



Google and its anti-trust troubles – The bigger picture

Christian Bergqvist, ph.d. – CB November 2024.

The Antitrust cases against Google (medio 2024)

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	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)
Google Ad Tech	Favoring own ads auction system, potentially at the expense of publishers	France (2021), EU (pending), US DOJ (pending in Virginia, US Texas (pending in New York), India (pending), UK (pending), Chile (pending), Canada (pending) and Australia (pending)
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 AdSense	Use of restrictive clauses with websites	India (no abuse 2018), Brazil (no abuse 2018), EU (2019), Turkey (2020) and Japan (pending)

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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 sharing.	EU (no issues 2022), UK (no issues 2023), and Brazil (pending).
Scaping	Using others IP without authorization	EU (pending), Denmark (no issues 2024), Brazil (pending), Germany (pending), Spain (pending), US (pending).
Claim for damage	The different victims of Google's misdeeds claim damage. Sometimes based on a decision	UK (pending), Sweden (pending), Germany (pending), France (pending), Netherlands (pending), and Czech (pending)
Others	Unknown	Not relevant

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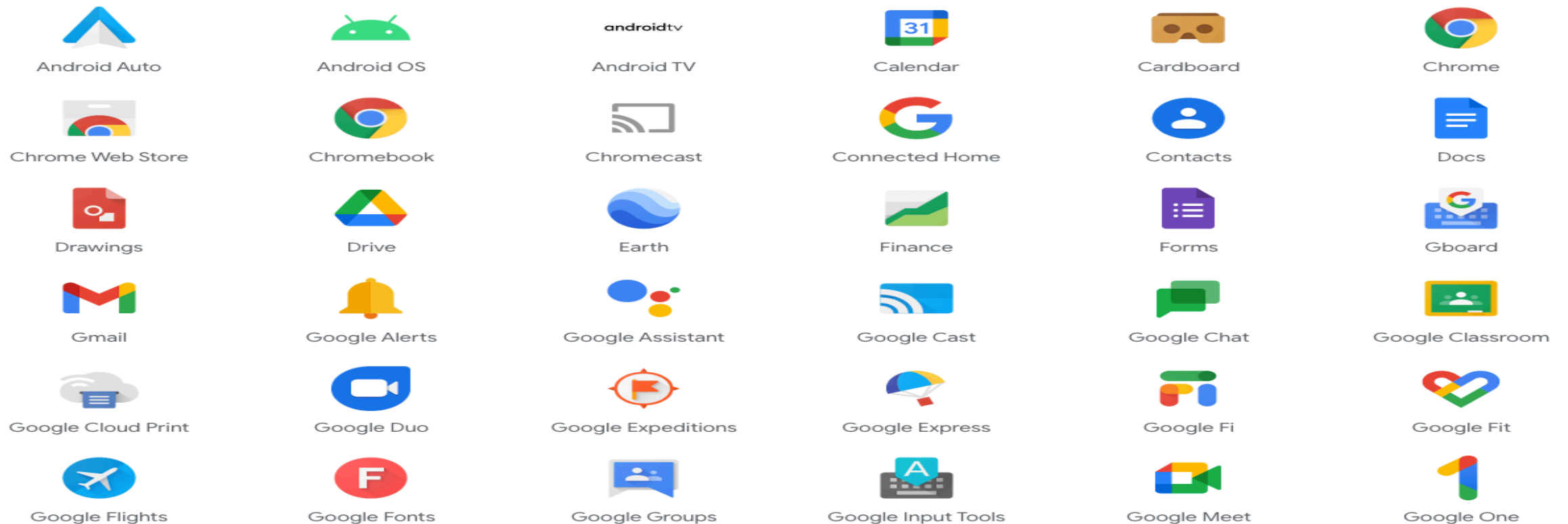
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Google and its business



Google and its business

- Google offers 271 services and products (according to Google Search), often of complementary nature and for free. By this, Google has created an ecosystem covering most ways of utilizing and accessing the internet



Google and its business

- However, at the core Google sells advertisements. Either on content pages or through sponsored links on the Internet

The image shows two browser windows side-by-side. The left window displays Google search results for 'defence attorney'. The right window displays the homepage of 'THE LOCAL dk' website.

Google Search Results (Left Window):

- Search query: defence attorney
- Results: About 41,600,000 results (0.65 seconds)
- Map view shows locations in Oklahoma, including Young Grady, Tulsa, and Joplin.
- Listed results include:
 - Young Grady**: 5.0 ★★★★★ (1) - Attorney, Coffeyville, KS - (620) 251-9000
 - Tulsa Criminal Defense Law Firm**: 5.0 ★★★★★ (1) - Criminal Justice Attorney, Tulsa, OK - (918) 256-3400
 - Wyatt Law Office**: 5.0 ★★★★★ (6) - Criminal Justice Attorney, Tulsa, OK - (918) 594-0000
- Below the map, there are links to 'Criminal defense lawyer - Wikipedia' and 'Defense attorney legal definition of defense attorney - Legal Dictionary'.

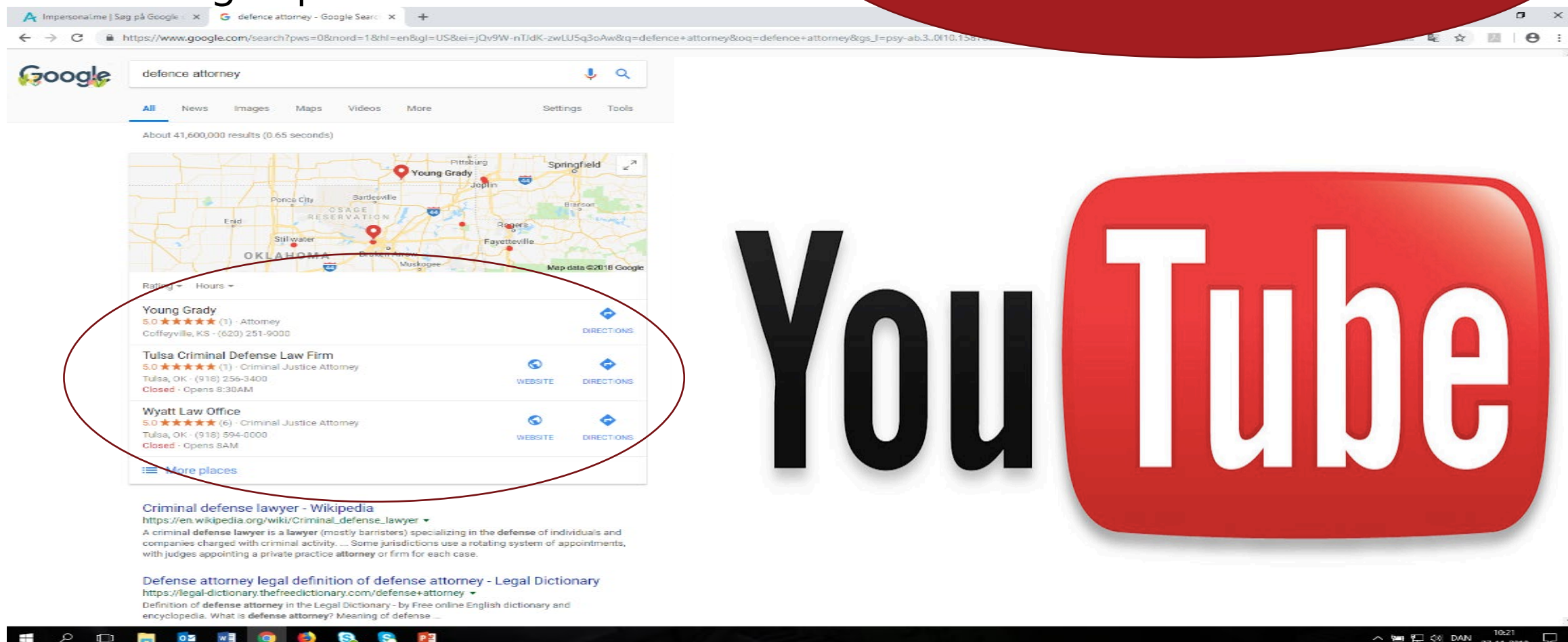
THE LOCAL dk Website (Right Window):

- Header: THE LOCAL dk
- Navigation: News, Jobs, Galleries, Community
- Search bar: Search Denmark's news in English
- Advertisement banner: **DEN MEST FLABEDE** (The Most Flabede) - OG FRIGØRENDE MUSICAL, MAN ENDNU HAR SET. CPH CULTURE. Includes a man in a white shirt and tie.
- Article preview: **Data of over 40,000 in Denmark may have been shared with Cambridge Analytica**. Includes a Facebook logo.
- Newsletter sign-up: **Sign up to our newsletter** with a red postbox icon.
- Footer: **Detained Danish politician returns home after Bahrain entry refusal** and **Inventor Madsen viewed murder video before Swedish journalist's death: prosecutor**.

Google and its business

- However, at the core Google sells advertising or through sponsored links on the Internet

Google is probably one of the biggest publishers with YouTube



You



Google and its business

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Anti-Trust Channel

@anti-trustchannel 6404 · 129 subscribers · 8 videos

In these videos Associated Professor Christian Bergqvist will explain and visualize different ... >

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Why does big tech engage in leverage

187 views · 1 year ago



The AEC test in EU Competition Law

673 views · 2 years ago



Discounts video

391 views · 3 years ago



Competition Law - Elect course - Why it matters

385 views · 4 years ago



Introduction to the economics of competition...

1K views · 4 years ago



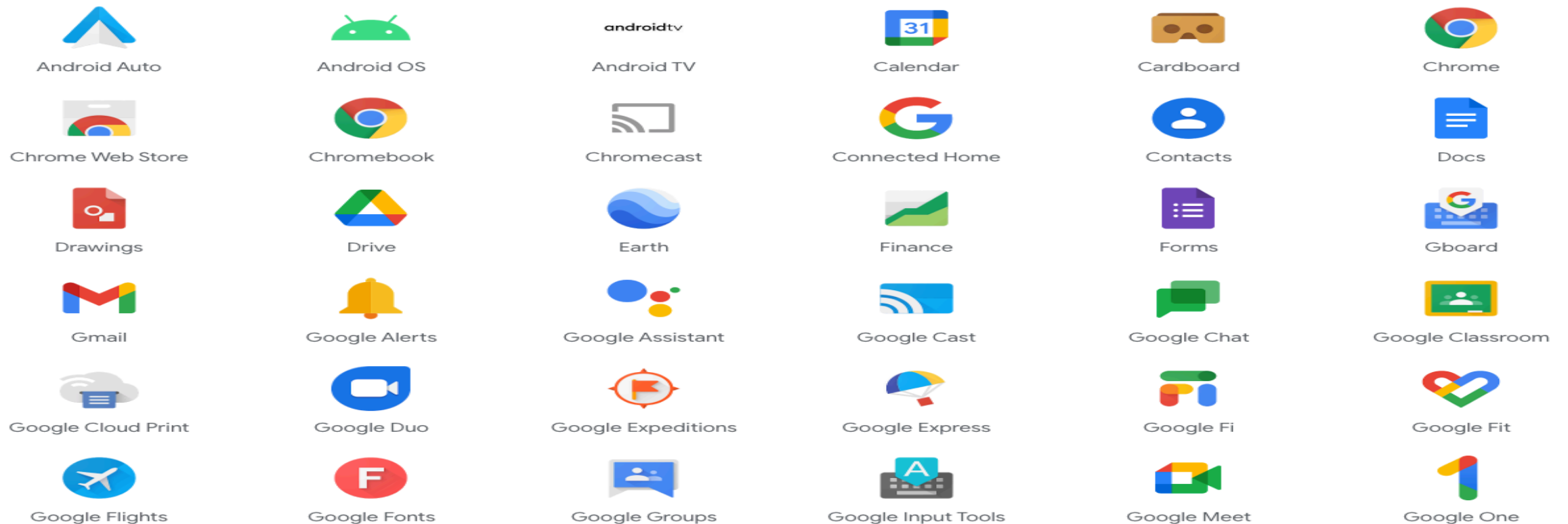
The economics of competition law - the basic...

1.2K views · 4 years ago



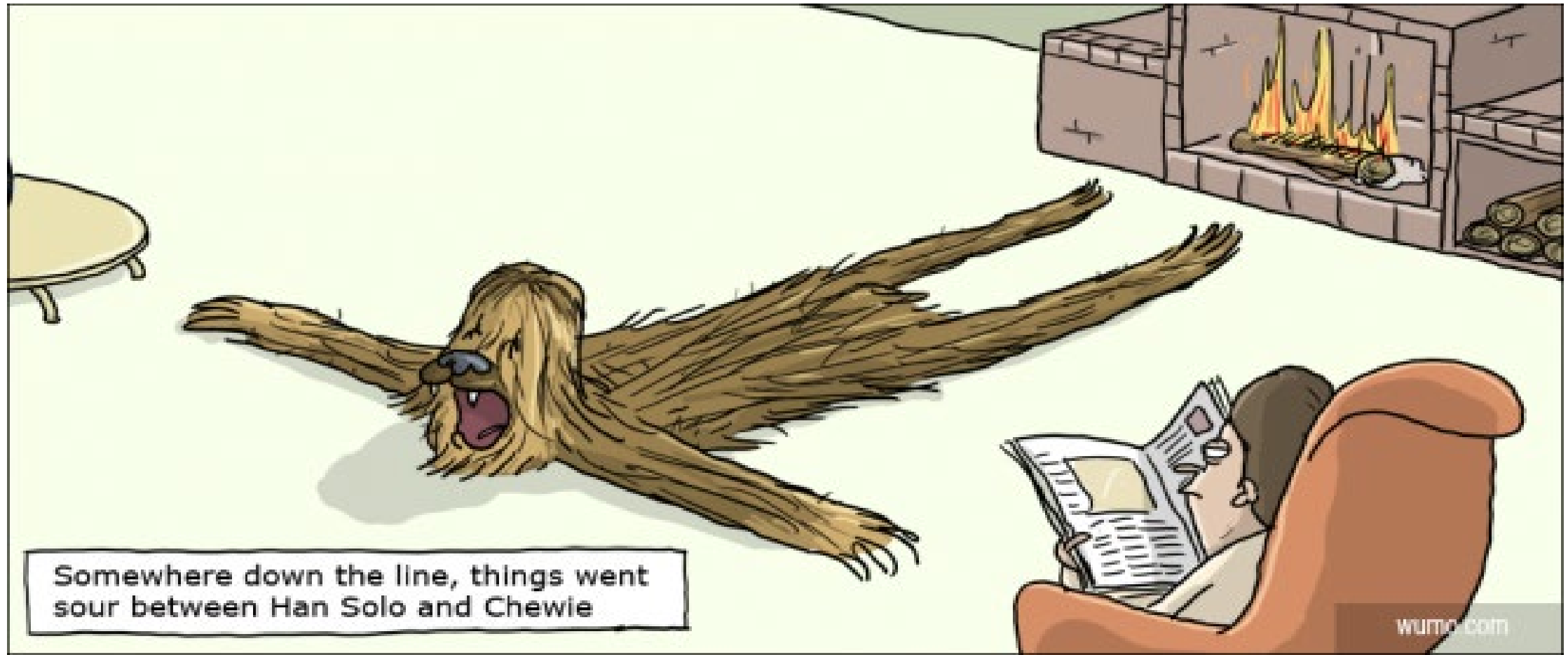
Google and its business

- The complementary services often contribute to this by allowing for the collection of personal data that then can be monetarized



Google and its business

- 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 anti-trust



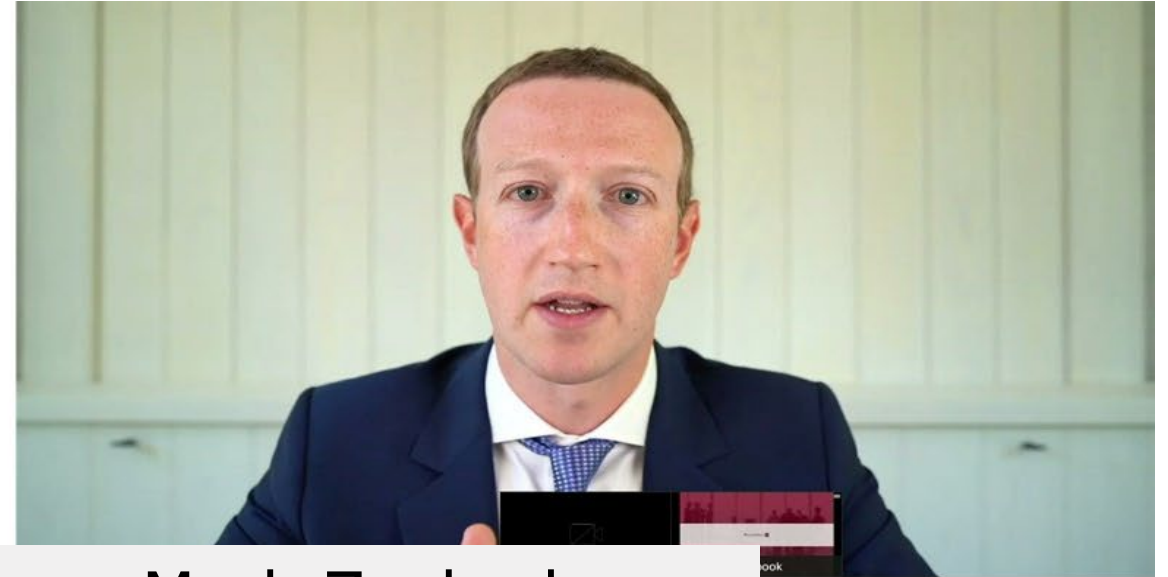
The general perception is that this is all new



Gang of Four in the medias



Jeff Bezos



Mark Zuckerberg



Tim Cook



Sundar Pichai

Gang of Four in history



Yao Wenyan



Jiang Qing



Zhang Chunqiao



Wang Hongwen

The general perception is that this is all new

www.yalelawjournal.org

Yale Law Journal - Amazon's Antitrust Paradox



Starting with Lina
Khan Amazon
paper (2017)

The general perception is that this is all new

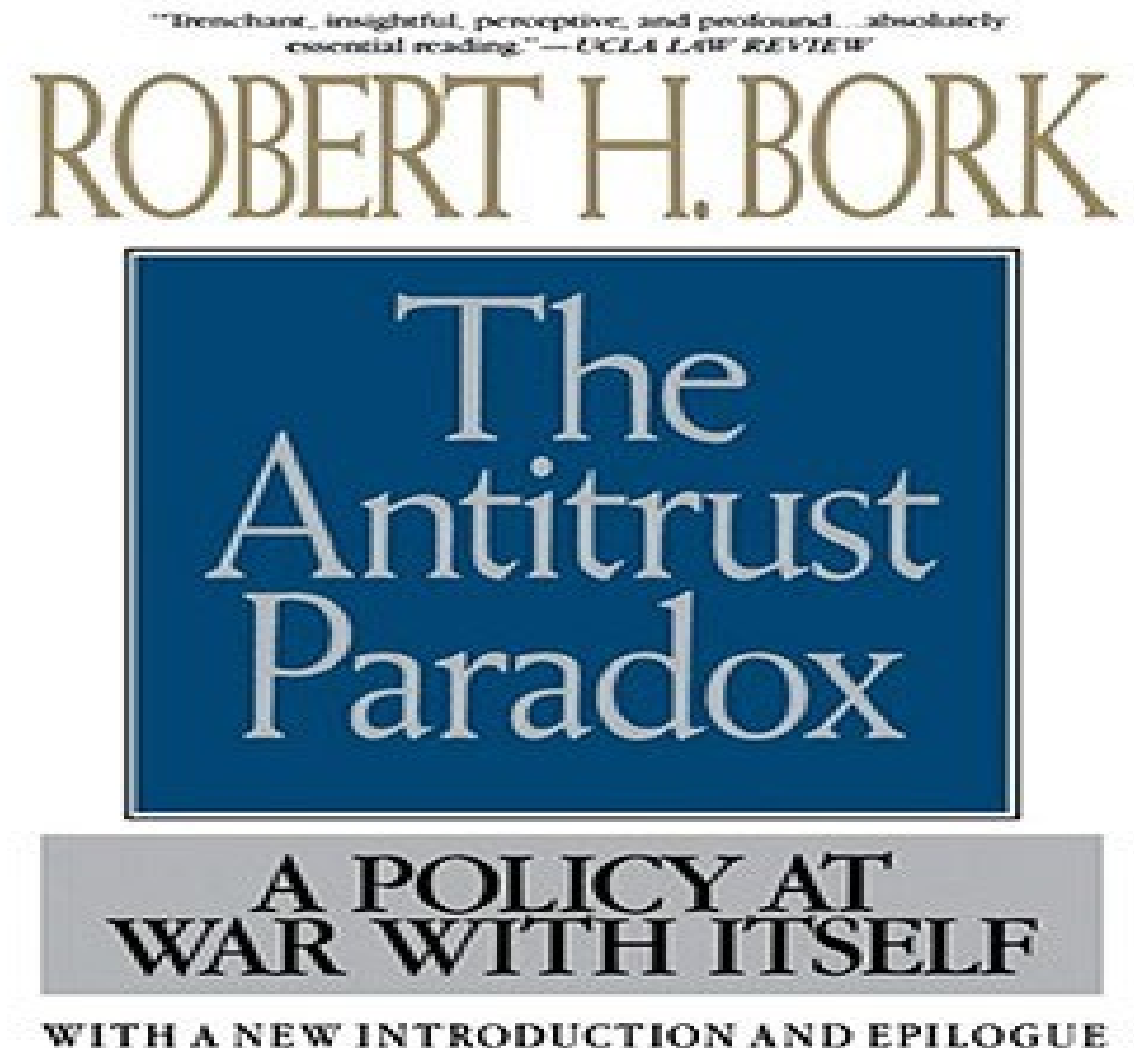
Big is Bad

Resurrecting Louis Brandeis mantra
(US Supreme Court
1916 to 1939)

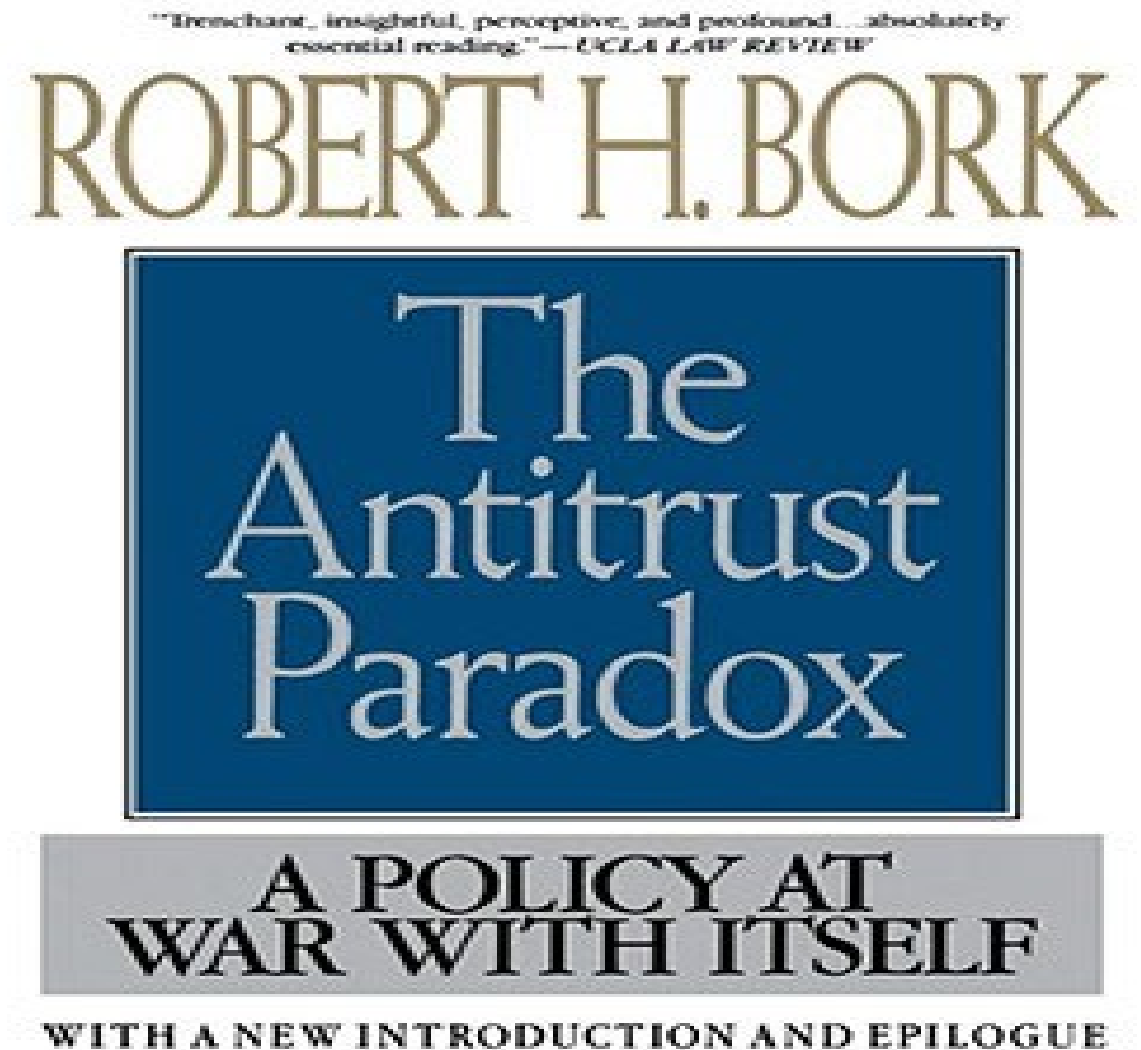


Lina Khan's paper referred to Bork's 1978 book

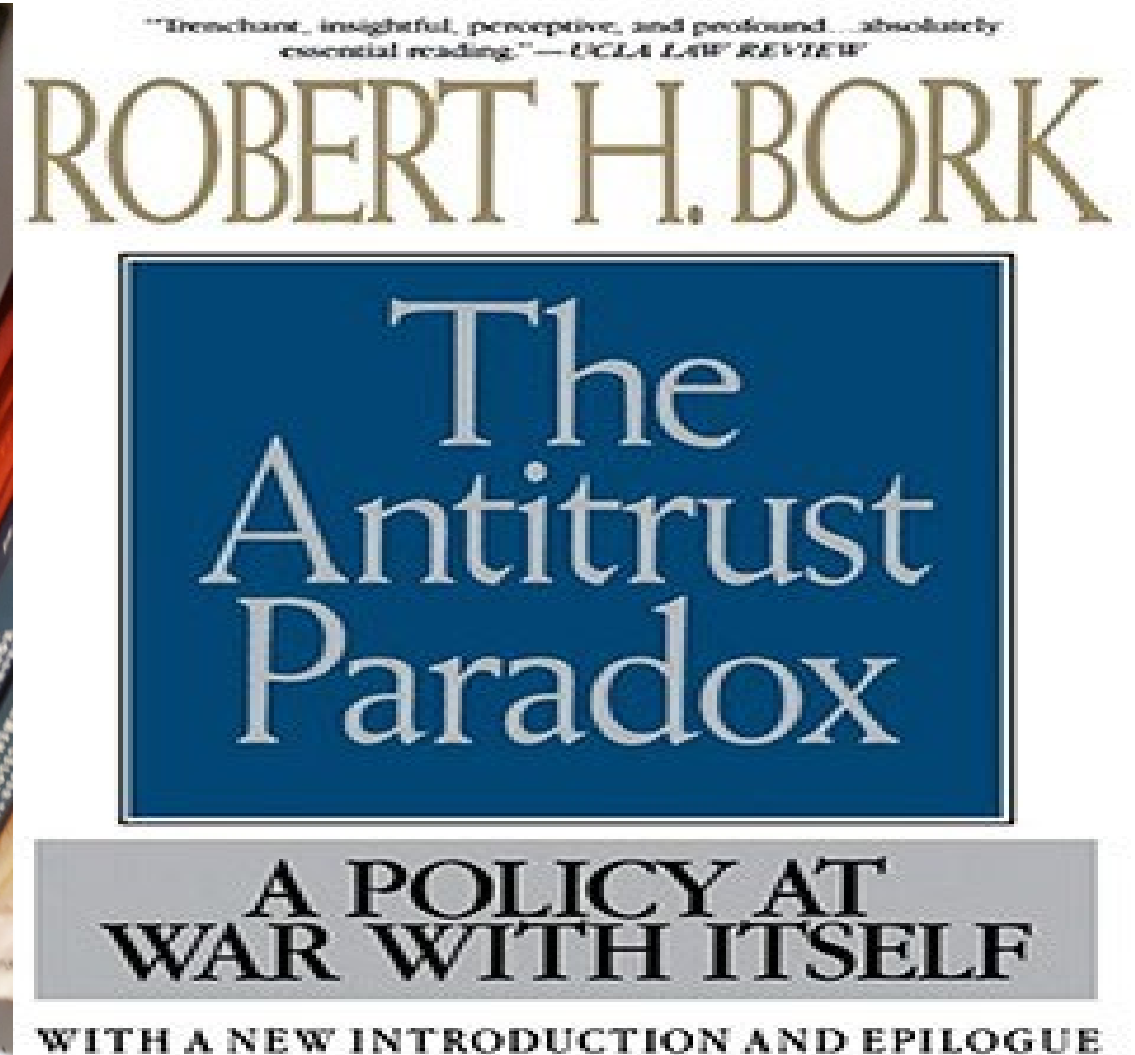
But its not new



Bork published his book in 1978



Bork published his book in 1978



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)



Richardson



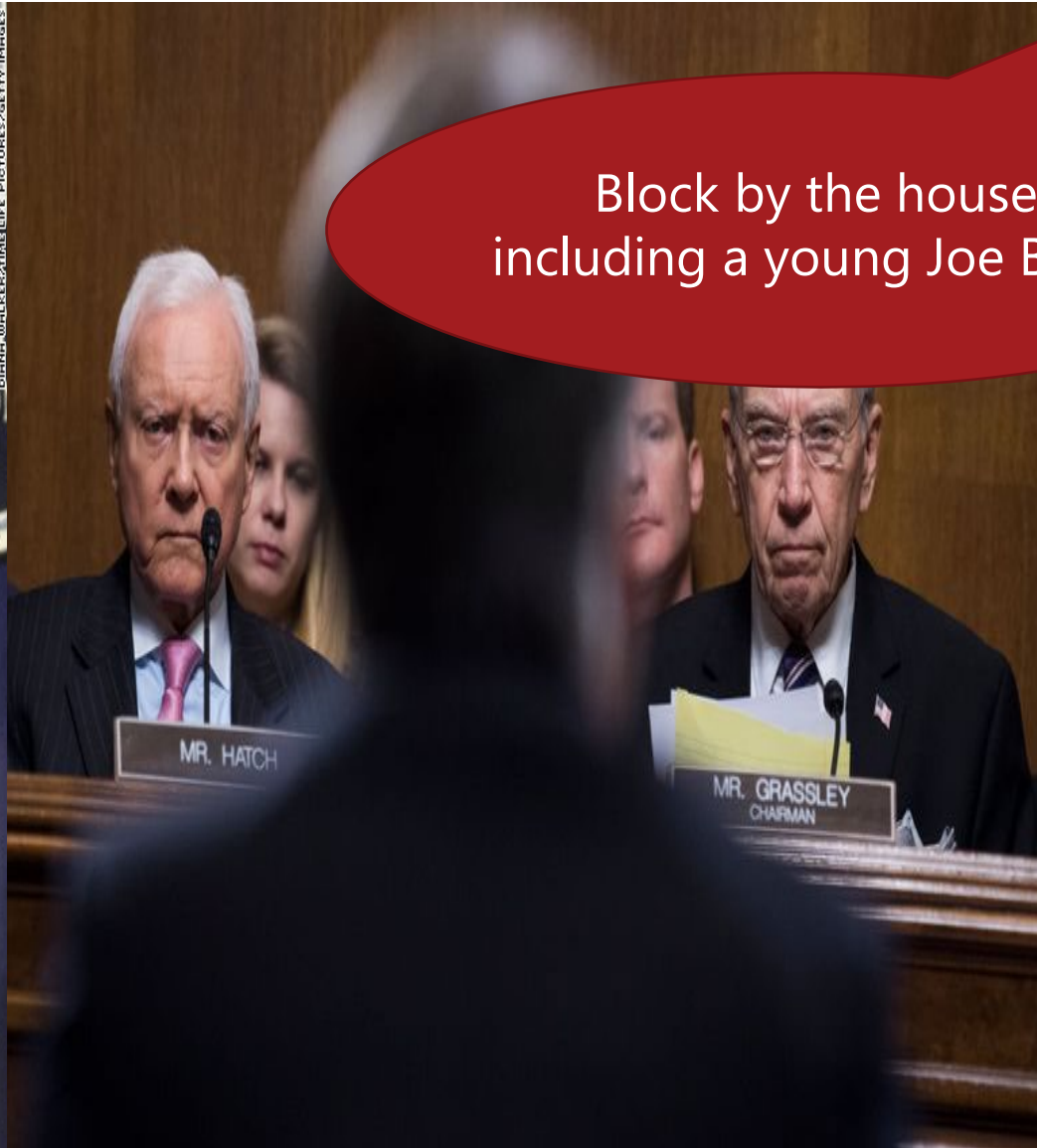
Ruckelshaus



Bork



And an unsuccessful Supreme Court nomination (1987)



Block by the house,
including a young Joe Biden

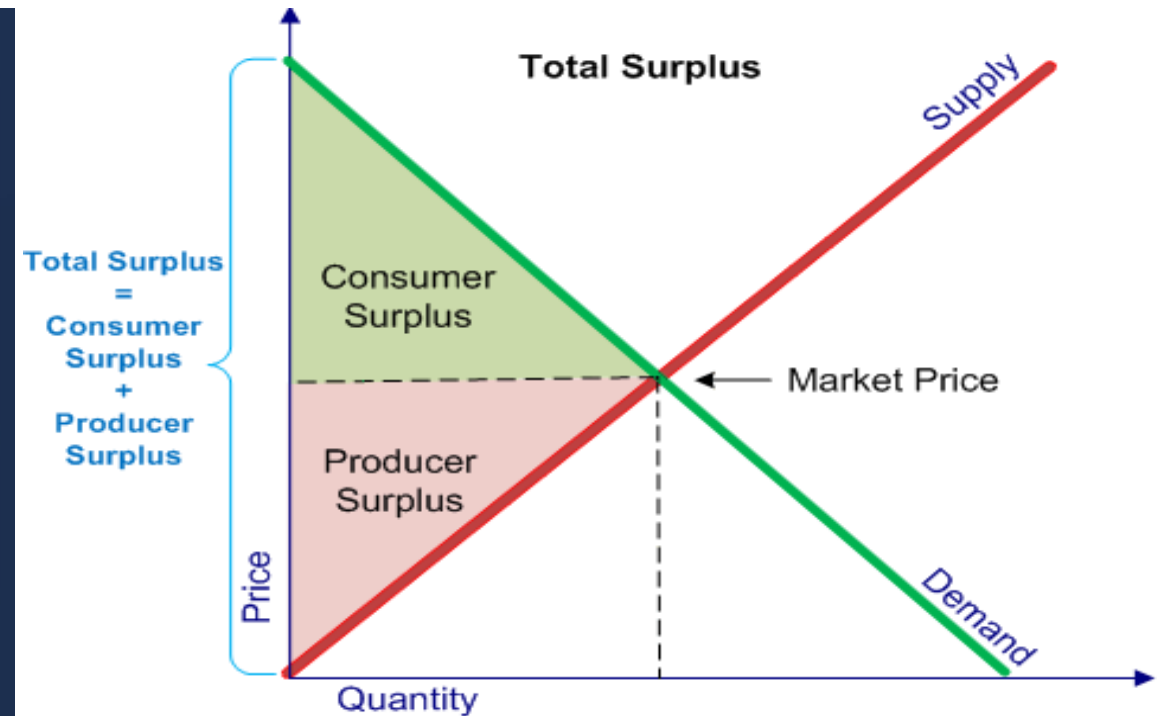
The judicial version of Darth Vader or He-Man?



What did Bork articulate (in respect to anti-trust)?

THE ANTITRUST PARADOX

meaning, definition, explanation...



- The object of anti-trust 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 anti-trust



All part of a larger discussion on the role of regulation

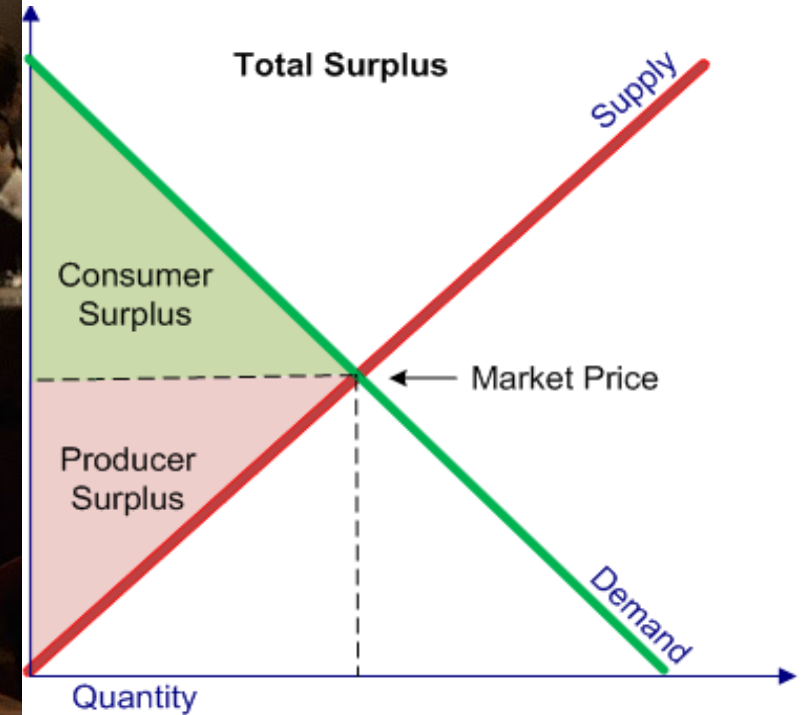


FIGHT OF THE CENTURY

KEYNES VS. HAYEK ROUND II



ECONSTORIES



- See "Fear the Boom and Bust": Keynes vs. Hayek Rap Battle on YouTube

How does this play into Google Shopping?



Unlocking Google Shopping



I have tried to
reconstruct how
Google worked
pre-2018

DON'T TRY THIS AT HOME!

Search engines allow you to search

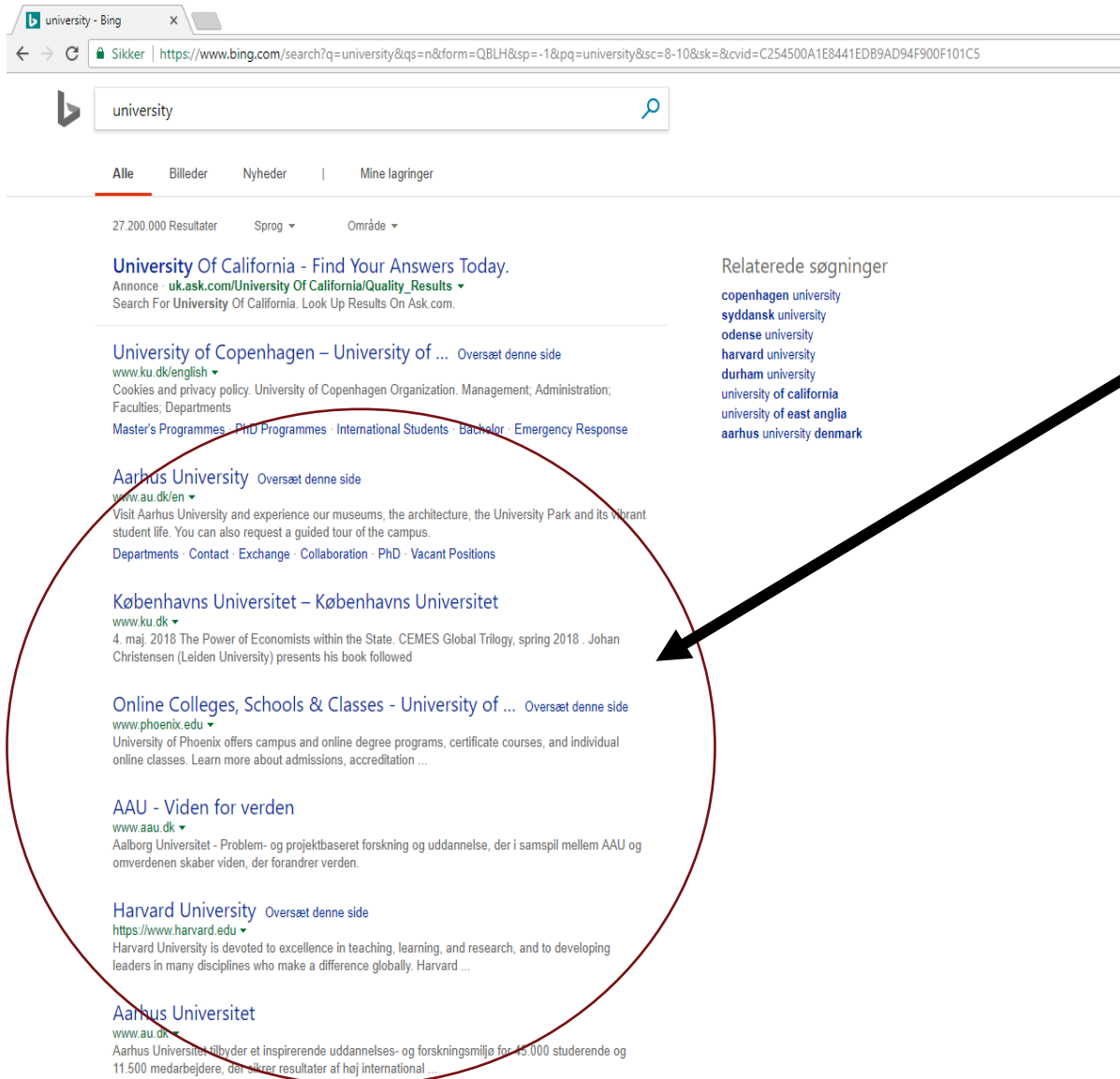


Two
fundamentally
different ways of
navigating the
internet

However, two alternative methods are available:

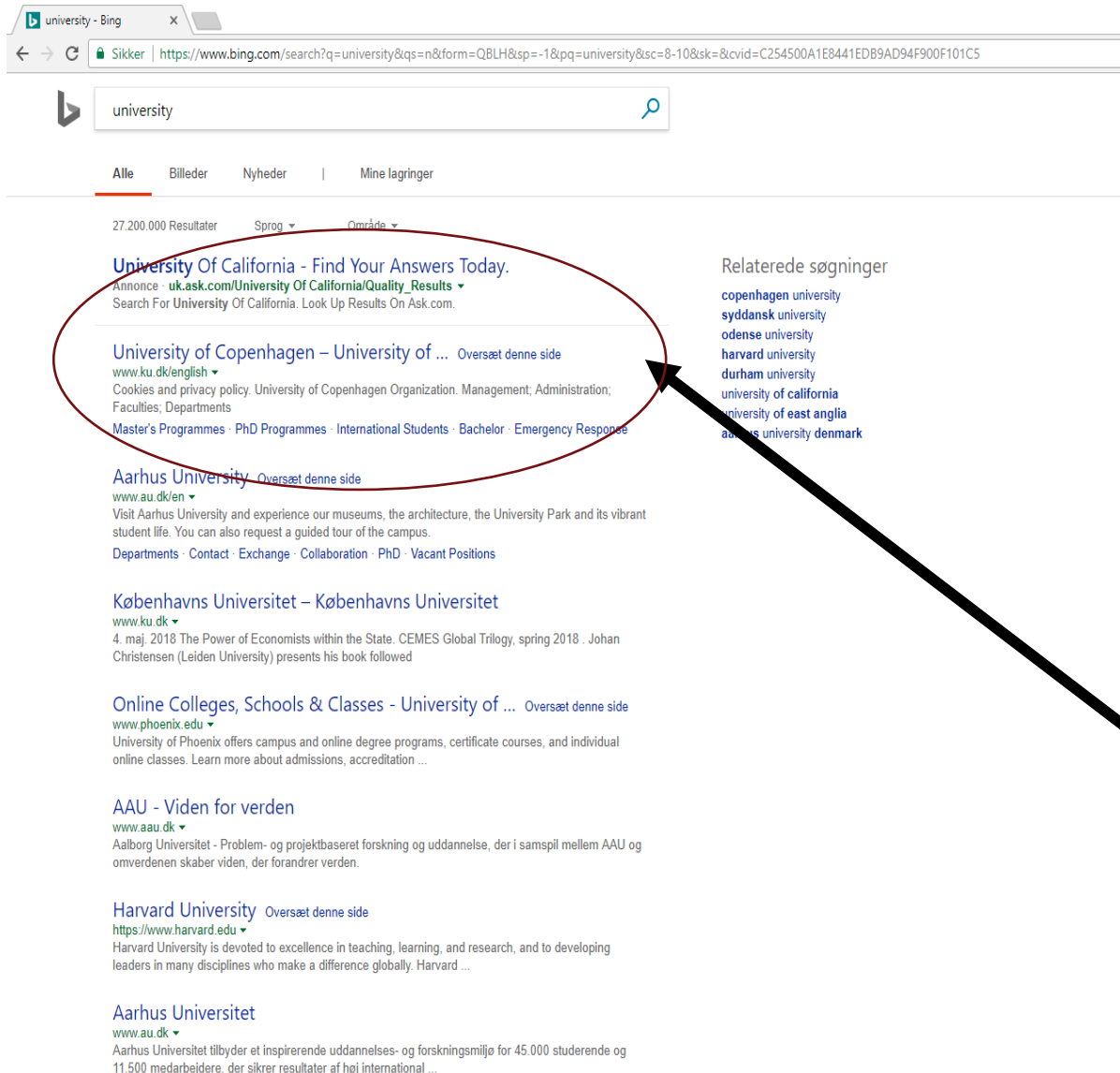
- a) *General (horizontal) search* covering the entire internet for whatever you are looking for, or
- b) *Specialized (vertical) search* focusing on a specific subject matter, e.g. places and events

General (horizontal) search



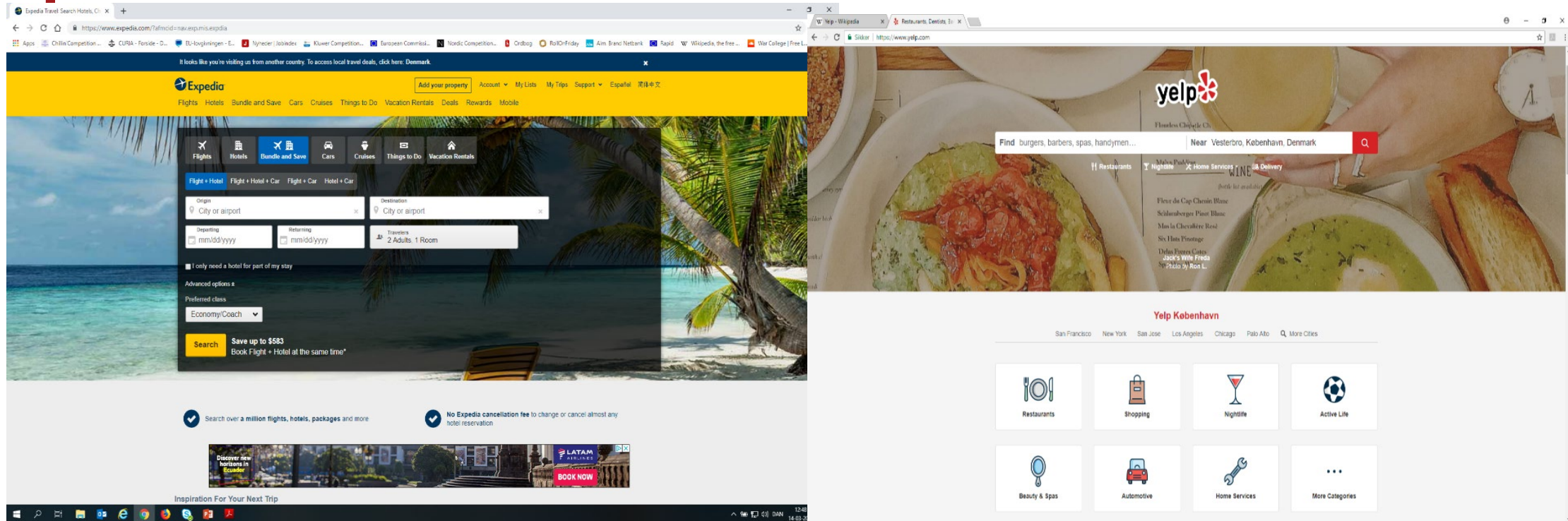
- Following an inquiry, a general search will yield a generic (organic) index of hits (organic blue links)
- The quality depends on the algorithms, which constantly are improved by tracking users' actual clicking (called "click-through-rates") thus creating a strong network and bandwagon effect

General (horizontal) search



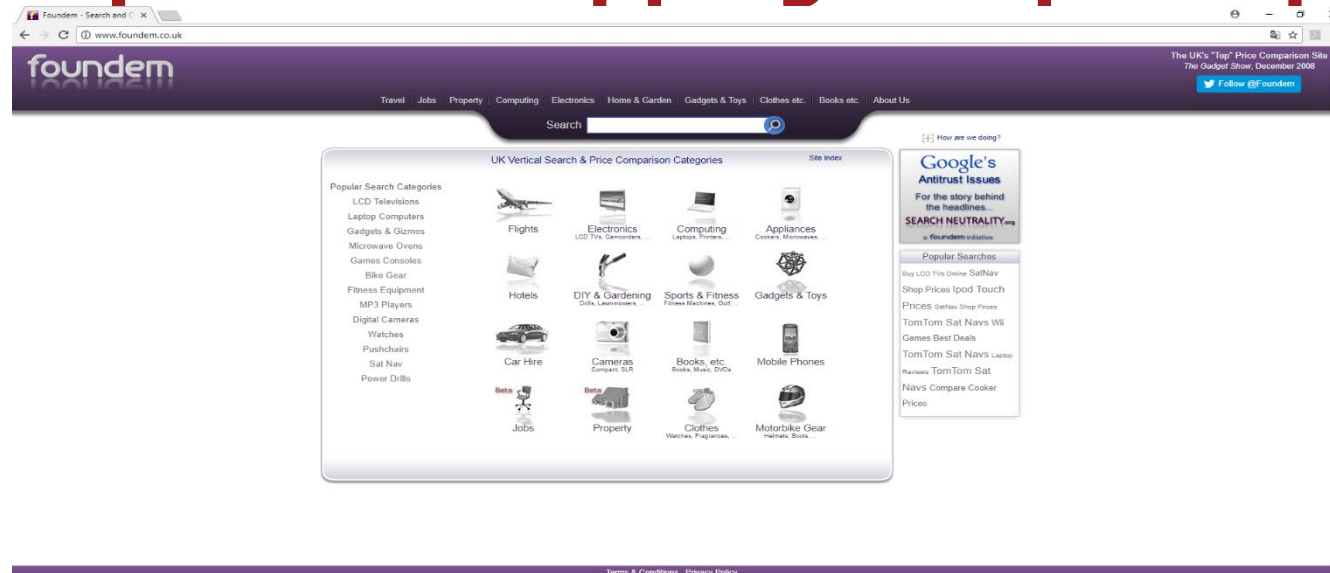
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- Further to the generic index, some links might be sponsored, generating income for the search engine

Specialized (vertical) search

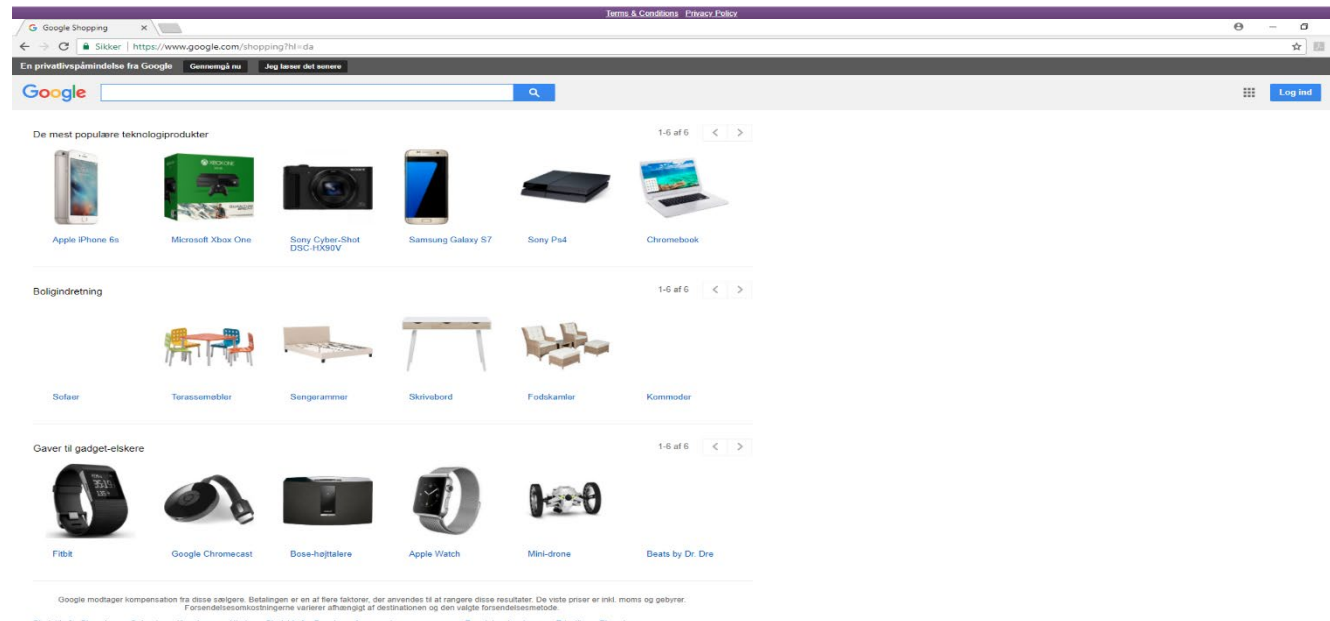


- If you are looking for specific services e.g., travels or places/events you should turn to a specialized search e.g., Expedia or yelp focusing on travels and places/events, respectively
- Google also offers specialized searches e.g., *Google Images*, *Google Flights*, *Google Maps*, etc.

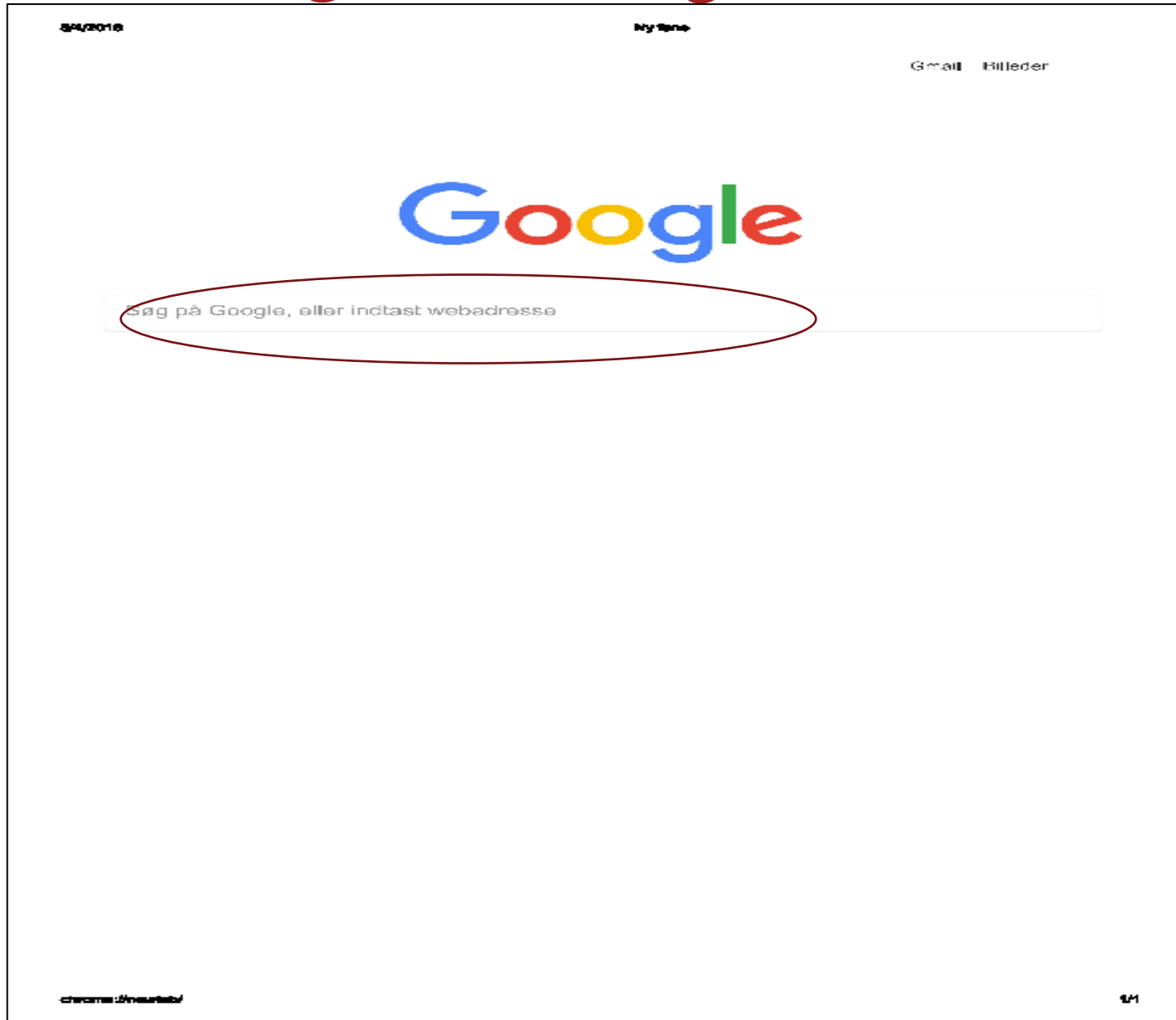
Comparison shopping compares prices



Comparison shopping allows users to compare prices and characteristics across different providers of product and services and is **not a specialized search service according to EU**



Searching with *Google*



When you open your Google search engine, you get a clean window prepared for your query

Searching with *Google*

Google search results for "defence attorney". The search bar shows "defence attorney" and the results are displayed below. The top result is a map of Oklahoma showing several locations marked with red pins, including Young Grady, Tulsa, and Broken Arrow. Below the map, there are three listings for law firms:

- Young Grady**: 5.0 ★★★★★ (1) - Attorney, Coffeyville, KS - (620) 251-9000. Includes a "DIRECTIONS" button.
- Tulsa Criminal Defense Law Firm**: 5.0 ★★★★★ (1) - Criminal Justice Attorney, Tulsa, OK - (918) 256-3400. Status: Closed - Opens 8:30AM. Includes "WEBSITE" and "DIRECTIONS" buttons.
- Wyatt Law Office**: 5.0 ★★★★★ (6) - Criminal Justice Attorney, Tulsa, OK - (918) 594-0000. Status: Closed - Opens 8AM. Includes "WEBSITE" and "DIRECTIONS" buttons.

Below the listings is a link to "More places". To the right of the map, there is a sidebar titled "Criminal defense lawyer" with a share icon. It includes a definition: "A criminal defense lawyer is a lawyer specializing in the defense of individuals and companies charged with criminal activity. Wikipedia". Below this is a section "Top Ten criminal defense attorneys" with a "View 40+ more" link. It lists five attorneys with their photos and names: Johnnie Cochran, Mark Geragos, F. Lee Bailey, Leslie Abramson, and Alan Dershowitz. Further down is a section "People also search for" with icons and labels for Defendant, Witness, Plaintiff, and Legal profession. At the bottom of the sidebar is a "Feedback" link.

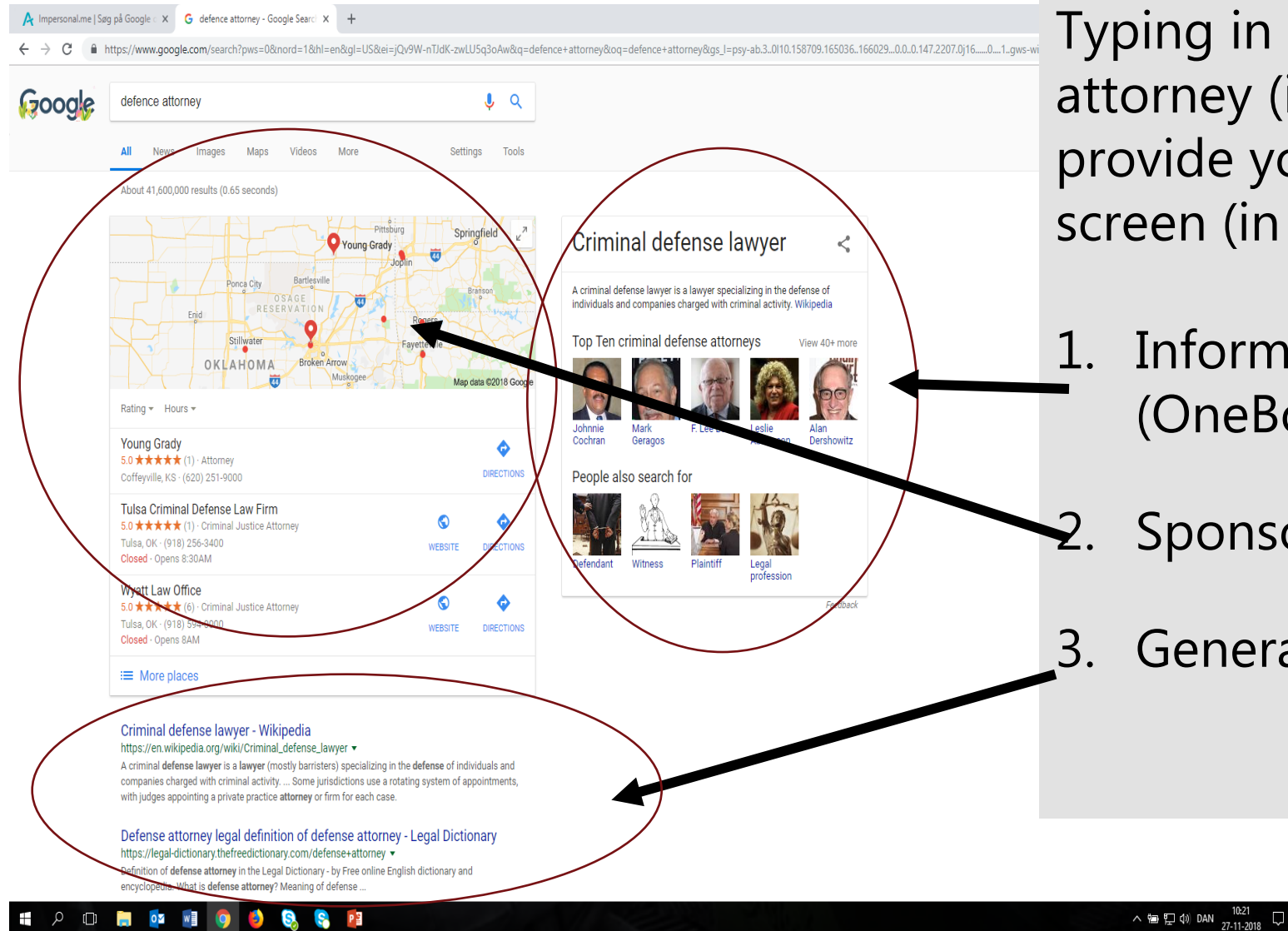
Below the sidebar, there are two links with definitions:

- Criminal defense lawyer - Wikipedia**: https://en.wikipedia.org/wiki/Criminal_defense_lawyer. A criminal defense lawyer is a lawyer (mostly barristers) specializing in the defense of individuals and companies charged with criminal activity. ... Some jurisdictions use a rotating system of appointments, with judges appointing a private practice attorney or firm for each case.
- Defense attorney legal definition of defense attorney - Legal Dictionary**: <https://legal-dictionary.thefreedictionary.com/defense+attorney>. Definition of defense attorney in the Legal Dictionary - by Free online English dictionary and encyclopedia. What is defense attorney? Meaning of defense ...

The Windows taskbar at the bottom shows the time as 10:21 on 27-11-2018.

Typing in e.g. defense attorney (in the US) will provide you with this screen (in the US)

Searching with *Google*



Typing in e.g. defense attorney (in the US) will provide you with this screen (in the US)

1. Information in boxes (OneBox)
2. Sponsored links
3. General search

Searching with *Google*



11/20

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



Or appropriate shoes



Searching on the internet with *Google*

Se get a hugo boss tie arlington



Fix-fastening tie 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...



Hugo Textured Skinny Tie -...
58,50 \$
Bloomingdale's
Særligt tilbud

Sponsorerede

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BOSS Store

Website

Rute

Gem

4,5

20 Google-anmeldelser

Herretøjsbutik i Virginia

Ligger i: Fashion Centre at Pentagon City

Adresse: 1100 S Hayes St Ste #N01D, Arlington, VA 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

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

Searching on the internet with Google

Se get a hugo boss tie arlington

Sponsorerede

Fix-fastening tie 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...

Hugo Textured Skinny Tie - 58,50 \$ HUGO BOSS Gratis forsend...

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 (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.
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<https://www.hugoboss.com/boss-store-1100-s-hayes-st...> ▾ Oversæt denne side
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BOSS Store
 Website Rute
 4,5 20 Google-anmeldelser
 Herretøjsbutik i Virginia
 Ligger i Fashion Centre at Pentagon City
 Adresse: 1100 S Hayes St Ste #N01D, Arlington, VA 22202
 Åbningstid: Lukket til 11:00 ▾
 Telefon: (703) 418-0690
 Foreslå en ændring · Administrer denne virksomhedsprofil
 Spørgsmål og svar
 Se alle spørgsmål (1)
 Populære tidspunkter

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)

Searching on the internet with *Google*



HUGO BOSS - Style, Refined | Premium Casual Pieces

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

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<https://www.hugoboss.com/boss-store-1100-s-hayes-st...>

BOSS Menswear Store, 1100 South Hayes Street #N01D, 22202, Arlington, Discover our ...

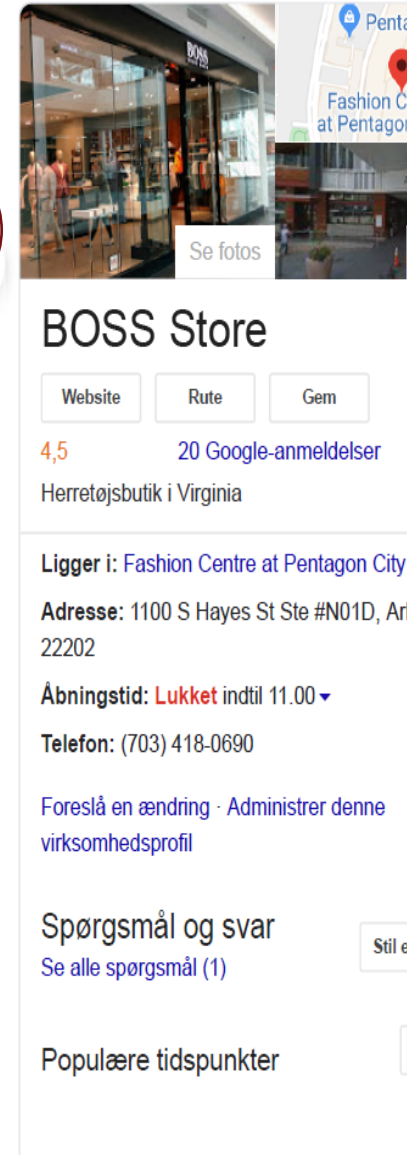
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stores!



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

Searching on the internet with Google

Se get a hugo boss tie arlington

Sponsorerede

				
Fix-fastening tie clip with...	Hand-polished logo cufflinks...	Italian-made silk tie with...	Italian-made tie in micro-fiber...	Hugo Textured Skinny Tie...
78,00 \$	98,00 \$	98,00 \$	98,00 \$	58,50 \$
HUGO BOSS	HUGO BOSS	HUGO BOSS	HUGO BOSS	Bloomingdale's
Gratis forsend...	Gratis forsend...	Gratis forsend...	Gratis forsend...	Særligt tilbud

HUGO BOSS - Style, Refined | Premium Casual Pieces

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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

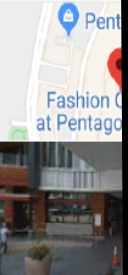
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BOSS Menswear Store, 1100 South Hayes Street #N01D, 22202, Arlington, Discover our stores!

Se fotos

BOSS Store

Website Rute Gem

4,5 20 Google-anmeldelser

Herretøjsbutik i Virginia

Ligger i: Fashion Centre at Pentagon City

Adresse: 1100 S Hayes St Ste #N01D, Arlington, VA 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

- 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)

DG COMP's theory of harm

- Google acts abusively (DG COMP Decision recital 2 and 341) when only Google's own offerings are allotted and displayed with premium placement and pictures etc. as this direct traffic away from competitors
- Google disputes any malicious intent, but the matter of the premium displaying and effect in terms of traffic, are supported by facts

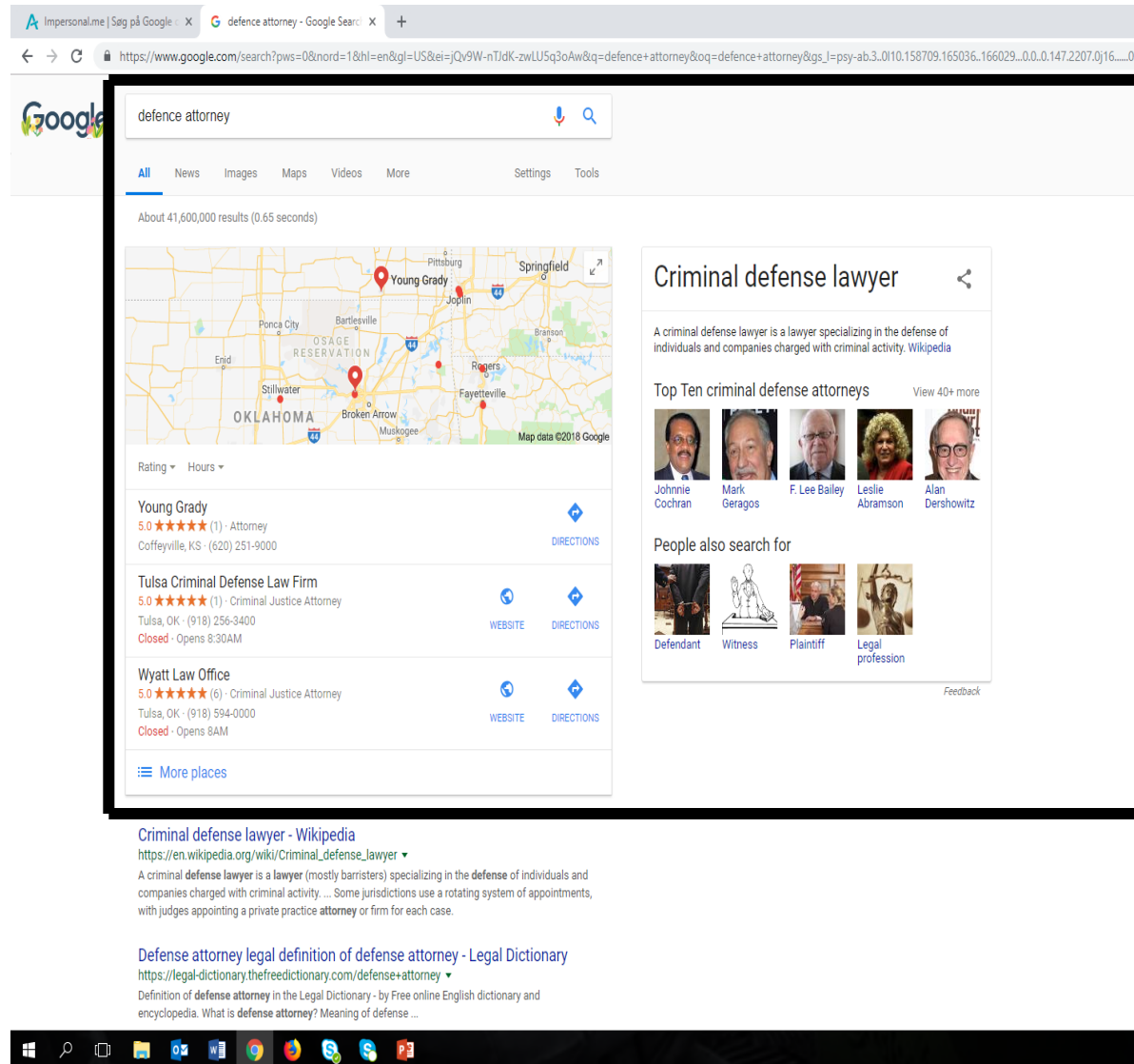


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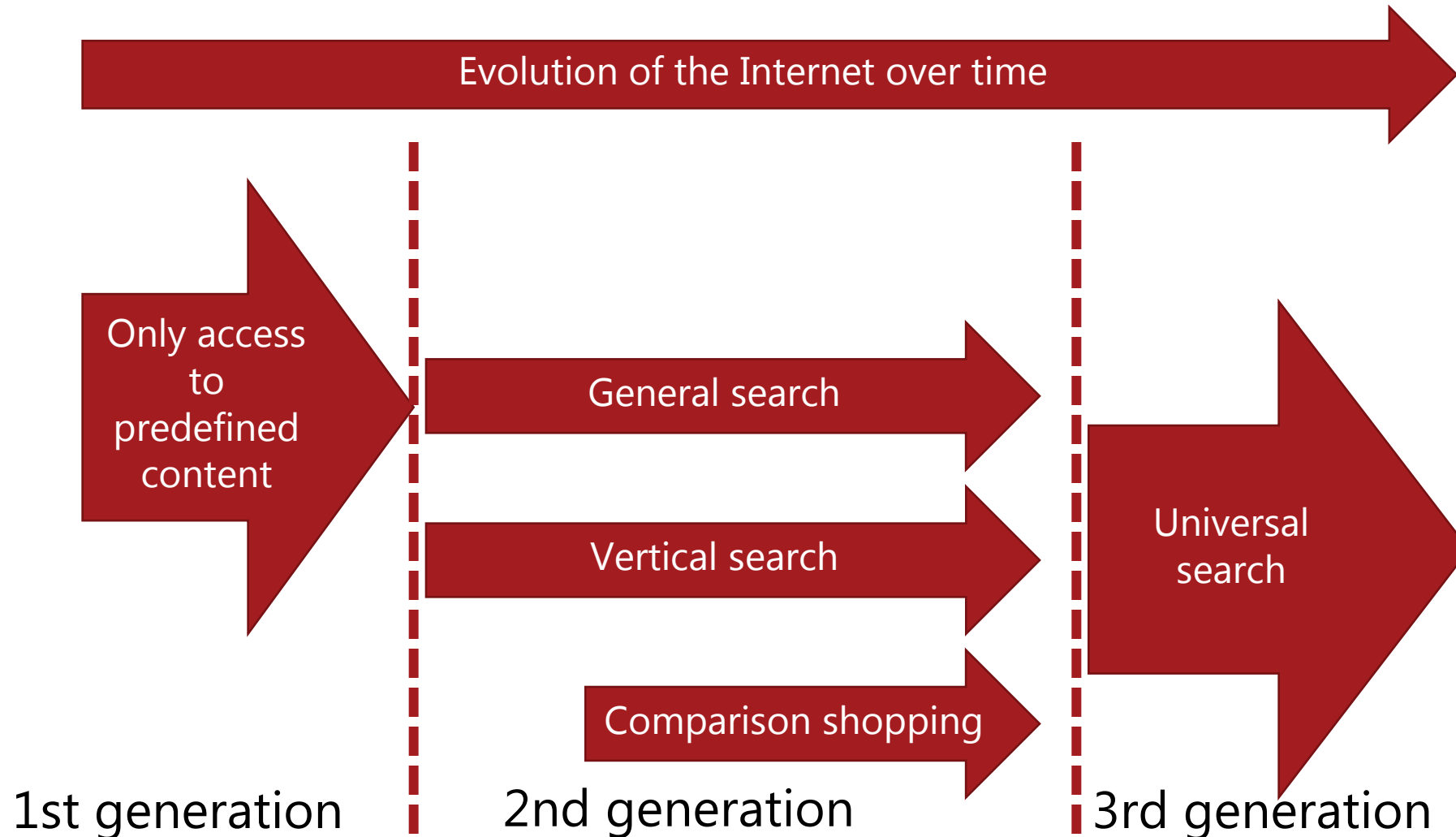


1. The Google way is innovation



- Assuming you need a defense attorney, the boxes and universal search functions provide a superior level of information adjunct to my generic index
- It even offers directions, opening hours and reviews
- I'm therefore somewhat inclined to see this as an improvement to general searches

1. The Google way is innovation



2. Google needs to make a profit

- Google's business essentially evolves around selling advertisements. Either on content pages or through sponsored links on the Internet

The image shows two side-by-side browser windows. The left window displays Google search results for 'defence attorney'. The search results include a map of Oklahoma with several locations marked, and a list of law firms. The first three law firms are circled in red: Young Grady (5.0 stars, 1 review), Tulsa Criminal Defense Law Firm (5.0 stars, 1 review), and Wyatt Law Office (5.0 stars, 6 reviews). Below the list, there are links to Wikipedia and Legal Dictionary for 'Criminal defense lawyer' and 'Defense attorney' respectively. The right window shows the homepage of 'THE LOCAL dk', a news website for Denmark. The website has an orange header with the site name and a search bar. Below the header, there are navigation links for News, Jobs, Galleries, and Community. A large advertisement for 'THE BOOK OF MORMON' is featured in the center, with a man in a white shirt and tie holding a book. To the right of the ad, there is a section for 'DET NY TRÆTER' with a 'KØB BILLETTER' button. Below the ad, there are several news snippets: 'Data of over 40,000 in Denmark may have been shared with Cambridge Analytica', 'Sign up to our newsletter' (with a red postbox icon), 'Detained Danish politician returns home after Bahrain entry refusal', and 'Inventor Madsen viewed murder video before Swedish journalist's death: prosecutor'. At the bottom of the right window, there is a cookie notice: 'This website uses cookies to ensure you get the best experience on our website. Learn more'.

3. There are legal weaknesses in the Decision

TV-OVERSIGT GENRE

< I dag d. 6. apr. > Resten af dagen

1 2 3 4 5 6 7 8 9 10

DR 1 DR 2 DR 3 DR 4 TV2

14:25 Hun så et mord (125) Amerikansk krimiserie fra 1989. SE NU (LIVE)		14:20 Jagten på det vilde vejr (4:4) SE NU (LIVE)	14:40 Hvornår var det nu det var SE NU (LIVE)	14:45 Alarm 112 Dansk dokumentarserie.
15:15 Mord med miss Fisher (20) Australisk krimiserie fra 2013.	15:05 Rojson til Grækenland SE PROGRAM	15:05 Miss Perfect (6:6) SE PROGRAM	15:30 Biblens gåder - Ægyptens ti plager Tysk dokumentar fra 2015. SE PROGRAM	15:15 Alarm 112 Dansk dokumentarserie.
16:10 Mord med miss Fisher (21) Australisk krimiserie fra 2013.	16:05 Det vilde Spanien - vinter Britisk naturprogram fra 2014. SE SE NESTE	15:35 My Sister's Keeper Amerikansk drama fra 2009. SE PROGRAM	16:20 Biblens gåder - Jerikos fald Tysk dokumentar fra 2015. SE PROGRAM	15:50 Razzia Dansk dokumentarserie.
17:00 Downton Abbey (5) Engelsk dramaserie fra 2010.	17:00 DR2 Dagen	17:20 At stykke med krokodiller Britisk naturprogram fra 2012. SE PROGRAM	17:10 Gåden om Atlantis Amerikansk dokumentar fra 2016. SE PROGRAM	16:25 Razzia Dansk dokumentarserie.
17:50 TV AVISEN			17:10 Gåden om Atlantis Amerikansk dokumentar fra 2016. SE PROGRAM	17:00 Nyhederne
			17:55 Regionale nyheder	17:16 Regionale nyheder
			17:25	17:25

14:30	15:00	15:30	16:00	16:30	17:00
TV2 Alarm 112 14:45	Alarm 112 15:15	Razzia 15:50	Razzia 16:25	N 1	
TV2/SPORT	Håndboldmagasinet: Kontra 15:10	Håndbold: Norge-Island (m) 15:45	Håndbold: Norge-Island (m) 16:30		
TV2/CHARLIE	Kommissær Rex 14:45	Fornyet mistanke 15:40	Death in Paradise 16:35		
TV2/NEWS			NEWS & Co 16:00		
TV2/GOO	lee 14:40	Dybvaadaad! 15:30	Dybvaadaad! 16:00	Norgaards netfix 16:35	
TV2/FRI	Den store svenske bagedyst 15:00	Den store svenske bagedyst 15:50	Location Location 16:40		
14:30	15:00	15:30	16:00	16:30	17:00

- Self-favoring is normal when it comes to the Internet (both major Danish TV channels give premium listening to their own channels) and thus competition on the merits
- The case echo's discrimination, but isn't pursued as such, giving ground for Google's claim of being convicted under a novel and unsupported theory of abusive leverage



We could also
lawyer up and
look at the legal
angles of the
cases

The Antitrust cases against Google (medio 2024)

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	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)
Google Ad Tech	Favoring own ads auction system, potentially at the expense of publishers	France (2021), EU (pending), US DOJ (pending in Virginia, US Texas (pending in New York), India (pending), UK (pending), Chile (pending), Canada (pending) and Australia (pending)
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 AdSense	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)



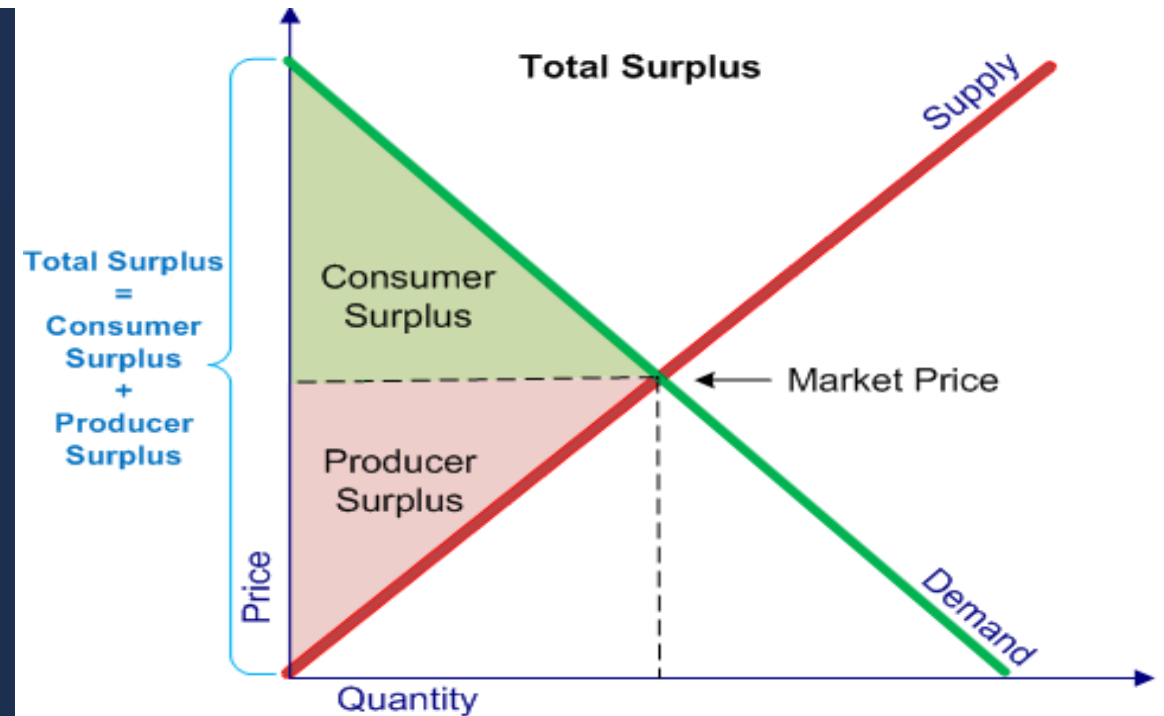
See p. 86 of the FTC Memo

- *“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

What did Bork articulate (in respect to anti-trust)?

THE ANTITRUST PARADOX

meaning, definition, explanation...



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

And an unsuccessful Supreme Court nomination (1987)



Bork didn't join the US Supreme Court, but he remained at the lower level (and other conservative forces made it)



And the EU tried to follow suits



1. April 2013
2. October 2013
3. February 2014



2014: Vestager aka "The Enforcer"



DG COMP's theory of harm as offered (2017)

- Recital 2: *"The Decision establishes that the more favourable positioning and display by Google, in its general search results pages, of its own comparison shopping service compared to competing comparison shopping services (the "Conduct") infringes Article 102 of the Treaty..."*
- Recital 512: *"First, the Conduct consists not only of the positioning and display of the Product Universal and the Shopping Unit but also includes that, unlike competing comparison shopping services, Google's own comparison shopping service is not prone to being demoted by the [...] and Panda algorithms."*
- Recital 537: *"This is because the Commission does not object to Google applying specific criteria per se but to the fact that Google prominently positions and displays results only from its own comparison shopping service and not from competing comparison shopping services."*

DG COMP's theory of harm as offered (2017)

Se get a hugo boss tie arlington

Sponsorerede

				
Fix-fastening tie clip with...	Hand-polished logo cufflinks...	Italian-made silk tie with...	Italian-made tie in micro-fabric...	Hugo Textured Skinny Tie -...
78,00 \$	98,00 \$	98,00 \$	98,00 \$	58,50 \$
HUGO BOSS	HUGO BOSS	HUGO BOSS	HUGO BOSS	Bloomingdale's
Gratis forsend...	Gratis forsend...	Gratis forsend...	Gratis forsend...	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

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!

BOSS Store

Website Rute Gem

4,5 20 Google-anmeldelser

Herretøjsbutik i Virginia

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Telefon: (703) 418-0690

[Foreslå en ændring](#) · [Administrer denne virksomhedsprofil](#)

Spørgsmål og svar

[Se alle spørgsmål \(1\)](#) [Stil et spørgsmål](#)

Populære tidspunkter [Søndage](#)

- DG COMP identifies it abusive to reserve the info-boxes for Google own offering while referring competing offering to the blue link
- In particular if the latter is not even the top links as end-users rarely looks beyond the first three to five links

DG COMP's theory of harm as offered (2017)



DG COMP's theory of harm as to be understood

What I think DG COMP tried to establish was 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



The Antitrust cases against Google

To understand the motive,
we need to go Android

Case	(Alleged) Abusive behavior	Jurisdictions (abuse cases 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	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)
Google Ad Tech	Favoring own ads auction system potentially at the expense of publishers	France (2021), EU (pending), US DOJ (pending in Virginia, US Texas (pending in New York), India (pending), UK (pending), Chile (pending), Canada (pending) and Australia (pending)
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 AdSense	Use of restrictive clauses with websites	India (no abuse 2018), Brazil (no abuse 2018), EU (2019), Turkey (2020) and Japan (pending)

Google Android (in EU and US)

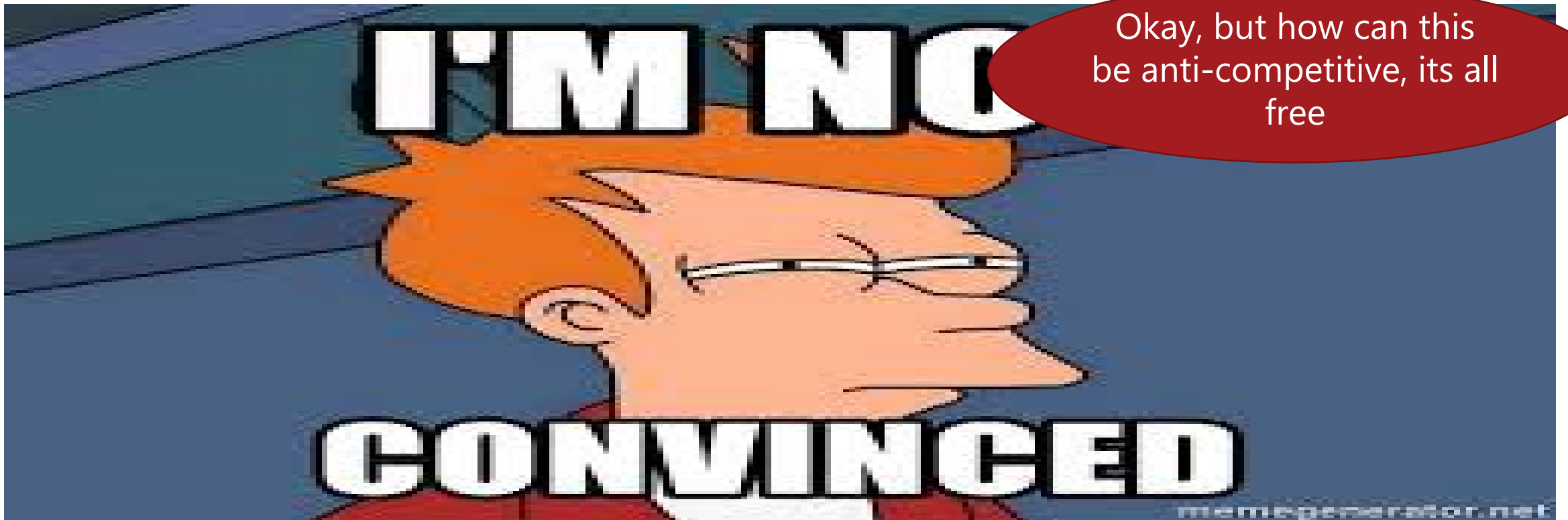
Here Google had tied different Google offerings

- 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



DG COMP's theory of harm

- DG COMP claims this to be anti-competitive and detrimental to the interest of the consumers



DG COMP's theory of harm in *Google Shopping*

The abuse served two objects (DG COMP Decision recital 342):

1. Google aspired to leverage its monopoly from general searches into comparison shopping for the purpose of extending its monopoly and reserve a (more) profitable market for itself
2. Google also aspired to prevent comparison shopping from serving as a jumping-off point for an attack on general searches



DG COMP's theory of harm in *Google Android*

The abuse served two objects (DG COMP Decision recital 112-117+1341):

- a) Uses Android to protect its search monopoly and the (very significant) advertisement revenue it represents
- b) Developed and deployed to counter the migration from stationary PC to mobile devices



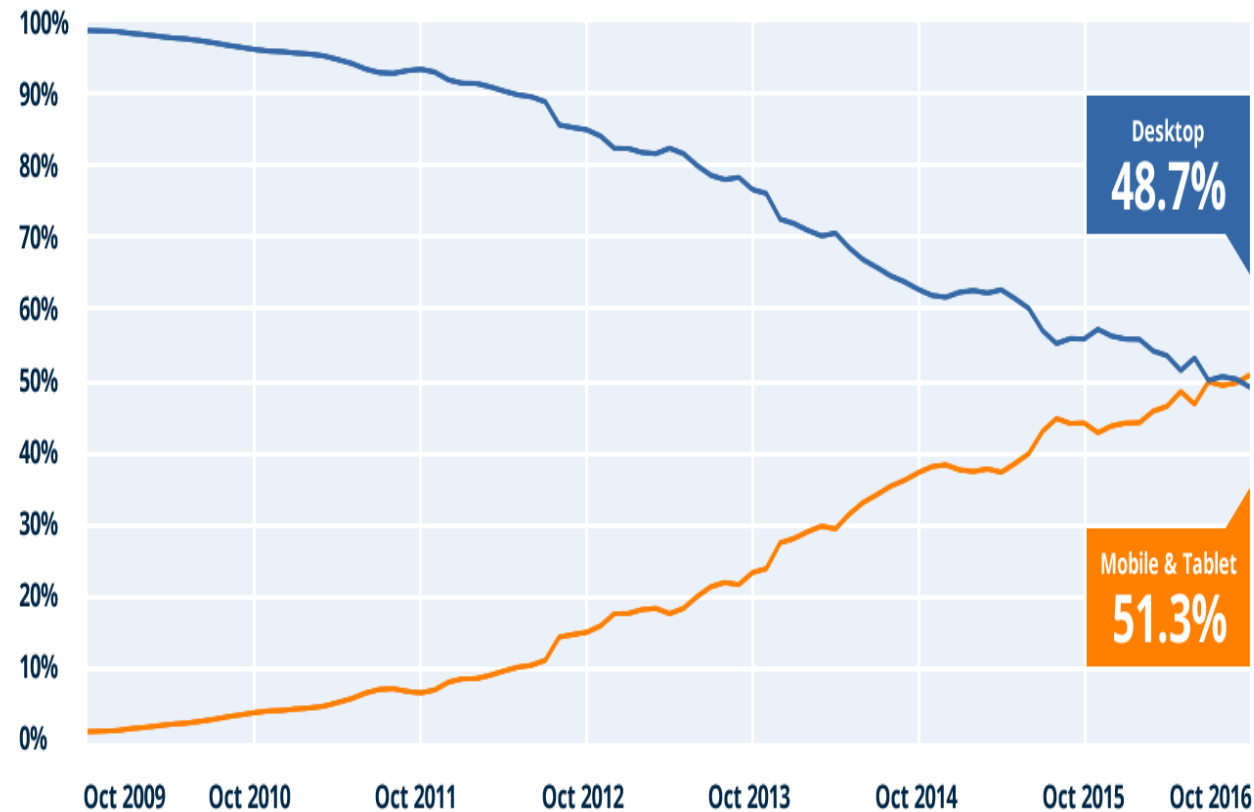
Users are migrating to mobile searches



Internet Usage Worldwide

October 2009 – October 2016

■ Desktop ■ Mobile & Tablet



A position that could be undermined by use migration

Google and its business

- However, at the core Google sells advertising or through sponsored links on the Internet

Across the cases. Google engaged in the abuse to protect the core business

The image shows a screenshot of a Google search for "defence attorney" and a portion of The Local Denmark website. A red oval highlights the search results for "defence attorney" on Google, which include a map of Oklahoma and a list of law firms: Young Grady, Tulsa Criminal Defense Law Firm, and Wyatt Law Office. Another red oval highlights a large advertisement on The Local Denmark website for "THE BOOK OF MORMON" and "DEN MEST FLABEDE".

Google Search Results for "defence attorney":

- Young Grady: 5.0 ★★★★★ (1) - Attorney, Coffeyville, KS - (620) 251-9000
- Tulsa Criminal Defense Law Firm: 5.0 ★★★★★ (1) - Criminal Justice Attorney, Tulsa, OK - (918) 256-3400, Closed - Opens 8:30AM
- Wyatt Law Office: 5.0 ★★★★★ (6) - Criminal Justice Attorney, Tulsa, OK - (918) 594-0000, Closed - Opens 8AM

The Local Denmark Website:

- Header: THE LOCAL dk, Search Denmark's news in English, Sign up for our free Today in Denmark newsletter
- Navigation: News, Jobs, Galleries, Community
- Advertisement: THE BOOK OF MORMON, DEN MEST FLABEDE, OG FRIGØRENDE MUSICAL, MAN ENDNU HAR SET, CPH CULTURE, DET NY TEATER, KØB BILLETTER
- Article: Data of over 40,000 in Denmark may have been shared with Cambridge Analytica, 41,820 Facebook users in Denmark may have unwittingly had their data forwarded to controversial analysis firm Cambridge Analytica.
- Newsletter Sign-up: Sign up to our newsletter, SIGN UP here for a daily dose of Denmark in your inbox
- Other News: Detained Danish politician returns home after Bahrain entry refusal, Inventor Madsen viewed murder video before Swedish journalist's death: prosecutor

The Browser Wars II and III – Chrome and Android



Migration has resulted in a series of Browser Wars

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.^[2] 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 HTML5 and CSS 3, a new generation of browser war began, this time adding extensive client-side scripting to the World Wide Web, as well as the more widespread use of smartphones and other mobile devices for browsing the web. These newcomers have ensured that browser battles continue among enthusiasts, while the average web user is less affected.^[3]

Background



A timeline of web browsers



BROWSER WARS



android

Memo from Bill Gates (1995)

The first in the best documented

To Executive Staff and direct 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 possible. We build an organization to deliver the best software products. In the next 10 years, computer power will be enhanced by the exponential improvements in



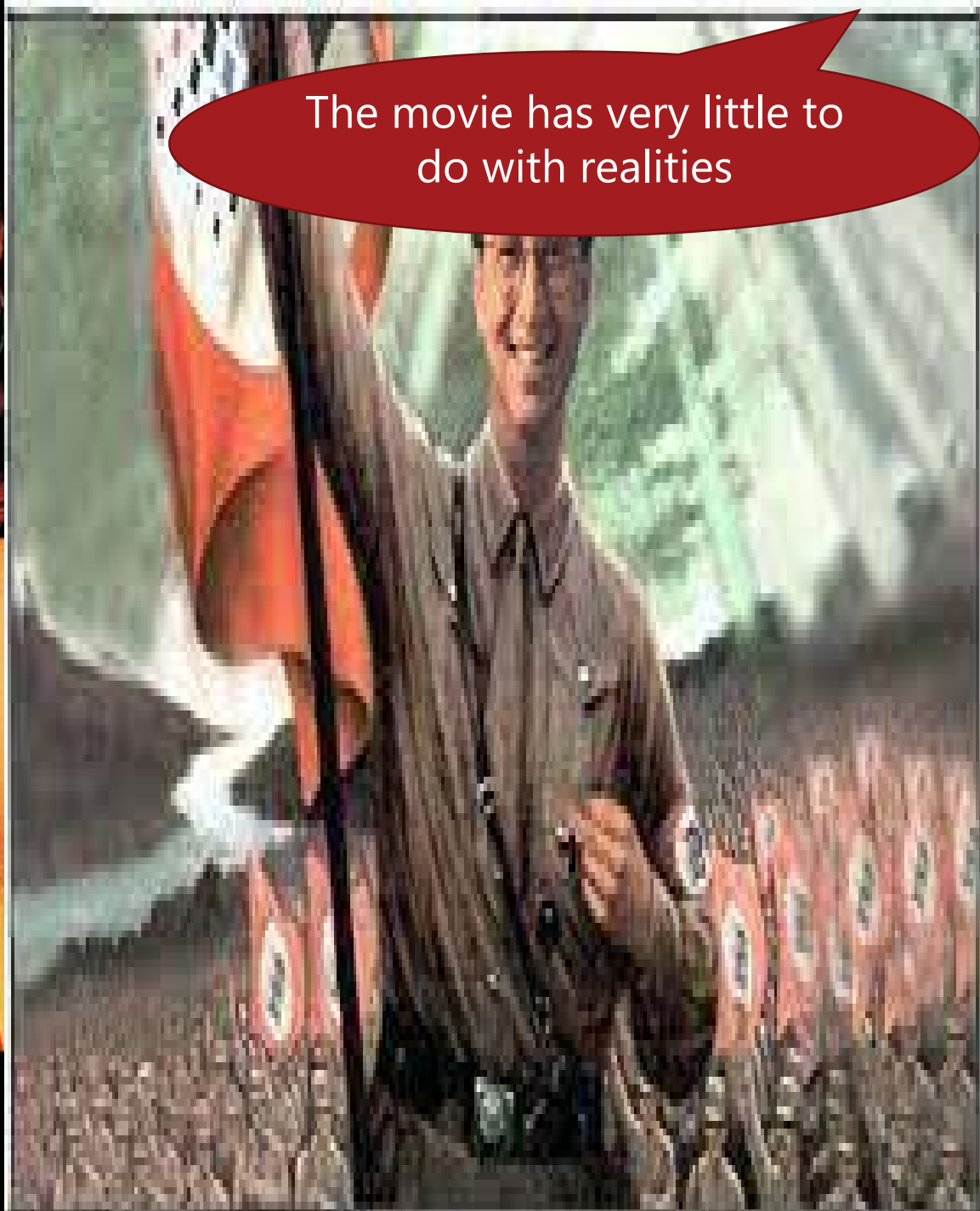
1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013

RYAN PHILLIPPE RACHAEL LEIGH COOK CLAIRE FORLANI AND TIM ROBBINS

AntiTRUST

TRUTH CAN BE DANGEROUS... TRUST CAN BE DEADLY.

The movie has very little to do with realities





The movie "BlackBerry",
shows how the iPhone
changes everything
kicking off Browser War III



Google Shopping on Appeal (10 NOV 21)

- The Court upheld almost all of DG COMP Decision but also added some notable observations and qualifications



Google Shopping on Appeal (10 NOV 21)

- In terms of the abuse the Court held that (paragraph 187):
 - The abuse is not (confined to) the self-favoring but consist of *"... the combination of two practices: the promotion of specialised results from Google's comparison shopping service and the simultaneous demotion of results from competing comparison services by adjustment algorithms"*

Google Shopping on Appeal (10 NOV 21)

- In terms of the abuse the Court held that (paragraph 187):
 - In this, the court **i)** rebuts, seeing self-favoring as abusive in itself and **ii)** finds an infringement (heavily) influenced by:
 - a) the importance of search traffic for comparison shopping services;
 - b) the behavior of users concentrating on the first three to five search results; and
 - c) the large portion of diverted traffic that was difficult to replace by other sources

Google Shopping on Appeal (10 NOV

The Court accepted the first motive but not the second

The abuse served two objects (DG COMP Decision recital 342):

1. Google aspired to leverage its monopoly from general searches into comparison shopping for the purpose of extending its monopoly and reserve a (more) profitable market for itself
2. ~~Google also aspired to prevent comparison shopping from serving as a jumping-off point for an attack on general searches~~



Google Android on appeal (14 SEP 22)

- Google does (confirmed by the General Court):
 - a) Uses Android to protect its search monopoly and the (very significant) advertisement revenue it represents
 - b) Developed and deployed to counter the migration from stationary PC to mobile devices



But the offensive leverage
was accepted in Android

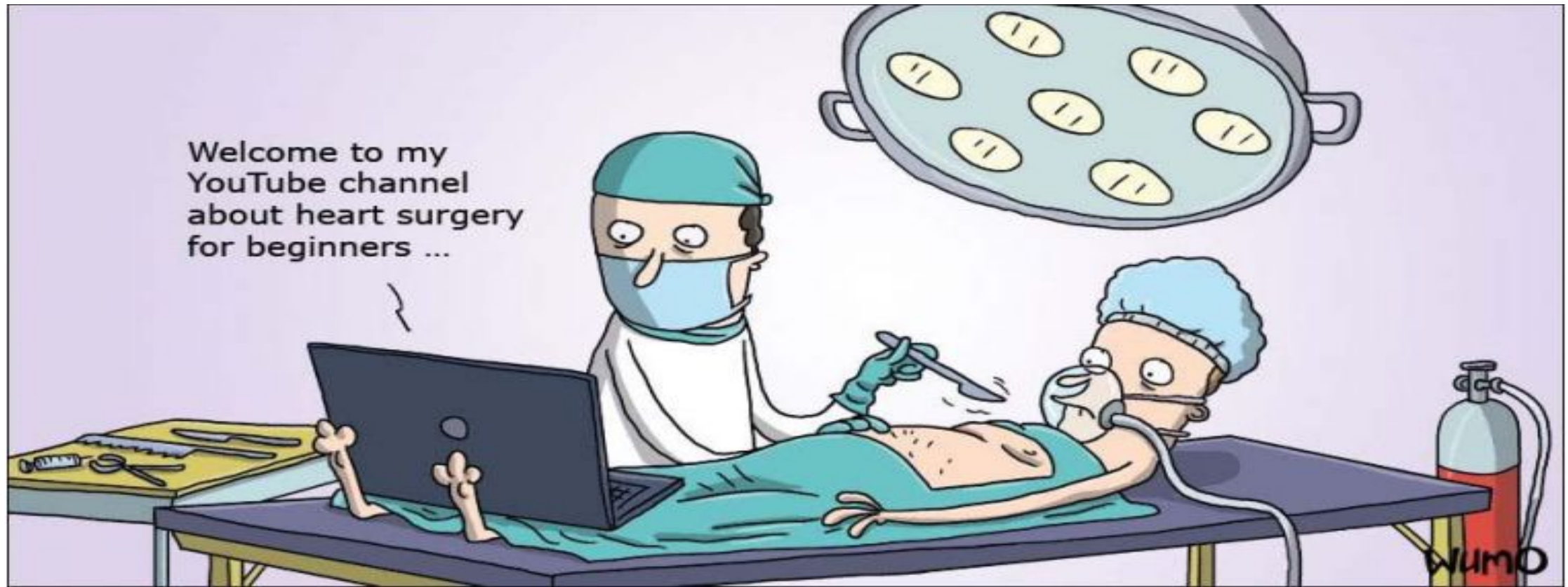
Google Shopping on Appeal (10 SEP 24)

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



The General Court 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)



DG COMP's theory of harm as to be

DG COMP did not pursue self-favoring in isolation

What I think DG COMP tried to establish was 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



FTC closed its Google investigation (2013)



See p. 86 of the FTC Memo

- *“In sum, Staff acknowledges that in this area of the investigation, the legal hurdles we would face in making a strong procompetitive justification forth..... condemnation, would require a sensitive 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

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

And an unsuccessful Supreme Court nomination (1987)



Bork didn't join the US Supreme Court, but he remained at the lower level (and other conservative forces made it)



What is next - Legally

The War of Ecosystems

	facebook	apple	amazon	Microsoft	Alibaba	Google	Tencent 腾讯	Baidu 百度	Yandex
Desktop OS						Google			
Smartphone OS			amazon		YUNOS	Google	Tencent 腾讯		
Searches			amazon	bing		Google	Sogou 搜狗	Baidu 百度	Yandex
Email	facebook	apple	amazon	Outlook		Google	Tencent 腾讯		Yandex Mail
Social media	facebook			Yammer		Google+			
Online shopping	facebook	apple	amazon	Microsoft Store		Google	Tencent 腾讯	Baidu 百度	
Instant messaging		apple		skype		Google		Baidu 百度	Yandex Yamb
Mobile messaging	WhatsApp	apple		Microsoft		Google			
Voice recognition				Microsoft			Tencent 腾讯	Baidu 百度	Yandex
Mobile payment	facebook	Apple Pay	amazon	Microsoft Pay	Alipay	Google	TenPay		Yandex
Video content	facebook	apple	amazon	Microsoft	YOUKU 优酷 tudou.com	YouTube	腾讯视频 VODU.COM	爱奇艺 IQIYI	Yandex
Augmented reality	oculus	iGlass Reality connected	amazon	Microsoft HoloLens		GLASS	Tencent 腾讯	Baidu 百度	
Car extensions		Apple CarPlay		TomTom		android auto			
Self-driving cars		apple		Microsoft		Google	Tencent 腾讯	apollo	Yandex Taxi

www.underthehood.fi

@KatiLehmuskoski



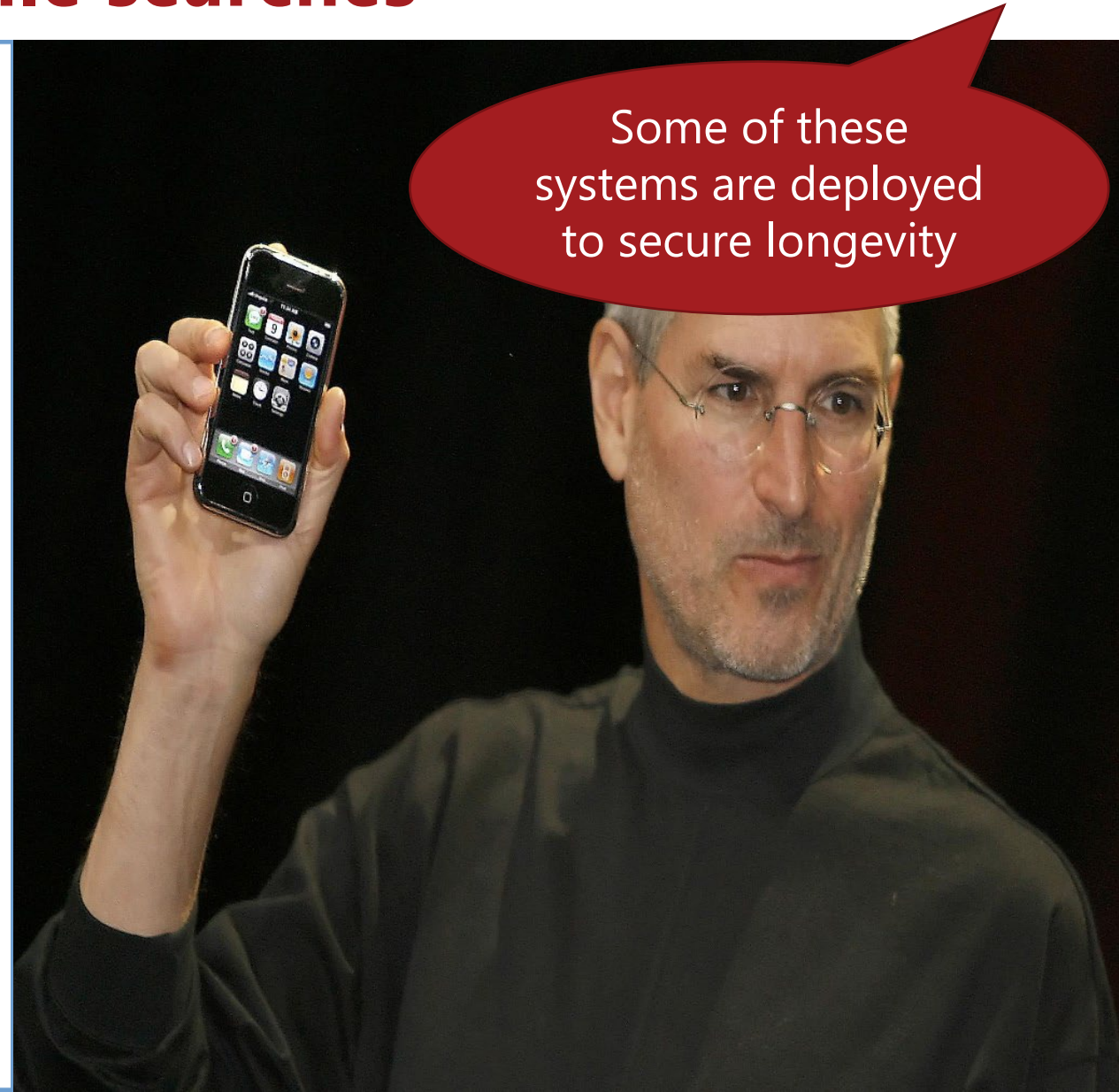
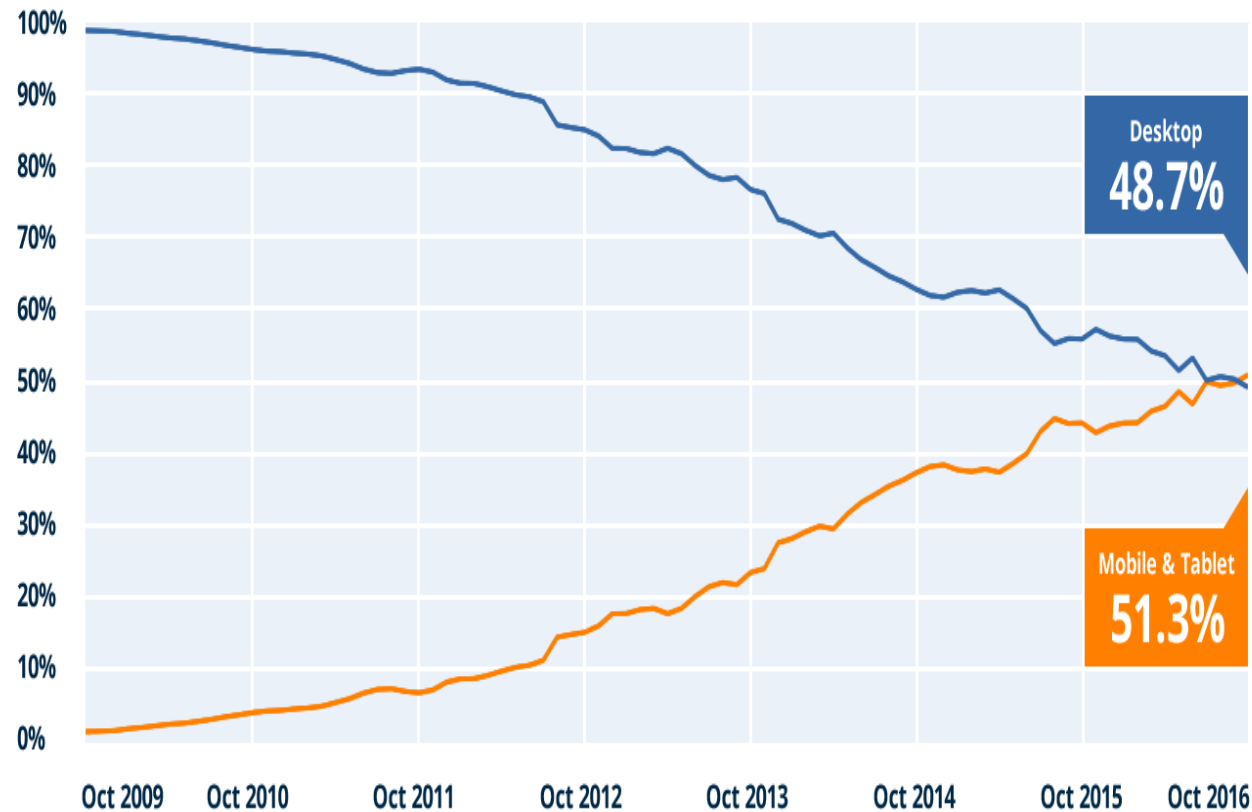
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The War of Ecosystems

	facebook	Apple	amazon	Microsoft	Alibaba	Google	Tencent 腾讯
Desktop OS				Windows		Google	
Smartphone OS			amazon		鸿蒙	Google	Tencent 腾讯
Searches			amazon	bing		Google	搜狗 搜狗
Email	facebook	Apple	amazon	Outlook		Google	Tencent 腾讯
Social media	facebook			Yammer		g+	陌陌
Online shopping	facebook	Apple	amazon	Microsoft Store		Google	Tencent 腾讯
Instant messaging		Apple		skype		Google	企鹅
Mobile messaging	WhatsApp	Apple		Microsoft		Google	微信
Voice recognition				Microsoft			Tencent 腾讯
Mobile payment	facebook	Apple Pay	支付宝	Pay	Alipay	Google	微信支付
Video content	facebook	Apple	amazon	Microsoft	优酷 优酷	YouTube	腾讯视频
Augmented reality	oculus	iGlass					
Car extensions							
Self-driving cars							

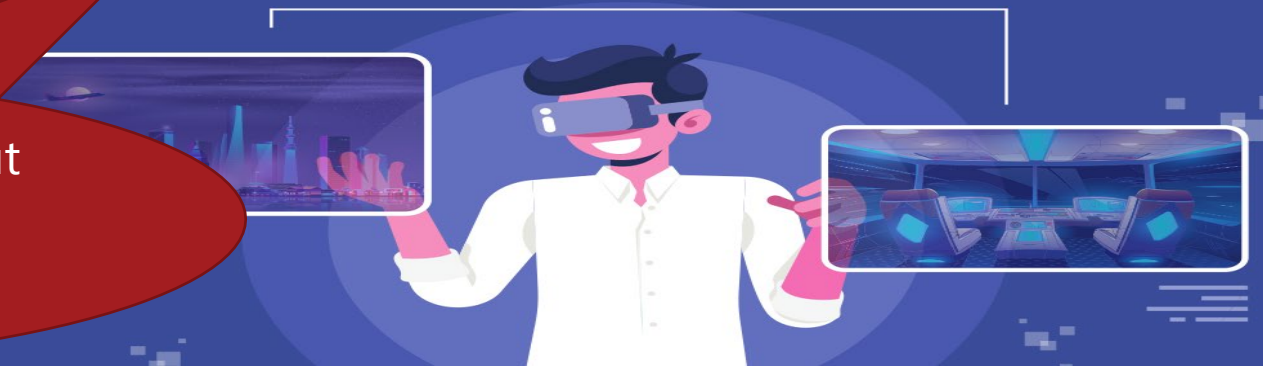
Meta core business is Facebook, but it also offers Instagram, VR-glasses and is developing metaverse



Meta is another examples of an ecosystem



METAVVERSE



And soon cars, speakers, watches etc.



THE VOLVO XC60

GOOGLE BUILT IN



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

The Browser Wars IV – Internet of Things and AI



WIKIPEDIA
The Free Encyclopedia

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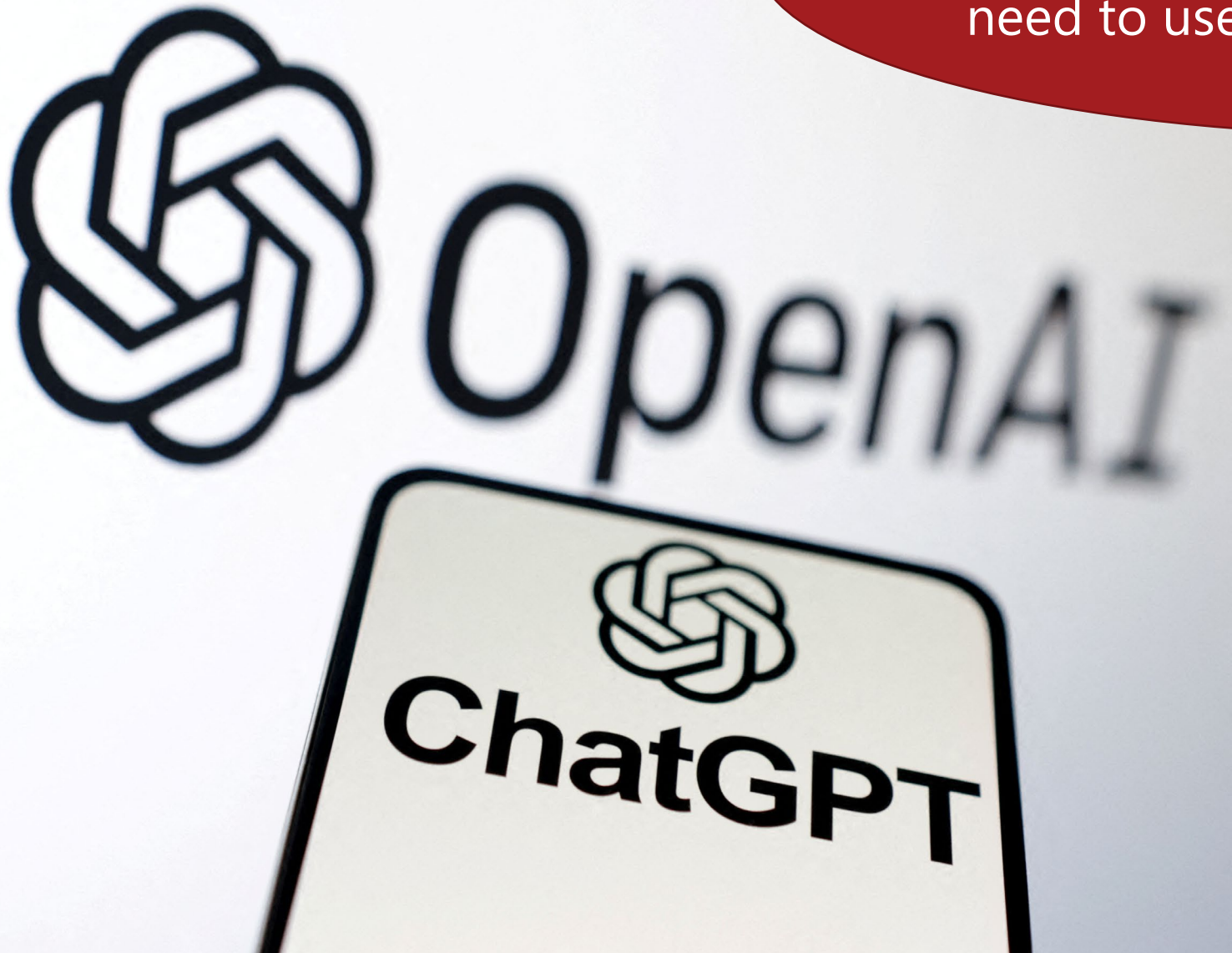
A timeline of web browsers



android

And soon cars, speak

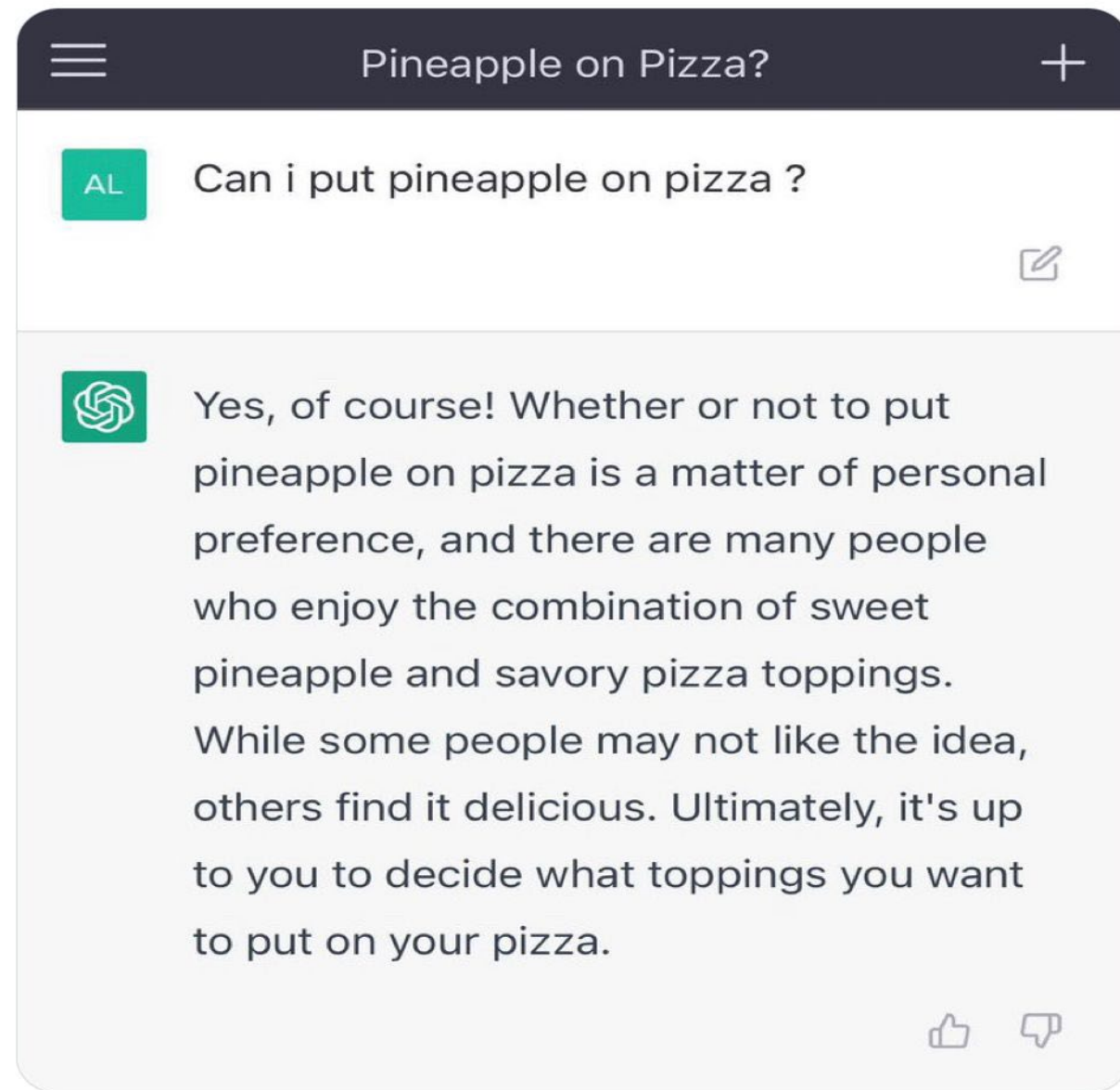
Microsoft OpenAI could potentially dethrone Google by negating the need to use a browser



What is next - Legally



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



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Case	(Alleged) Abusive behavior	Jurisdictions (abuse unless indicated)
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Google Ad Tech	Favoring own ads auction system, potentially at the expense of publishers	France (2021), EU (pending), US DOJ (pending in Virginia, US Texas (pending in New York), India (pending), UK (pending), Chile (pending), Canada (pending) and Australia (pending)
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 AdSense	Use of restrictive clauses with websites	India (no abuse 2018), Brazil (no abuse 2018), EU (2019), Turkey (2020) and Japan (pending)

Google and its business

- However, at the core Google sells advertisements. Either on content pages or through sponsored links on the Internet

The image displays two side-by-side browser windows illustrating Google's advertising business.

Left Window (Google Search): The search query is "defence attorney". The results page shows a map of Oklahoma with several locations marked. A red circle highlights a list of three law firms: "Young Grady", "Tulsa Criminal Defense Law Firm", and "Wyatt Law Office". Below the map, there are links to Wikipedia and Legal Dictionary for "Criminal defense lawyer" and "Defense attorney".

Right Window (The Local Denmark): The website features a large advertisement for "THE BOOK OF MORMON" and "DEN MEST FLABEDE" (The Most Flabede) at the "DET NY TEATER". The ad includes a man in a white shirt and tie holding a book. Below the ad, there are several news snippets: "Data of over 40,000 in Denmark may have been shared with Cambridge Analytica", "Sign up to our newsletter" (with a red postbox icon), "Detained Danish politician returns home after Bahrain entry refusal", and "Inventor Madsen viewed murder video before Swedish journalist's death: prosecutor".

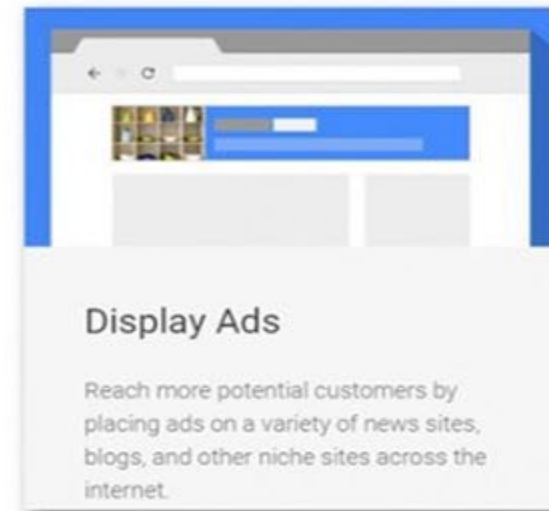
Searchable ads vs non-searchable ads (display ads)



Google



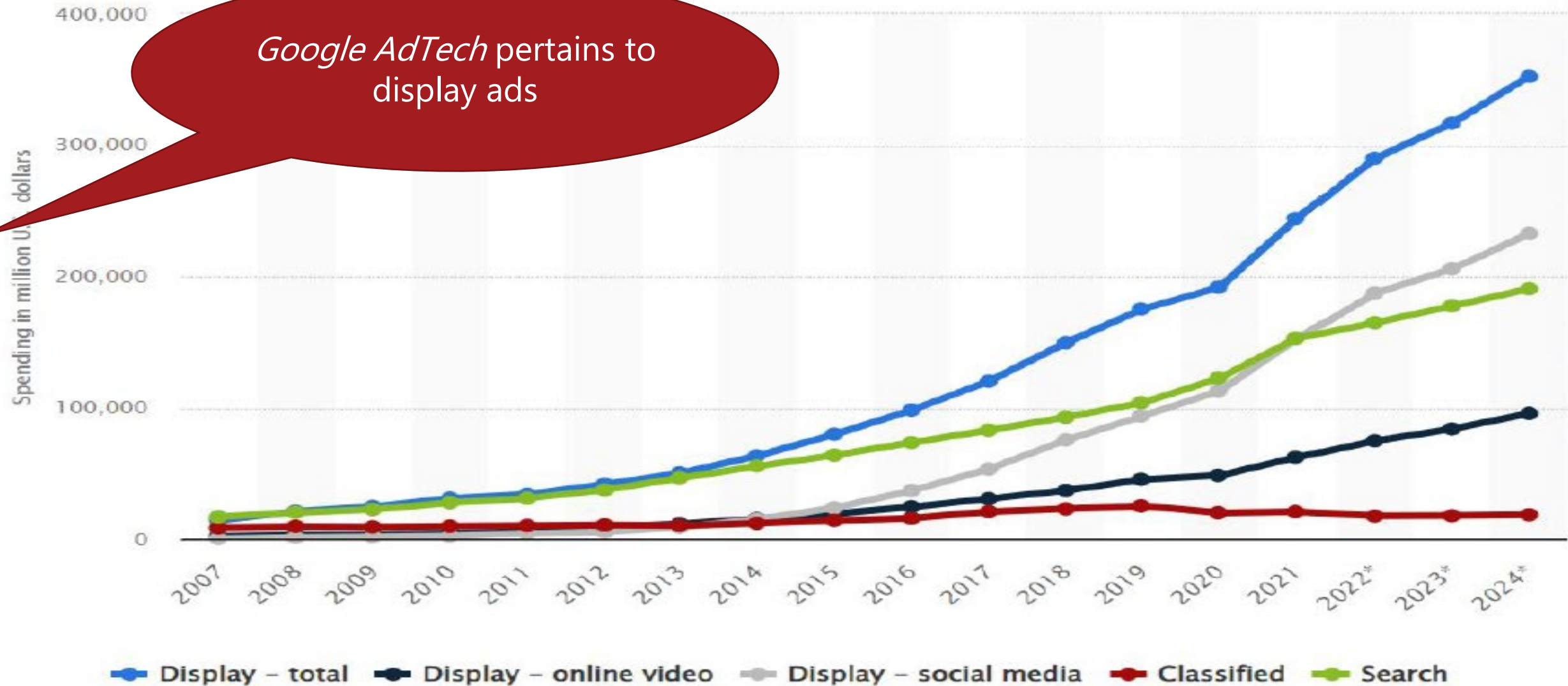
VS



Display Ads vs Search Ads: What's The Difference?

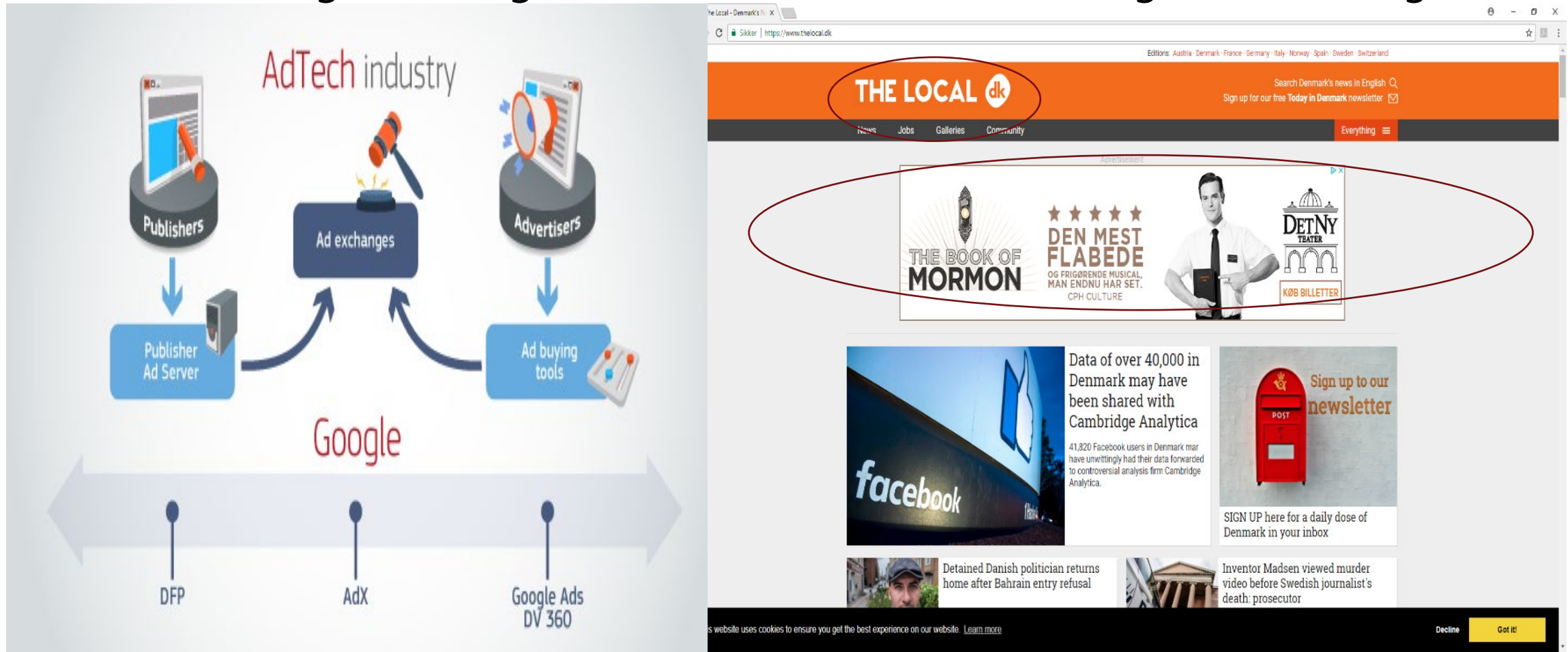
Searchable ads vs non-searchable ads (display ads)

Google AdTech pertains to display ads



Google Ad Tech investigation

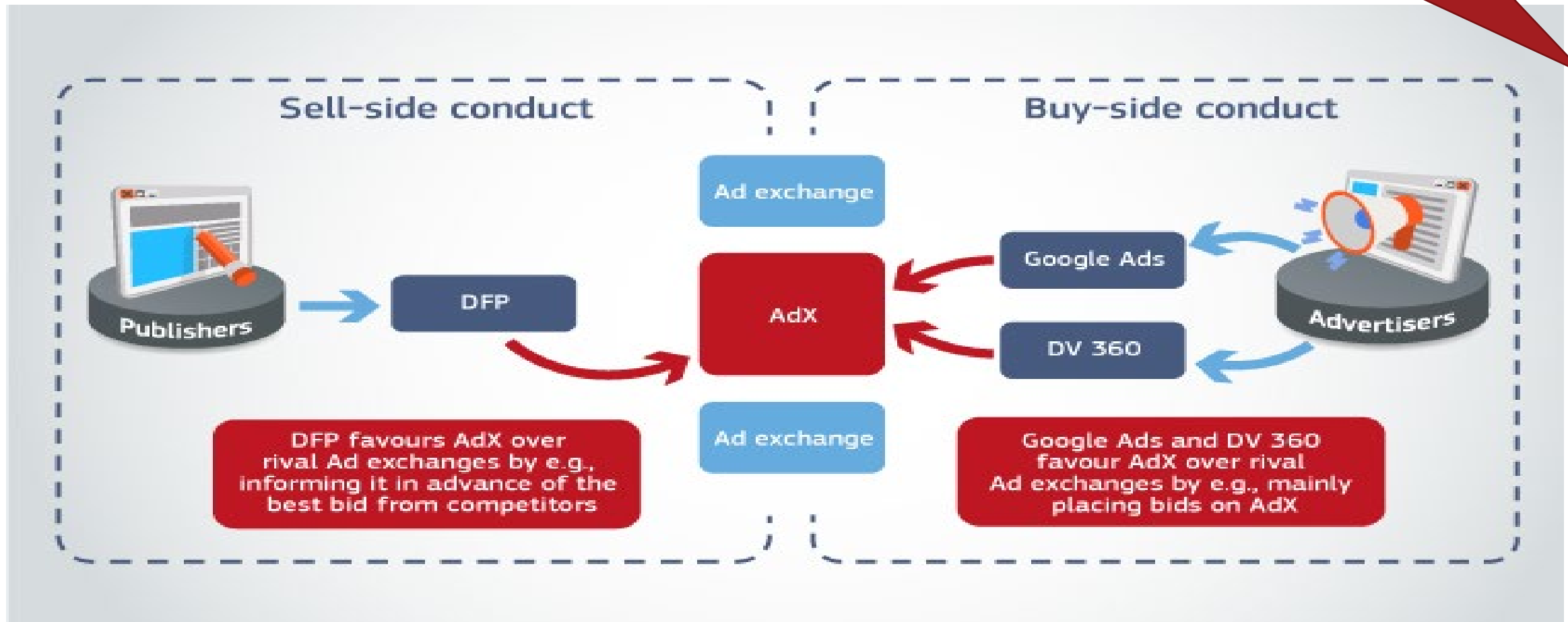
- Ad Tech services connect the owner of domains (called publishers) with advertisers, generating revenue for the former through an exchange



Google Ad Tech investigation

Google *might* abuse this to strengthen its position in Ad Exchange services

- Ad Tech services connect the owner of domain with advertisers, generating revenue for the former through an exchange



Resources

- Case AT.39740 - *Google Search (Shopping)*. Upheld as case T-612/17 - *Google and Alphabet* and C-48/22P - *Google and Alphabet*.
- Case AT.40099 - *Google Android*. Upheld as case T-604/18 - *Google and Alphabet*. Pending appeal
- Case AT.40670 - *Google - Adtech and Data-related practices*
- FTC MEMORANDUM August 8, 2012 File No. 111-01631
- *Google and the Trans-Atlantic Antitrust Abyss* (2019) (Available on SSRN)
- *Google Android on Appeal?* (2022) (Available on SSRN)
- *Leveraging conducts in the digital economy* (2022) (Available on SSRN)

Questions



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