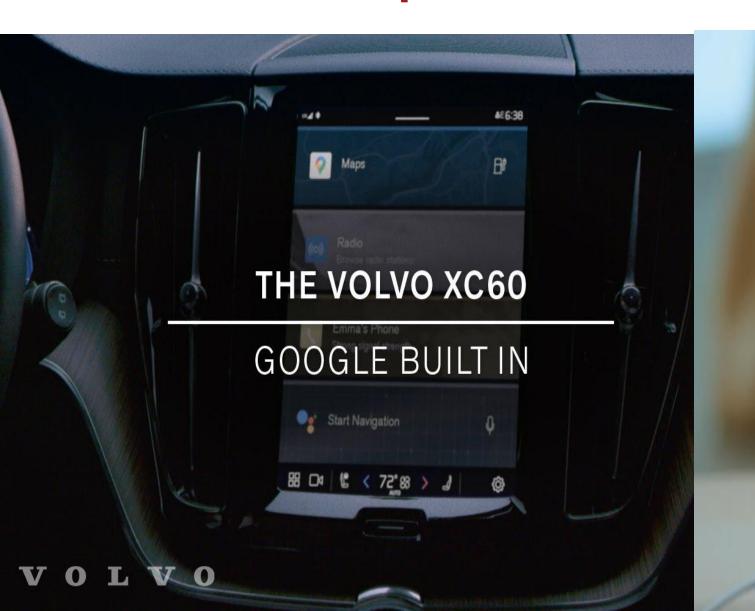
The War of Ecosystems

This also means we need to look forward.
Currently, we are probably in Browser War IV
where ecosystem are used to secure longevity

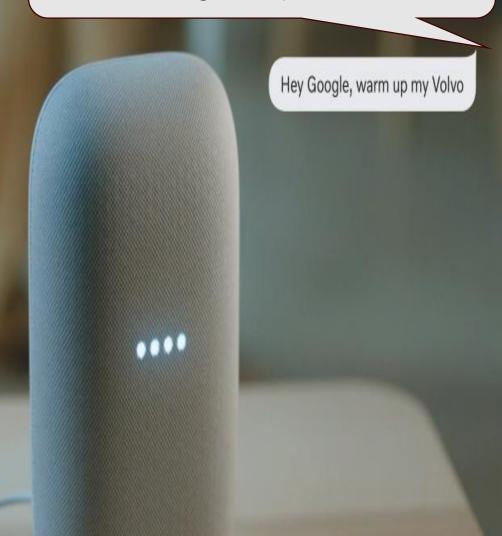




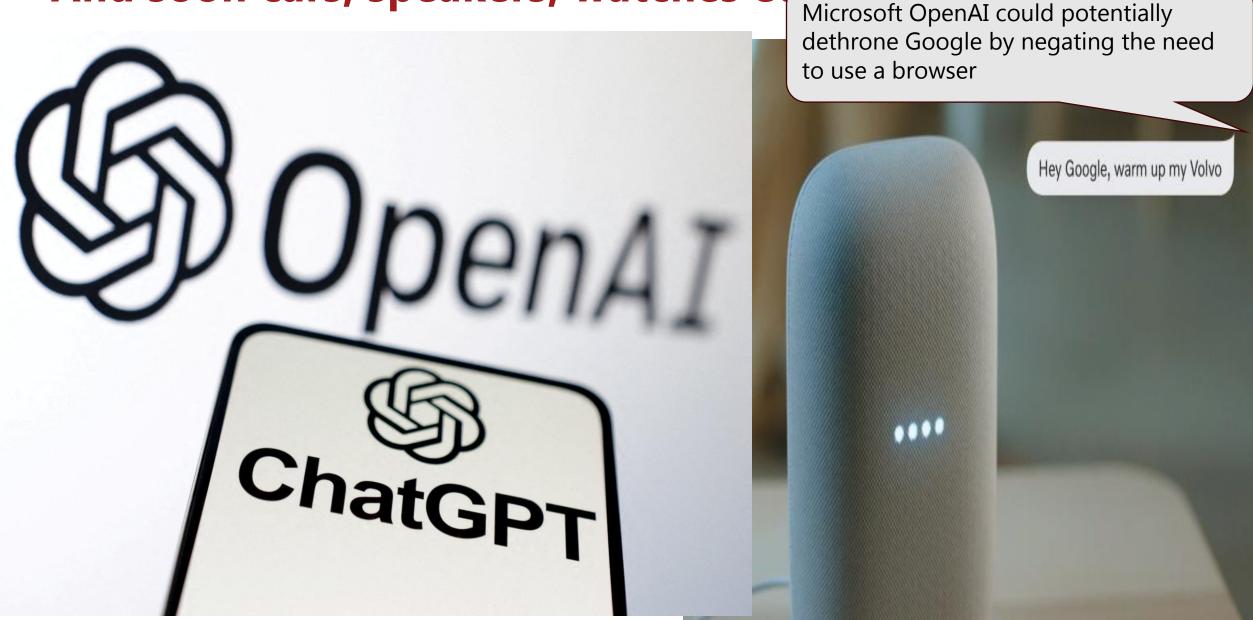
And soon cars, speakers, watches et



In the case of Google, the ecosystem serves to protect the position as gatekeepers



And soon cars, speakers, watches et



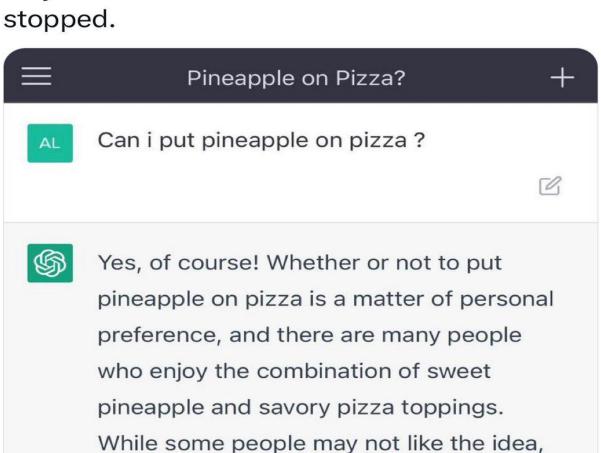
It's fun to make jokes about ChatGP and AI, but I'm convinced Google is not laughing







Tommaso Valletti @TomValletti · 16h Italy had no choice. ChatGPT had to be stopped.



others find it delicious. Ultimately, it's up

to you to decide what toppings you want

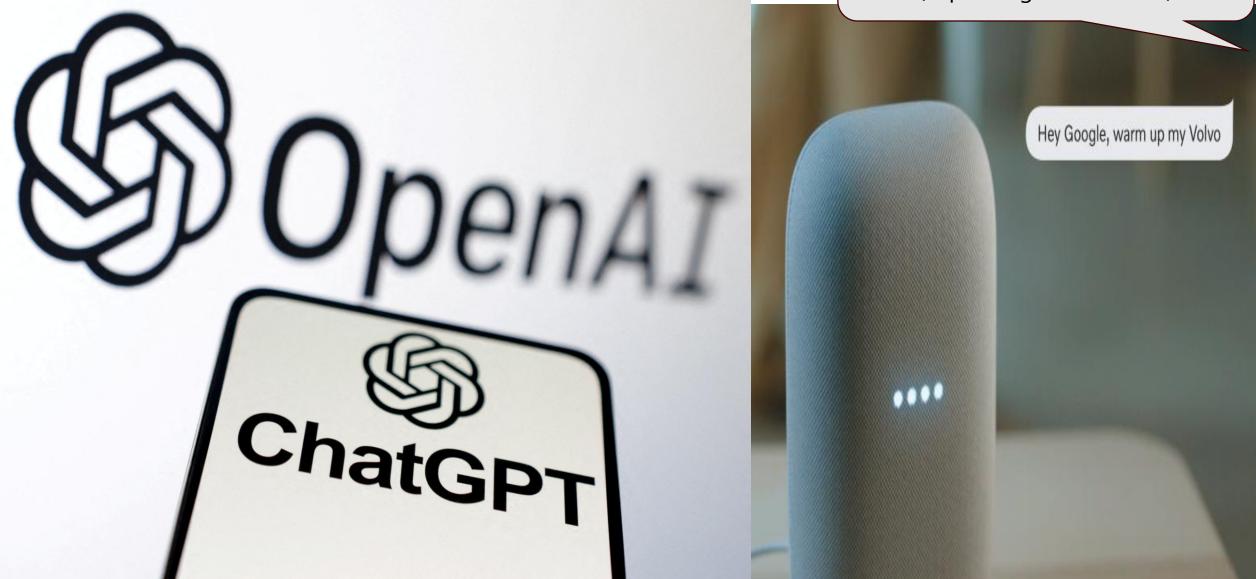
to put on your pizza.





And soon cars, speakers, watches etc.

Google need to train its AI, and this could involve IP infringements (explaining the IP-cases)



Antitrust cases against Google (primo

In contrast, has the scraping and other IP cases not been given prominence, but this will change

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Scraping	Using others IP without authorization	EU (pending), Denmark (no issues 2024), Brazil (pending, Germany (informal closing 2022), Spain (pending), US (pending), France (interim relief 2020).
Claim for damage	The different victims of Google's	UK (pending), Sweden (pending), Germany (pending),
		France (pending), Netherlands (pending), and Czech (pending)
Others	Unknown	Not relevant

Any Questions?









Otherwise, feel free to reach out cbe@drbergqvist.dk