

GOOGLE IS THE MOST INVESTIGATED CORPORATION IN THE WORLD

HIGHLIGHTS:

- Google faced a massive amount of antitrust scrutiny over its market power and anticompetitive practices, including lawsuits, regulatory action, and legislation.
 - Google faced major federal and state-level legal action on antitrust issues.
 - In 2020, the US DOJ and 11 state attorneys general filed an antitrust lawsuit against Google in the highest-profile antitrust action by the US government against a tech company in 20 years. The lawsuit followed a 16-month investigation of Google by the DOJ's Antitrust Division which found that Google effectively owns or controls 80% of search inquiries.
 - In 2020 Texas AG Ken Paxton sued Google over its digital advertising monopoly.
 - In 2020 a bipartisan group of 28 state attorneys general sued Google over its search monopoly.
 - In 2021 a bipartisan group of 27 state attorneys general led by Utah sued Google over its mobile app distribution and payments monopoly.
 - Tech companies Epic Games and Match Group sued Google over its monopoly on in-app payments.
 - In 2022 Alphabet faced federal antitrust litigation in San Francisco over its dominance of the GPS navigation market.
 - In 2021 Ohio Attorney General David Yost sued Google, alleging that it should be regulated as a public utility.
 - Google faced extensive regulatory action over antitrust issues across the world, including the EU, South Korea, and India.
 - The EU opened multiple antitrust probes into Google from 2018 to 2022, levying record fines including a \$5 billion fine for abusing its dominance in the mobile phone market.
 - In 2021 France's antitrust authority fined Google 500 million euros over an antitrust dispute.
 - In 2021 a South Korean antitrust regulator issued a \$176.64 million fine against Google for abusing its market dominance.
 - India's antitrust commission issued multiple reports finding that Google engaged in anticompetitive conduct.
 - In 2022 Germany's antitrust watchdog imposed additional government scrutiny on Google, designating it a company of "paramount significance."

- In 2022 the Netherlands' antitrust authority investigated Google over anticompetitive practices regarding its payment system.
 - In 202 the UK launched a new government unit to target Big Tech companies like Google for anticompetitive behavior.
 - Significant legislative action in the US and across the world cracked down on Google's anticompetitive practices.
 - In 2021 South Korea amended their Telecommunications Business Act to rein in Google's control of their app stores.
 - The Open Markets Act, a bipartisan, bicameral bill, was introduced in August 2021 to crack down on Google's monopoly over app distribution platforms. The Open Markets Act was praised by privacy and racial justice advocates, antimonopoly groups, conservative groups, and tech companies.
 - In 2022 the EU passed the Digital Markets Act, a new set of rules to counter the power of Big Tech including Google.
 - In a 2020 investigation, the House Antitrust Subcommittee found that Google had "durable monopoly power."
 - In an April 2021 hearing and bipartisan investigation Congress scrutinized Google's monopolistic power over their app stores.
 - A 2021 Arizona bill aimed to rein in Google's power over app store payments. The bill was sponsored by Republican state representative Regine Cobb and was supported by her Republican colleagues, but also had support from national and local progressive leaders. The bill was also praised by national tech and antitrust advocates.
 - In other states like North Dakota, Illinois, and New York, both Democratic and Republican state legislators introduced bills to control Google's power over its app stores.
- Google faced multiple lawsuits and scrutiny from consumer advocates over its privacy standards.
 - In 2022 the attorneys general of Texas, Washington, Indiana, and DC sued Google for tracking users' locations after consumers believed they had disabled that feature.
 - In 2021 Arizona attorney general Mark Brnovich sued Google over its location tracking policies.
 - In 2020 Google faced multiple class action lawsuits over its user data tracking practices.
 - In 2020 consumer advocate groups warned that Google's purchase of Fitbit would harm data privacy.
- Google faced public scrutiny and legal action over its company culture and allegations of sexism, racism, and censorship.

- In 2018, a *New York Times* investigation revealed that a number of Google executives received generous exit packages after credible sexual misconduct allegations against them, forcing CEO Sundar Pichai to publicly apologize.
- Google software engineer Loretta Lee sued the company after she was fired after reporting sexual harassment and experiencing retaliation from male co-workers.
- Google faced criticism from human rights groups and its own employees for its work with the Chinese government. Google worked with the Chinese government to create a search engine that would follow the government's strict Internet censorship.
- YouTube, which is owned by Google, has faced massive backlash from consumer advocates, advertisers, and federal agencies over issues including the spread of misinformation and other harmful content.
 - Google executives cheered YouTube's push to maximize views, even as warnings grew that the algorithm rewarded controversial content.
 - Advocates condemned Youtube for promoting far-right content, including the channels of Jair Bolsonaro and Brazil's far-right.
 - Advertisers including AT&T and Johnson & Johnson boycotted YouTube after their ads appeared with offensive content.
 - YouTube was sued by both conservatives and LGBTQ content creators for censorship.
 - YouTube faced complaints over its YouTube Kids platform, which was billed as appropriate for children but was flagged to the FTC for inappropriate content.
 - After the 2020 election, major media outlets blasted YouTube for refusing to take down content containing misinformation.
 - After the January 6th insurrection, lawmakers cracked down on Google for its involvement in the spread of misinformation and for providing a platform to plan the attacks.

GOOGLE HAS FACED A MASSIVE AMOUNT OF ANTITRUST SCRUTINY OVER ITS MARKET POWER AND ANTICOMPETITIVE PRACTICES, INCLUDING LAWSUITS, REGULATORY ACTION, AND LEGISLATION

GOOGLE HAS FACED MAJOR FEDERAL AND STATE-LEVEL LEGAL ACTIONS ON ANTITRUST ISSUES

IN 2020 THE US DEPARTMENT OF JUSTICE AND 11 STATE ATTORNEYS GENERAL FILED AN ANTITRUST LAWSUIT AGAINST GOOGLE

DOJ AND 11 STATE ATTORNEYS GENERAL FILED AN ANTITRUST LAWSUIT AGAINST GOOGLE IN THE HIGHEST-PROFILE ANTITRUST ACTION BY THE US GOVERNMENT AGAINST A TECH COMPANY IN 20 YEARS

The DOJ And 11 State Attorneys General Filed A Civil Antitrust Lawsuit Against Google LLC For Illegally Maintaining Monopolies In The Internet Search And Advertising Markets. “On Oct. 20, 2020, the Department of Justice (DOJ) and 11 state attorneys general filed a significant civil antitrust lawsuit against Google LLC in the District of Columbia District Court, accusing the \$1 trillion company of illegally maintaining monopolies in the internet search and search advertising markets in violation of Section 2 of the Sherman Act.[1]” [JD Supra, [10/26/20](#)]

A DOJ Complaint Alleged That Google Used Anticompetitive Business Practices Including Agreements To Secure Default Status For Google’s Search Engine And Prohibit Competitors From Similar Dealings. “On Oct. 20, 2020, the Department of Justice (DOJ) and 11 state attorneys general filed a significant civil antitrust lawsuit against Google LLC in the District of Columbia District Court, accusing the \$1 trillion company of illegally maintaining monopolies in the internet search and search advertising markets in violation of Section 2 of the Sherman Act.[1] [...] The complaint alleges that Google uses exclusionary and tying agreements and other anticompetitive business practices to lock up key distribution channels and shut out search competition on mobile phones, web browsers and next-generation devices.[3] The alleged anticompetitive conduct includes agreements that secure default status for Google’s search engine on both Apple and Android devices, require a suite of non-deletable Google apps preinstalled and displayed in prime positions on mobile devices, and prohibit Google’s counterparties from dealings with Google competitors.” [JD Supra, [10/26/20](#)]

The DOJ’s Lawsuit Against Google Was The Highest-Profile Antitrust Action By The US Government Against A Tech Company In 20 Years. “The DOJ’s lawsuit against Google is the highest-profile antitrust action by the U.S. government against a technology company since the DOJ’s suit against Microsoft more than two decades ago, which ended in a settlement imposing limits on Microsoft’s bundling of products around Windows.[7] The DOJ claims that increased competition resulting from the Microsoft case paved the way for Google to grow from a small startup into the “Internet behemoth” it is today, leading Google to deploy the same anticompetitive tactics it opposed decades ago.[8]” [JD Supra, [10/26/20](#)]

IN ITS ANTITRUST COMPLAINT FILED AGAINST GOOGLE IN OCTOBER 2020, THE JUSTICE DEPARTMENT EXAMINED HOW GOOGLE’S USE OF PROPRIETARY APPS, LIKE GOOGLE PLAY, ENFORCED THEIR MONOPOLIES

In The Justice Department’s Antitrust Complaint Against Google, The Justice Department Noted That The Preinstallation Agreements Google Used To Promote Google Play Enforced Google’s Monopolies. “If a manufacturer wants even one of Google’s key apps and APIs, the device must be preloaded with a bundle of other Google apps selected by Google. The six ‘core’ apps are Google Play, Chrome, Google’s search app, Gmail, Maps, and YouTube. Manufacturers must preinstall the core apps in a manner that prevents the consumer from deleting them, regardless of whether the consumer wants them. These preinstallation agreements cover almost all Android devices sold in the United States. 135. Google’s preinstallation agreements effectuate a tie, that is, they condition the distribution of Google Play and GPS to the distribution of these other apps. This tie reinforces Google’s monopolies. The preinstallation agreements provide Android device manufacturers an all-or-nothing choice: if a manufacturer wants Google Play or GPS, then the manufacturer must also preinstall, and in some cases give premium placement to, an entire suite of Google apps, including Google’s search products. The forced preinstallation of Google’s apps deters manufacturers from preinstalling those of competitors. This forecloses distribution opportunities to rival general search engines, protecting Google’s monopolies.” [Case 1:20-cv-03010, Document 1, [10/20/20](#)]

The Justice Department Argued That Google “Willfully Maintained And Abused Its Monopoly Power,” In Part By Tying Google’s Search Access Points To Google Play. “Google has willfully maintained and abused its monopoly power in general search services through anticompetitive and exclusionary distribution agreements that lock up the preset default positions for search access points on browsers, mobile devices, computers, and other devices; require preinstallation and prominent placement of Google’s apps; tie Google’s search access points to Google Play and Google APIs; and other restrictions that drive queries to Google at the expense of search rivals.” [Case 1:20-cv-03010,

Document 1, [10/20/20](#)]

The Justice Department Noted That Google Tied “Important Features And Functionality” In Their Own Proprietary Apps, Including Google Play, Rather Than Open-Source Android Code. “Over time, Google has chosen to include important features and functionality in Google’s own ecosystem of proprietary apps and APIs, rather than the open-source Android code. Google refers to this proprietary layer as ‘Google Mobile Services’ (GMS). GMS includes many popular apps, such as Google’s search app, Chrome, YouTube, and Google Maps. GMS also includes Google Play, Google’s app store. An app store is one of the most valuable features of a mobile device because it offers access to compatible apps that do not come preinstalled on the device. Google Play offers about three million apps, more than any other app store (including Apple’s App Store, which is compatible only with Apple devices). More than 90 percent of apps on Android devices are downloaded through Google Play. For years, Google Play has been the only commercially significant app store option for Android manufacturers.” [Case 1:20-cv-03010, Document 1, [10/20/20](#)]

THE LAWSUIT FOLLOWED A 16-MONTH INVESTIGATION OF GOOGLE BY THE DOJ’S ANTITRUST DIVISION WHICH FOUND THAT GOOGLE EFFECTIVELY OWNS OR CONTROLS 80% OF SEARCH INQUIRIES

The Lawsuit Followed A 16-Month Investigation Of Google By The DOJ’s Antitrust Division. “On Oct. 20, 2020, the Department of Justice (DOJ) and 11 state attorneys general filed a significant civil antitrust lawsuit against Google LLC in the District of Columbia District Court, accusing the \$1 trillion company of illegally maintaining monopolies in the internet search and search advertising markets in violation of Section 2 of the Sherman Act.[1] The lawsuit follows a 16-month investigation of Google by the DOJ’s Antitrust Division.” [JD Supra, [10/26/20](#)]

The DOJ Found That Google Effectively Owns Or Controls Search Distribution Channels For Roughly 80% Of General Search Inquiries. “The DOJ alleges search rivals such as Bing and Yahoo are denied ‘vital distribution, scale, and product recognition—ensuring they have no real chance to challenge Google.’[4] Indeed, the DOJ contends that Google effectively owns or controls search distribution channels for roughly 80% of general search queries in the U.S., and that in recent years Google has accounted for nearly 90% of all general search engine queries in the U.S. and about 95% of queries on mobile devices.[5]” [JD Supra, [10/26/20](#)]

IN 2020 TEXAS ATTORNEY GENERAL KEN PAXTON SUED GOOGLE OVER ITS DIGITAL ADVERTISING MONOPOLY

Texas Attorney General Ken Paxton Sued Google Over Its Digital Advertising Monopoly. “Texas Attorney General Ken Paxton announced the suit, which was filed in a federal court in Texas, saying Google is using its ‘monopolistic power’ to control pricing of online advertisements, fixing the market in its favor and eliminating competition [...] And now the states contend Google intends to use its alleged stranglehold on digital ads to choke off other avenues of potential competition and innovation. The company struck an illegal deal with Facebook, a major competitor for ads, to manipulate advertising auction, according to the complaint. Facebook declined to comment.” [Associated Press, [12/17/20](#)]

IN 2020 A BIPARTISAN GROUP OF 28 STATE ATTORNEYS GENERAL SUED GOOGLE OVER ITS SEARCH MONOPOLY

A Bipartisan Group Of 38 State Attorneys General Sued Google Over Its Search Monopoly. “A bipartisan coalition of 38 state attorneys general announced a new antitrust lawsuit against Google Thursday, alleging the company engaged in anticompetitive conduct to maintain its dominance of the online search market. Led by Colorado’s Attorney General Phil Weiser, the new legal action alleges Google illegally maintains monopoly power over search engines and related advertising ‘by stifling competition.’” [ABC News, [12/17/20](#)]

The State Lawsuit Went Beyond The DOJ's Claims, Alleging That Google Engaged In A Multi-Pronged Effort To Maintain Its Monopoly. "The latest lawsuit is similar to the DOJ's, but goes beyond to allege that Google engaged in a multi-pronged effort to maintain its monopoly. The states said they're bringing additional claims to combat what they called 'a broader range of Google's illegal conduct.'" [ABC News, [12/17/20](#)]

Court Documents Stated That 90% Of Internet Searches Used Google. "The court documents state that 90% of internet searches use Google, and that, "Steadily and over the years, Google has expanded and refined the tactics it uses to harm competition.'" [ABC News, [12/17/20](#)]

IN 2021 A BIPARTISAN GROUP OF 37 STATE ATTORNEYS GENERAL LED BY UTAH SUED GOOGLE OVER ITS MOBILE APP DISTRIBUTION AND PAYMENTS MONOPOLY

A Bipartisan Group Of 37 State Attorneys General Sued Google Over Its Mobile App Distribution And In-App Payments Monopoly. "Today, Utah Attorney General Sean D. Reyes led a coalition of 37 attorneys general to file a lawsuit against Google in California. Utah v. Google alleges exclusionary conduct relating to the Google Play Store for Android. This antitrust lawsuit is the newest legal action against the tech giant, claiming illegal, anticompetitive, and/or unfair business practices. Reyes and the States accuse Google of using its dominance to unfairly restrict competition with Google Play Store, harming consumers by limiting choice and driving up app prices. In addition to Utah, the named party in the filing, the lawsuit is co-led by AGs in New York, Tennessee, and North Carolina." [Utah Office of the Attorney General, [8/6/21](#)]

TECH COMPANIES EPIC GAMES AND MATCH GROUP SUED GOOGLE OVER ITS MONOPOLY ON IN-APP PAYMENTS

EPIC GAMES SUED GOOGLE OVER ITS MONOPOLY ON IN-APP PAYMENTS

August 2020: Epic Games Sued Apple And Google, Accusing Them Of Using Their Dominance To Charge App Developers An "Exorbitant" Fee Of 30% On All In-App Purchases And Imposing Other Restrictions. "Video game maker Epic Games Inc sued Google and Apple separately in U.S. district court in August, accusing the companies of using their dominance to charge app developers an 'exorbitant' fee of 30% on sales and of imposing other restrictions." [Reuters, [1/15/21](#)]

Epic Games Sued Google Over Its Monopoly On In-App Payments. "'On Thursday, Judge James Donato unsealed a fully unredacted version of Epic's original complaint against Google (via Leah Nylen), and it alleges the company was so worried about Epic setting a precedent by abandoning the Play Store that it unleashed a broad effort to keep developers from following the company's lead. That included straight-up paying top game developers, including Activision Blizzard to stick around, and sharing additional chunks of its revenue with phone makers if they agreed not to preinstall any other app stores. [...] Google even suggested the idea of buying Epic to remove the threat — going behind Epic's back and approaching minority owner Tencent, the Chinese tech giant that currently has a 40 percent stake in Epic. The suggestions were 'to either (a) buy Epic shares from Tencent to get more control over Epic' or '(b) join up with Tencent to buy 100% of Epic,' the unredacted complaint reads." [The Verge, [8/19/21](#)]

Forbes: The Outcome Of Epic Games' Lawsuit Against Apple And Google "Could Determine The Future Of The Digital Marketplace." "The outcome of this lawsuit could determine the future of the digital marketplace and is part of a litany of investigations and lawsuits questioning the reach of big tech. Apple, and in particular its role of gatekeeper for what apps can appear on its devices, has been the focus of increasing regulatory scrutiny and criticism from developers and competition watchdogs around the world. The European Commission, for example, has four antitrust probes into Apple open, three of which involve the App Store. Epic has spearheaded the private sector opposition to Apple's practices, which is now part of a larger movement of tech companies, including Spotify,

Match Group and Tile." [Forbes, [4/8/21](#)]

IN 2022 MATCH GROUP FOLLOWED EPIC'S LAWSUIT AND SUED GOOGLE OVER ANDROID'S IN-APP PAYMENT MONOPOLY

Match Group Sued Google Over Android's In-App Payment Monopoly. "Match Group, the company behind popular dating apps such as Tinder, Match, and OkCupid, is suing Google over its restrictive billing policies on the Play Store. In its complaint, Match Group claims Google 'illegally monopolized the market for distributing apps' on Android by forcing apps to use Google's own billing system and then taking a cut of the payments." [The Verge, [5/10/22](#)]

Match Group's Lawsuit Played Off Of The Earlier Lawsuit From Epic Games. "Match Group, the company behind popular dating apps such as Tinder, Match, and OkCupid, is suing Google over its restrictive billing policies on the Play Store. In its complaint, Match Group claims Google 'illegally monopolized the market for distributing apps' on Android by forcing apps to use Google's own billing system and then taking a cut of the payments. Match Group's complaint plays off an earlier lawsuit Epic Games filed against Apple in 2020, alleging that Apple engaged in "anti-competitive" behavior by demanding a 30 percent commission on in-app purchases in the iOS app store, among other charges." [The Verge, [5/10/22](#)]

Match Group Was Part Of The Coalition Of App Fairness, A Group Of Tech Companies Fighting Anticompetitive Policies. "Match Group is a part of the Coalition of App Fairness, a group of companies that also includes Spotify and Tile, among others. Its goal is to fight policies it deems anticompetitive, such as both Apple and Google's rule that bars developers from using third-party payment processors. In March, Google announced that it will start testing a way for Android developers to use their own payment systems, starting with Spotify. However, it's unclear if Google will still take a commission from those sales and, if it does, how much it will charge." [The Verge, [5/10/22](#)]

IN 2022 ALPHABET FACED FEDERAL ANTITRUST LITIGATION IN SAN FRANCISCO OVER ITS DOMINANCE OF THE GPS NAVIGATION MARKET

Alphabet Faced Federal Antitrust Litigation Over Claims That It Unfairly Leveraged Its Dominance Of Its GPS Navigation Market. "Alphabet Inc. is facing federal antitrust litigation in San Francisco over claims that it leverages its dominance of the GPS navigation market—through Google Maps, Waze, and related services—to lock app developers into the 'Google ecosystem' and hit them with 'egregious' price hikes. The lawsuit accuses Google of capturing 81% of the market by offering Maps for free, exploiting its data 'treasure trove' to cement its monopoly, placing restrictive terms on developers that incorporate its functions, and using other services like search and YouTube to favor Maps by 'self-preferencing.'" [Bloomberg Law, [4/14/22](#)]

IN 2021 OHIO ATTORNEY GENERAL DAVE YOST SUED GOOGLE, ALLEGING THAT IT SHOULD BE REGULATED AS A PUBLIC UTILITY

A Lawsuit From Ohio Attorney General Dave Yost Alleged That Google Was A Common Carrier And Should Be Regulated As A Public Utility. "Ohio is fighting to keep alive its battle to have Google declared a common carrier and its search engine a public utility, telling a state judge that the tech behemoth's argument to get the case tossed 'reads like search results compiled by Ask Jeeves.' [...] Their general position is that Google qualifies as a common carrier and public utility under Ohio law, saying if the internet is the new public square, as the U.S. Supreme Court said, then 'Google is the square's essential communications network, assuming the role that the telegraph and telephone played in earlier times.'" [Law360, [9/14/21](#)]

GOOGLE HAS FACED EXTENSIVE REGULATORY ACTION OVER ANTITRUST ISSUES ACROSS THE WORLD, INCLUDING IN THE EU, SOUTH KOREA, AND INDIA

THE EU OPENED MULTIPLE ANTITRUST PROBES INTO GOOGLE FROM 2018 TO 2022

IN 2021 THE EU COMPETITION WATCHDOG FINED GOOGLE \$2.8 BILLION FOR USING ITS SEARCH MONOPOLY TO FAVOR GOOGLE SHOPPING

A European Union Competition Watchdog Fined Google \$2.8 Billion For Using Its Search Monopoly To Favor Google Shopping. “A top European Union court on Wednesday rejected Google's appeal of a 2.4 billion euro (\$2.8 billion) fine from regulators who found the tech giant abused its massive online reach by giving its own shopping recommendations an illegal advantage in search results. The European Commission, the 27-nation bloc's top competition watchdog, punished Google in 2017 for unfairly directing visitors to its own shopping service, Google Shopping, to the detriment of competitors. The EU's General Court ruled that it ‘largely dismisses’ Google’s appeal of that antitrust penalty and is upholding the fine.” [Associated Press, [11/10/21](#)]

An EU Court Rejected Google’s Appeal Of A \$2.8 Billion Fine Over Its Search Monopoly. “A top European Union court on Wednesday rejected Google's appeal of a 2.4 billion euro (\$2.8 billion) fine from regulators who found the tech giant abused its massive online reach by giving its own shopping recommendations an illegal advantage in search results. The European Commission, the 27-nation bloc's top competition watchdog, punished Google in 2017 for unfairly directing visitors to its own shopping service, Google Shopping, to the detriment of competitors. The EU's General Court ruled that it ‘largely dismisses’ Google’s appeal of that antitrust penalty and is upholding the fine.” [Associated Press, [11/10/21](#)]

GOOGLE WAS LATER SUED FOR BREACHING THE EU’S SANCTION OF ITS ANTICOMPETITIVE PRACTICES THROUGH GOOGLE SHOPPING

Google Was Sued By Price Comparison Service PriceRunner For Breaching The EU Sanction Of Google Shopping. “Google is being sued in Europe on competition grounds by price comparison service PriceRunner which is seeking at least €2.1 billion (~2.4 billion) in damages. The lawsuit accuses Google of continuing to breach a 2017 European Commission antitrust enforcement order against Google Shopping. As well as fining Google what was — at the time — a record-breaking antitrust penalty (€2.42 billion), the EU's competition division ordered the search giant to cease illegal behaviors, after finding it Google giving prominent placement to its own shopping comparison service while simultaneously demoting rivals in organic search results.” [TechCrunch, [2/7/22](#)]

IN 2021 THE EU HIT GOOGLE WITH A \$1.7 BILLION FINE OVER ANTI COMPETITIVE PRACTICES

The EU Hit Google With A \$1.7 Billion Fine Over Anticompetitive Advertising Practices. “Google's most recent big EU antitrust fine, a \$1.7 billion whopper levied in 2019, was also about advertising. However, that related to Google's management of its AdSense for Search boxes that companies can include on their websites.” [Fortune, [6/22/21](#)]

IN 2018, THE EUROPEAN UNION FINED GOOGLE A RECORD \$5.1 BILLION FOR ABUSING ITS DOMINANCE IN THE MOBILE PHONE MARKET AND ORDERED THEM TO CHANGE THEIR PRACTICES

2018: The European Union Fined Google A Record \$5.1 Billion For Abusing Its Power In The

Mobile Phone Market, And Ordered Google To Alter Its Practices. "European authorities fined Google a record \$5.1 billion on Wednesday for abusing its power in the mobile phone market and ordered the company to alter its practices, in one of the most aggressive regulatory actions against American technology giants and one that may force lasting changes to smartphones." [New York Times, [7/18/18](#)]

Many Of The Conditions Of The European Union's Antitrust Regulation Would Loosen Google's Grip Over Its Android Software. "The fine was coupled with remedies that would effectively loosen Google's grip over its Android software, which is used in 80 percent of the world's smartphones and is a key part of the Silicon Valley company's business. Those changes, which European regulators ordered to take effect in 90 days, undercut Google's ability to automatically include its own search and other apps in mobile devices, opening it to more competition in a market that it has dominated." [New York Times, [7/18/18](#)]

2018: The European Union Fined Google \$5.1 Billion For Unfairly Leveraging Android's Dominance In Smartphones. "Regulators are considering whether Google unfairly leverages Android's dominance. Handset makers are effectively locked into Android because it is the only available smartphone software that hosts the apps that users demand, like Instagram and Uber. (Apple's software also hosts the apps but is exclusively for iPhones.) With that leverage, Google imposes unfair terms on the handset makers, critics have argued. The European Union agreed, fining Google \$5.1 billion last year." [New York Times, [8/8/19](#)]

IN 2021 FRANCE'S ANTITRUST AUTHORITY FINED GOOGLE 500 MILLION EUROS OVER AN ANTITRUST DISPUTE

France's Antitrust Authority Fined Google 500 Million Euros Over A News Copyright Dispute. "Google is appealing a 500 million euro (\$591 million) fine issued by French regulators over its handling of negotiations with publishers in a dispute over copyright. ... France's antitrust watchdog levied the fine in mid-July after it found Google hadn't negotiated in good faith with publishers over payments for their news stories. The watchdog had issued temporary orders to Google in April 2020 to hold talks within three months with news publishers, and had fined the company for breaching those orders." [Associated Press, [9/1/21](#)]

IN 2021 A SOUTH KOREAN ANTITRUST REGULATOR ISSUED A \$176.64 MILLION FINE AGAINST GOOGLE FOR ABUSING ITS MARKET DOMINANCE

A South Korean Antitrust Regulator Issued A \$176.64 Million Fine Against Google For Abusing Its Market Dominance. "A South Korean antitrust regulator on Tuesday issued a \$176.64 million fine against Google, accusing the American tech company of abusing its market dominance. The Korea Fair Trade Commission (KFTC) issued the fine against Google on Tuesday, arguing that its contract terms with device makers was abuse of its market dominance, The Associated Press reported. The KFTC said this fine may be the ninth-largest it has ever issued." [The Hill, [9/14/21](#)]

INDIA'S ANTITRUST COMMISSION ISSUED MULTIPLE REPORTS FINDING THAT GOOGLE ENGAGED IN ANTICOMPETITIVE CONDUCT

IN 2021 A REPORT FROM THE COMPETITION COMMISSION OF INDIA FOUND THAT GOOGLE ABUSED ITS DOMINANCE OF THE ANDROID SYSTEM

A Report From The Competition Commission Of India Found That Google Abused Its Dominance Of Its Android System. "Google had abused the dominance of its Android system in India according to a report issued by an Indian watchdog organization. The report came after a two-year antitrust investigation by Competition Commission of India (CCI). Reuters was able to review a copy of the 750-page report.

According to the newswire, the CCI issued the report in June, stating that the incentives and ability for device manufacturers to create and sell Android-alternative operating products had been reduced by Google. The probe also found the system's mandatory pre-installation of apps violated India's competition statute." [The Hill, [9/18/21](#)]

IN 2022 THE COMPETITION COMMISSION OF INDIA FOUND THAT GOOGLE DISCRIMINATED AGAINST DEVELOPERS IN ITS PLAY STORE POLICIES

The Competition Commission Of India Found That Google Discriminated Against Developers In Its Play Store Billing Policy. "Google's billing system for app developers is 'unfair and discriminatory,' India's antitrust regulator said in the initial findings of an extensive investigation, paving the way for potential penalties in future. The Competition Commission of India found Google discriminated against developers in its Play store billing policy, according to documents seen by Bloomberg News. The findings come after a months-long investigation triggered by protests from developers, who've complained the US internet giant charges an unfairly high fee in return for using Android app stores and its proprietary payments service." [Bloomberg, [4/1/22](#)]

IN 2022 GERMANY'S ANTITRUST WATCHDOG IMPOSED ADDITIONAL GOVERNMENT SCRUTINY ON GOOGLE

Germany's Antitrust Watchdog Designated Google A Company Of "Paramount Significance," Paving The Way For Additional Government Scrutiny. "Germany's antitrust watchdog paved the way Wednesday for extra scrutiny of Google by designating it a company of 'paramount significance,' the first to get that label since regulators got more power to curb abusive practices by big digital companies." [Associated Press, [1/5/22](#)]

Germany's Antitrust Watchdog Said That Google Had "Significant Influence" Over Other Companies' Access To Its Users. "The watchdog said Google has 'significant influence' over other companies' access to its users and advertising customers through search, YouTube, Android and its online Play Store 'and can set rules and conditions for other businesses across markets.'" [Associated Press, [1/5/22](#)]

IN 2022 THE NETHERLANDS' ANTITRUST AUTHORITY WAS INVESTIGATING GOOGLE OVER ANTICOMPETITIVE PRACTICES REGARDING ITS PAYMENT SYSTEM

A Complaint From Match Group Spurred An Investigation By The Netherlands' Authority For Consumers And Markets Into Google's Anticompetitive Practices. "A competition complaint against Google's Android Play Store by Match Group, the company which owns Tinder and a number of other dating apps, has led to a preliminary investigation by the Netherlands' Authority for Consumers and Markets (ACM) into whether the tech giant is abusing a dominant position, the regulator said today. Match Group declined to comment on the substance of its complaint — but the ACM confirmed it has received "a request for enforcement regarding the Google Play Store." [TechCrunch, [5/4/22](#)]

The Netherlands Authority For Consumers And Markets Said That Dating App Providers Reported No Longer Being Able To Use Payment Systems Other Than Google's Payment System. "Dating-app providers allegedly are no longer able to use a payment system other than Google's payment system. In addition, dating apps claim they are no longer allowed to refer to other payment methods either," the ACM also said in a short press statement. 'Dating-app provider [Match Group] has asked ACM to assess whether Google abuses its dominant position with these practices. ACM will therefore conduct a preliminary investigation in response to this request.'" [TechCrunch, [5/4/22](#)]

IN 2022 THE UNITED KINGDOM LAUNCHED A NEW GOVERNMENT UNIT TO TARGET BIG TECH COMPANIES LIKE GOOGLE FOR ANTICOMPETITIVE BEHAVIOR

The United Kingdom Launched A New Digital Markets Unit To Ensure Competition Among Tech Firms With The Power To Levy Significant Fines. "The Google unit of Alphabet Inc. (GOOGL, GOOG) faces heightened regulatory challenges in the United Kingdom, which is planning to launch a new Digital Markets Unit (DMU) with powers to root out 'predatory practices' of big tech firms. With fines that can rise to 10% of global revenues, plus additional penalties of 5% of daily global revenues for each day that an offense continues, the potential exposure could rise to tens of billions of U.S. dollars for leading players such as Alphabet. To be housed within the Department for Digital, Culture, Media and Sport (DCMS), the DMU will be charged with increasing competition among tech firms and applying rules that also aim to give users more control over their data." [Investopedia, [5/9/22](#)]

The UK's New Digital Markets Unit Was Expected To Present Heightened Regulatory Challenges For Alphabet. "The Google unit of Alphabet Inc. (GOOGL, GOOG) faces heightened regulatory challenges in the United Kingdom, which is planning to launch a new Digital Markets Unit (DMU) with powers to root out 'predatory practices' of big tech firms. With fines that can rise to 10% of global revenues, plus additional penalties of 5% of daily global revenues for each day that an offense continues, the potential exposure could rise to tens of billions of U.S. dollars for leading players such as Alphabet. To be housed within the Department for Digital, Culture, Media and Sport (DCMS), the DMU will be charged with increasing competition among tech firms and applying rules that also aim to give users more control over their data." [Investopedia, [5/9/22](#)]

SIGNIFICANT LEGISLATION IN THE US AND ACROSS THE WORLD HAS CRACKED DOWN ON GOOGLE'S ANTICOMPETITIVE PRACTICES

IN 2021 SOUTH KOREA PASSED A LAW TO AMEND THEIR TELECOMMUNICATIONS BUSINESS ACT TO REIN IN GOOGLE'S CONTROL OF THEIR APP STORES

SOUTH KOREA'S 2021 LAW TARGETED APPLE AND GOOGLE'S APP STORE MONOPOLIES AND WOULD BAN MANY OF THEIR MONOPOLISTIC POLICIES INCLUDING REQUIRING IN APP PAYMENT SYSTEMS AND REQUIRING EXCLUSIVITY WITH DEVELOPERS

August 2021: South Korea Passed A Law Amending Their Telecommunications Business Act To, Target Apple's App Store And Google's Google Play. "Google and Apple Inc. AAPL +0.83% will have to open their app stores to alternative payment systems in South Korea, threatening their lucrative commissions on digital sales. A bill passed Tuesday by South Korea's National Assembly is the first in the world to dent the tech giants' dominance over how apps on their platforms sell their digital goods. It will become law once signed by President Moon Jae-in, whose party strongly endorsed the legislation. The law amends South Korea's Telecommunications Business Act to prevent large app-market operators from requiring the use of their in-app purchasing systems. It also bans operators from unreasonably delaying the approval of apps or deleting them from the marketplace—provisions meant to head off retaliation against app makers." [Wall Street Journal, [8/31/21](#)]

Companies That Did Not Comply With South Korea's New Law Could Be Fined Up To 3% Of Their South Korea Revenue As A Penalty. "Companies that fail to comply could be fined up to 3% of their South Korea revenue by the Korea Communications Commission, the country's media regulator." [Wall Street Journal, [8/31/21](#)]

South Korea's Law Banned Google And Apple From Requiring Users To Pay For Apps With

Their Own In-App Purchasing Systems And Banned Stores From Delaying Approvals From Apps Or Requiring Exclusivity With Developers. "The law bans Google and Apple, as well as other app store operators, from requiring users to pay for apps with their own in-app purchasing systems. It also bans app stores from delaying approvals from apps or 'inappropriately' removing them from their app stores, and from insisting on exclusivity with app developers. If they fail to comply, app stores can be fined up to 3 per cent of their revenue in South Korea." [Financial Times, [8/31/21](#)]

South Korea's Law On App Distribution Platforms Was Known As The "Anti-Google Bill." "South Korea has become the first country in the world to attack the lucrative commissions charged by Google and Apple's app stores, after passing a law that will let mobile phone users pay software developers directly for their apps. Despite heavy lobbying by the tech giants, South Korea's national assembly on Tuesday passed what has been dubbed the 'anti-Google bill'; it will become law once signed by President Moon Jae-in." [Financial Times, [8/31/21](#)]

Business Professor Yoo Byung-Jong Explained That South Korea's Law Reflected The Broader Trend Of Higher Regulation On Tech Monopolies. "Korea's decision reflects a broader trend to step up regulation of technology-platform businesses, which have been criticized for having too much power," said Yoo Byung-joon, a professor of business at Seoul National University who researches digital commerce." [Wall Street Journal, [8/31/21](#)]

SOUTH KOREA'S LAW WAS LAUDED AS A WIN FOR THE MOVEMENT AGAINST GOOGLE AND APPLE, WITH MANY POINTING TO IT AS AN EXAMPLE FOR OTHER COUNTRIES TO EMULATE

Epic Games CEO Tim Sweeney And Basecamp Executive David Heinemeier Hansson Applauded South Korea's Law, And Expressed Hope That It Could Be A Turning Point For Other Countries To Take Action. "Tim Sweeney, chief of Epic Games, which is suing Google and Apple for alleged anti-competitive behaviour, called the law's passage a 'major milestone in the 45-year history of personal computing'. David Heinemeier Hansson, chief technology officer at Basecamp, called the bill 'the first real, big crack in the monopoly app store dam'. Hansson had played an instrumental role trying to pass similar legislation in Arizona and North Dakota but to no avail. He said he was hopeful South Korea would be a catalyst for other countries to take action. 'Korea is going to show that the world doesn't fall, and all of Apple's arguments will be refuted by reality,' he said." [Financial Times, [8/31/21](#)]

Business Professor Wi Jong-Hyun Said The South Korean Law Would "Become An Important Precedent For The US And European Countries As They Increase Their Guard Against Apple And Google." "The South Korean law 'will become an important precedent for the US and European countries as they increase their guard against Apple and Google', said Wi Jong-hyun, a professor of business strategy at Chung-Ang University in Seoul. 'Especially European countries, with their antipathy towards US tech companies, are likely to introduce similar bills or pressure them with this.'" [Financial Times, [8/31/21](#)]

European Parliament Vice President Marcel Kolaja Praised South Korea's Law Restricting The Apple And Google App Store Monopolies And Emphasized That The European Union Would Also Consider Antitrust Actions Against The Companies. "South Korea's passage of a bill to restrict how Apple and Google can operate their app stores was welcomed in the European Union, home to some of the world's most ambitious attempts to regulate Big Tech companies. But European legislators also said they favored a broader set of regulations. Marcel Kolaja, a vice president of the European Parliament and a former software engineer, said Wednesday that the South Korean legislation, which would prohibit Apple and Google from requiring that developers use their in-app payment systems, is a sign that the tech giants' app store dominance is 'being addressed globally, which is absolutely needed.' 'This South Korean bill goes in the right direction, and I am happy that it's not only the European Union that is looking into this systematic problem and trying to resolve it systematically,' Kolaja said." [Washington Post, [9/2/21](#)]

THE OPEN MARKETS ACT, A BIPARTISAN, BICAMERAL BILL WAS INTRODUCED IN AUGUST 2021 TO CRACK DOWN ON GOOGLE'S MONOPOLY OVER APP DISTRIBUTION PLATFORMS

SENATORS MARSHA BLACKBURN AND RICHARD BLUMENTHAL INTRODUCED THE OPEN APP MARKETS APP TO REIN IN APPLE AND GOOGLE'S MONOPOLIES...

Senators Marsha Blackburn, Richard Blumenthal, And Amy Klobuchar Introduced The Bipartisan Open App Markets Act To Rein In Google And Apple's Monopoly Over Their App Stores.

"Senators introduced legislation Wednesday that would impose new rules for app stores, amid debate over the dominant roles Apple Inc. and Alphabet Inc.'s Google play in the mobile ecosystem. The bipartisan bill by Sens. Richard Blumenthal (D., Conn.) and Marsha Blackburn (R., Tenn.) aims to boost competition and consumer protections by placing new restrictions on how the stores operate and what rules they can impose on app developers. Sen. Amy Klobuchar (D., Minn.), chair of the Senate antitrust subcommittee, co-sponsored the bill. Called the Open App Markets Act, the measure is the latest reflection of lawmakers' concerns about the power of major technology companies across a range of markets including search, advertising and social media. It aims to address longstanding concerns among developers such as Epic Games Inc. about in-app payments and other matters." [Wall Street Journal, [8/11/21](#)]

The Sponsors Of The Bill Confirmed That The April 2021 Hearing On Big Tech's Monopolistic Behavior Drove The Introduction Of Their Legislation. "The new bill's sponsors said the April hearing showed that Apple and Google act as gatekeepers to the mobile ecosystem and stifle competition in the app store market." [Wall Street Journal, [8/11/21](#)]

Senator Richard Blumenthal Accused Apple And Google Of Having "Squashed Competitors And Kept Consumers In The Dark." "For years, Apple and Google have squashed competitors and kept consumers in the dark— pocketing hefty windfalls while acting as supposedly benevolent gatekeepers of this multibillion-dollar market,' Mr. Blumenthal said. 'This bipartisan bill will help break these tech giants' ironclad grip, open the app economy to new competitors and give mobile users more control over their own devices.'" [Wall Street Journal, [8/11/21](#)]

Senator Marsha Blackburn Argued That Big Tech Giants' Monopolistic Behaviors Was "A Direct Affront To A Free And Fair Marketplace." "Ms. Blackburn said that tech giants 'are forcing their own app stores on users at the expense of innovative startups,' adding that 'their anticompetitive conduct is a direct affront to a free and fair marketplace.'" [Wall Street Journal, [8/11/21](#)]

The Open App Markets Act Would Require Apple And Google To Protect Developers' Rights To Offer Consumers Competitive Pricing, Allow Apps To Be Downloaded Outside The App Store, And Bar Policies That Required The Use Of Their Platform. "Their legislation would bar the companies from certain conduct that would tend to force developers to use their app stores or payment systems. It also would obligate the companies to protect app developers' rights to tell consumers about lower prices and offer competitive pricing. It would effectively allow apps to be loaded onto Apple users' devices outside of the company's official app store. At the same time, the bill would create exceptions for actions by the major mobile app stores that are necessary to protect user privacy, security or safety or to prevent spam or fraud." [Wall Street Journal, [8/11/21](#)]

...AND REPRESENTATIVES KEN BUCK AND HANK JOHNSON INTRODUCED BIPARTISAN COMPANION LEGISLATION IN THE HOUSE

Representatives Ken Buck And Hank Johnson Introduced Bipartisan Companion Legislation To The Open App Markets Act To Rein In Apple And Google's App Store Monopolies. "A Republican and a Democratic member of the US House of Representatives introduced a bill aimed at reining in powerful app stores run by companies like Apple and Alphabet's Google. The bill is a companion to a measure introduced this week by a bipartisan trio of senators which would bar big app stores from requiring app providers to use alternate app stores and payment systems. Representative Ken Buck, the top Republican on the House Judiciary Committee antitrust panel, introduced the measure along with Representative Hank Johnson, a Democrat." [Gadgets 360, [8/13/21](#)]

Representative Ken Buck Condemned Google And Apple's "Stranglehold On App Developers." "For far too long, companies like Google and Apple have had a stranglehold on app developers who are forced to take whatever terms these monopolists set in order to reach their customers,' Buck said in an email statement."

A Bipartisan Coalition In The House Of Representatives Introduced A Companion To The Open App Markets Act, Led By Representative Ken Buck. "Last Wednesday, Democratic Senators Richard Blumenthal and Amy Klobuchar, along with Republican Senator Marsha Blackburn, introduced the Open App Markets Act, a bill aimed at significantly weakening the 'gatekeeper control' that two tech giants, Apple Inc. and Google, have over their dominant mobile operating systems. On Friday, another bipartisan coalition, led by Colorado Republican Ken Buck, introduced a similar bill in the House." [Bloomberg, [8/16/21](#)]

THE OPEN APP MARKETS ACT WAS PRAISED BY PRIVACY AND RACIAL JUSTICE ADVOCATES...

Public Citizen Competition Policy Advocate Alex Harman Supported The Open App Markets Act, Saying It Would Protect Small App Developers And Lead To Lower Prices For Consumers. "Alex Harman, Competition Policy Advocate at Public Citizen, said, 'The power of large app stores to extract enormous profits is a direct result of the anticompetitive and unfair way in which the stores are operated and controlled. This bipartisan legislation will open up the app stores to more competition, protect small app developers, and lower prices for consumers.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Color Of Change Vice President Arisha Hatch Supported The Open App Markets Act, Emphasizing The Benefits It Would Have For Developers Who Were Black Or People Of Color. "Arisha Hatch, Vice President of Color Of Change, said, 'It is past due Big Tech companies like Apple and Google are forced to loosen their stranglehold on small businesses. Monopolized digital industries drain any opportunity for small business owners and only centralize power to the already massive tech corporations — and congressional legislation is our greatest tool to combat them. The Open App Markets Act is the kind of legislation necessary to ensure greater protections for small and medium sized developers, especially those who are Black and people of color. Color Of Change commends Senators Blumenthal, Blackburn, and Klobuchar for challenging Big Tech's widespread power and implementing the effective legislation that will guarantee greater opportunity for Black developers and their communities.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Internet Accountability Project President Mike Davis Supported The Open App Markets Act, Saying It Takes A "Serious Crack At Breaking Up Big Tech Monopolies And Increasing Competition And Innovation." "Mike Davis, Founder and President, Internet Accountability Project, said, 'There's no doubt the fight against Big Tech is a battle of David versus Goliath. The Internet Accountability Project applauds Sens. Blackburn, Blumenthal, and Klobuchar for their bipartisan leadership. The Open App Markets Act takes a serious crack at breaking up Big Tech monopolies and increasing competition and innovation, all while protecting user privacy. Startups should have a fighting chance against monopolists, and this legislation takes an important step toward ending the crushing dominance of Big Tech.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Senior Legislative Counsel At The Electronic Frontier Foundation Ernesto Falcon Supported The Open App Markets Act, Noting That It Would Lower Costs For Both Developers And Their Consumers. "Ernesto Falcon, Senior Legislative Counsel at the Electronic Frontier Foundation, said, 'Senators Blumenthal, Blackburn, and Klobuchar recognize that independent 3rd party developers are being restricted in anti-competitive ways that impact what users pay for video games and other software. The Open App Markets Act will put a stop to these practices, which will lower the costs for both developers and their customers by setting forth common sense competition policy for the industry.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

...ANTIMONOPOLY GROUPS AND INTEREST GROUPS...

Consumer Reports Technology Competition Researcher Sumit Sharma Supported The Open App Markets Act, Saying It Would Benefit Consumers And Create A "Fairer And More Competitive" Ecosystem For Apps. "Sumit Sharma, Senior Researcher, Technology Competition at Consumer Reports, said, 'The targeted market rules proposed in this legislation will help create an app ecosystem that is fairer and more competitive, and will enable unfettered innovation by all companies – big and small – to the benefit of consumers. The legislation is crucial as smartphones have become central to our digital ecosystem, and apps are increasingly the primary mode for consumers to access online services.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

News Media Alliance CEO David Chavern Supported The Open App Markets App, Saying It Would Remove "Roadblocks And Unnecessary Fees" From The App Store. "David Chavern, President and CEO, News Media Alliance, said, 'The News Media Alliance supports competition in the distribution of content. We applaud Senators Blackburn, Blumenthal, and Klobuchar for their leadership in removing roadblocks and unnecessary fees associated with apps that allow news publishers to disseminate and monetize quality journalism.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Public Knowledge Legal Director John Bergmayer Supported The Open App Markets Act, Saying It Would "Ensure Fairness For Both Users And Developers." "John Bergmayer, Legal Director at Public Knowledge, said, 'Users expect their mobile devices to keep them protected and their personal data safe, but the same practices intended to protect users can also be used to restrict fair competition. The Open App Markets Act will ensure fairness for both users and developers without forcing security or privacy compromises, resulting in greater consumer choices and lower prices in the app ecosystem.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Digital Progress Institute President Joel Thayer Supported The Open App Markets Act, Saying It Would Provide Developers With The Leverage Needed To Challenge Big Tech's Monopolies On App Store Platforms." Joel Thayer, President, Digital Progress Institute, said, 'The Open App Markets Act represents a thoughtful and pragmatic approach to facilitate equity in the app economy. This Act would provide small-business developers with the appropriate leverage to challenge large app store platforms' often mercurial standards and forced taxes on their innovative products. The Digital Progress Institute welcomes this much needed and bipartisan reform to the tech ecosystem.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Economic Liberties' Director Of State And Local Policy Pat Garofalo Supported The Open App Markets Act, Saying It Would "Break The Power Of App Store Gatekeepers." "Economic Liberties' Director of State and Local Policy Pat Garofalo said, 'We applaud Sen. Blumenthal and his co-sponsors for introducing this important measure to break the power of app store gatekeepers. It's an important step in the effort to rein in the power of Big Tech corporations and ensure access to markets for American entrepreneurs and innovators. Dominant gatekeepers like Apple and Google are able to use their outsized power to extract enormous fees from small- and mid-sized businesses, with the ever present threat of severing those businesses from their own customers. The set of rights laid out in this bill – including payment systems freedom, protections from retaliation, and giving consumers the ability to access alternative app stores – are vital to creating fairer commerce online.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

...CONSERVATIVE GROUPS...

Lincoln Network Head Of Policy Zach Graves Supported The Open App Markets Act, Saying It Would Take A “Light-Touch Regulatory Approach To Increase Market Competition And Empower Consumers.” "Zach Graves, Head of Policy, Lincoln Network, said, 'The proliferation of digital walled gardens has led to a range of new challenges to free speech, competition, and human rights. Yet, many recent proposals for tech regulations have been punitive and heavy-handed. Such an approach threatens to weaken the American innovation ecosystem, ultimately increasing costs and reducing options for consumers. The Open App Markets Act offers a better way forward, taking a light-touch regulatory approach to increase market competition and empower consumers with more options (and to vote with their feet). While all such regulations have tradeoffs, I believe this legislation strikes the right balance, allocating appropriate exemptions for privacy and security, and avoiding overly-cumbersome design mandates. Under this law, consumers will be more free to choose their digital world.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

CASE Chairman Gerard Scimeca Supported The Open App Markets Act, Calling It “An Enormous Step” Towards Ensuring An Open And Fair Market. "Gerard Scimeca, Chairman, CASE, said, 'Mobile apps are a driving force in bringing new technologies into our digital economy while generating billions of dollars in GDP. Through this important piece of legislation, Senators Blackburn, Blumenthal, and Klobuchar have taken an enormous step forward in working to ensure that the mobile app market is open, fair, and not beholden to anti-competitive actions or incentives. If passed into law, the Open App Markets Act will play a major role in securing America's continued leadership in digital innovation that benefits all consumers and every sector of our economy.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

American Principles Project’s Jon Schweppe Supported The Open App Markets Act, Saying It Would Get To The “Heart Of The Problem With The App Store” And Increase Competition. "Jon Schweppe, Director of Policy and Government Affairs, American Principles Project, said, 'A healthy free market requires open and fair competition. Unfortunately, Big Tech companies have rigged the game by engaging in anti-competitive practices that restrict the ability for innovators and entrepreneurs to challenge their market dominance. This not only distorts the free market at large, but it harms consumers directly. The Open App Markets Act gets to the heart of the problem with the app store market: Google and Apple have leveraged their market power to prevent any of their competitors from achieving a foothold, resulting in higher prices and a lack of choices for consumers. Sen. Blackburn deserves a great deal of credit for taking on this challenging issue and doing so in a bipartisan manner. American Principles Project is proud to support the bill.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Republican Federal Communications Commission Commissioner Brendan Carr Supported The Open App Markets Act, Calling It A “Thoughtful Way” To Eliminate Anticompetitive Behavior “While Promoting Innovation.” "Federal Communications Commission (FCC) Commissioner Brendan Carr, said, 'I applaud Senator Blackburn, Senator Blumenthal, and Senator Klobuchar for their leadership in working to rein in Big Tech. The gatekeeper power that corporate behemoths now exercise over the app economy is harming consumers and competition. This legislation is a thoughtful way to eliminate those harms while promoting innovation.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

...AND TECH COMPANIES

Coalition For App Fairness Executive Director Meghan Dimuzio Supported The Open App Markets Act, Saying It Was “A Step Towards Holding Big Tech Companies Accountable.” "Meghan DiMuzio, Executive Director, Coalition for App Fairness, said, 'Since launching CAF, we have worked toward creating a fairer and more competitive app marketplace for both developers and consumers. The bipartisan Open App Markets Act is a step towards holding big tech companies accountable for practices that stifle competition for developers in the U.S. and around the world. CAF is

proud to stand with Senators Blumenthal, Blackburn, and Klobuchar and we thank them for their courageous and visionary leadership on this important issue." [Representative Hank Johnson, Press Release, [8/19/21](#)]

Spotify Executive Horacio Gutierrez Supported The Open App Markets Act, Condemning Apple And Other "Gatekeeper Platforms" For Unfair And Anti-Competitive Practices. "Horacio Gutierrez, Spotify's Head of Global Affairs and Chief Legal Officer, said, 'Spotify applauds the bipartisan leadership of Senators Klobuchar, Blumenthal, and Blackburn for introducing the Open App Markets Act and for their courage and resolve in holding Apple and other gatekeeper platforms accountable for their unfair and anti-competitive practices. These platforms control more commerce, information, and communication than ever before, and the power they exercise has huge economic and societal implications. That's why we urge Congress to swiftly pass the Open App Markets Act. Absent action, we can expect Apple and others to continue changing the rules in favor of their own services, and causing further harm to consumers, developers, and the digital economy.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Tile General Counsel Kirsten Daru Supported The Open App Markets Act, Condemning Apple's "Systemic Abuse Of Its Market Power" In The App Ecosystem. "Kirsten Daru, General Counsel for Tile, said, 'We're thankful to Senators Blumenthal, Blackburn, and Klobuchar for leading this bipartisan effort to address this incredibly important issue. Tile has experienced firsthand Apple's systemic abuse of its market power specific to the app ecosystem. Apple has worked for years to disadvantage our products and make it harder for us to serve our customers, and we recently found out why when they introduced a competing product earlier this year. Despite numerous congressional inquiries and hearings, Apple's anti-competitive practices have not only continued, they've gotten worse and more brazen. In the face of this utter disregard for the principles of fair competition, Congress has no choice but to act. While we're grateful for efforts in Congress to address broader anti-competitive concerns, fixing the broken app ecosystem is something that need not wait. Every day that Apple continues to wield its market dominance with reckless abandon is a day where innovation suffers, competition is squashed, and consumers pay. This bill would go a long way toward re-establishing a level playing field where innovation can thrive, and we urge Congress to act on it without delay.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Epic Games Executive Corie Wright Supported The Open App Markets Act, Calling It An "Important Milestone In The Continued Fight For Fairer Digital Platforms." "Corie Wright, VP Public Policy of Epic Games, said, 'Apple and Google's anticompetitive app store conduct is in clear violation of existing antitrust law, which is why Epic brought litigation against them. We are fortunate to be in a position that allows us to oppose them in Court and withstand their retribution, including the removal of Fortnite from the App Store and Google Play. The introduction of this bill is an important milestone in the continued fight for fairer digital platforms. Its passage would enable developers to seek injunctions for violations of the Act, which will help level the playing field for small companies standing up to monopolists who are abusing their market power. This will make it easier for developers of all sizes to challenge these harmful practices and seek relief from retaliation, be it during litigation or simply because they dared speak up.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

Proton Founder Andy Yen Supported The Open App Markets App, Criticizing How Big Tech's App Store Fees Were Equivalent To A "Massive Tax On The Internet." "Andy Yen, Founder & CEO, Proton said, 'App stores are the lifeblood of all digital companies, including disruptors like Proton. Gatekeepers like Apple and Google have been consolidating market power in their app marketplaces for years, ultimately to the detriment of consumers. They have exploited their control to impose extortionate conditions on developers, like compelling use of their own payment systems and charging 30% transaction fees. This amounts to a massive tax on the Internet, one that often gets passed onto consumers through higher prices or reduced investment in competitive innovations. Ending these monopoly abuses on mobile payments would not only create fairer prices, but also promote competition while benefiting developers and consumers alike. Proton applauds Senators Blumenthal, Blackburn, and Klobuchar for recognizing these realities, and drafting a bill that would unleash a seismic level of innovation.'" [Representative Hank Johnson, Press Release, [8/19/21](#)]

IN 2022 THE EU PASSED THE DIGITAL MARKETS ACT, A NEW SET OF RULES TO COUNTER THE POWER OF BIG TECH

The EU's Digital Markets Act Aimed To Prevent Tech Giants From Harming Smaller Rivals. "A key aim of the DMA is to prevent tech giants from harming smaller rivals by operating "walled gardens," or closed systems that make it harder for a user to switch to another provider. Firms deemed to be gatekeepers must not set their most important software (e.g., Google's Chrome web browser) as the default option when a user sets up a device. They will also be prohibited from giving preference to their own services over those offered by competitors." [Investopedia, [3/25/22](#)]

The Digital Markets Act Targeted The Anticompetitive Practices Of Google And Other Companies. "Tough new rules being adopted by the European Union (EU) may force giant U.S.-based tech companies to alter their business practices. EU industry chief Thierry Breton indicated that the deal, reached on March 24, 2022, would ensure fair and open digital markets. The most prominent companies that will be affected include Google parent Alphabet Inc. (GOOG, GOOGL), Amazon.com, Inc. (AMZN), Apple Inc. (AAPL), and Facebook parent Meta Platforms, Inc. (FB)." [Investopedia, [3/25/22](#)]

EU Commission Executive VP Margrethe Vestager Said That The Commission Was Prepared To Act Against Violations Of The Digital Markets Act By Google And Other Companies. "The European Union aims to begin enforcing the Digital Markets Act (DMA) in spring 2023, Commission executive vice president Margrethe Vestager announced at the International Competition Network (ICN) conference last week, as first reported by TechCrunch. Vestager previously stated that the antitrust legislation, which introduces a new set of rules to curb the power of Big Tech, could be implemented as early as October of this year. 'The DMA will enter into force next spring and we are getting ready for enforcement as soon as the first notifications come in,' Vestager said during her speech at the ICN. As noted by TechCrunch, Vestager suggests that the Commission will be prepared to act against any violations made by 'gatekeepers' — a classification that includes Meta, Apple, Google, Microsoft, and Amazon — as soon as the laws come into force." [The Verge, [5/8/22](#)]

Google Could Face Fines Of Up To 10% Of Its Total Worldwide Turnover Through The EU's Digital Markets Act. "The European Union aims to begin enforcing the Digital Markets Act (DMA) in spring 2023, Commission executive vice president Margrethe Vestager announced at the International Competition Network (ICN) conference last week, as first reported by TechCrunch. Vestager previously stated that the antitrust legislation, which introduces a new set of rules to curb the power of Big Tech, could be implemented as early as October of this year. 'The DMA will enter into force next spring and we are getting ready for enforcement as soon as the first notifications come in,' Vestager said during her speech at the ICN. As noted by TechCrunch, Vestager suggests that the Commission will be prepared to act against any violations made by 'gatekeepers' — a classification that includes Meta, Apple, Google, Microsoft, and Amazon — as soon as the laws come into force. The DMA, which still needs final approval from the Council and Parliament, defines gatekeepers as companies that have a market capitalization of over €75 billion (\$82 billion) and own a social platform or app that has at least 45 million monthly users. These entities can face fines of 'up to 10 percent of its total worldwide turnover in the preceding financial year' if found in violation of the DMA's rules, a fee that could increase to 20 percent in the case of a repeat offense." [The Verge, [5/8/22](#)]

IN A 2020 INVESTIGATION, THE HOUSE ANTITRUST SUBCOMMITTEE FOUND THAT GOOGLE HAD "DURABLE MONOPOLY POWER"

House Antitrust Subcommittee: "Google Now Enjoys Durable Monopoly Power In The Market For General Online Search." "Google overwhelmingly dominates the market for general online search. Publicly available data suggest the firm captures over 87% of U.S. search and over 92% of queries worldwide. Despite notable changes in the market—such as the switch from desktop to mobile—Google has maintained this dominance for more than a decade, a period during which its lead over its most significant competitors has only increased.1060 Over that time, Google benefited from

economies of scale and the self-reinforcing advantages of data, as well as from aggressive business tactics that Google wielded at key moments to thwart competition. The combined result is that Google now enjoys durable monopoly power in the market for general online search.” [House Subcommittee On Antitrust, Majority Staff Investigation Of Competition In Digital Markets, [10/6/20](#)]

House Antitrust Subcommittee: Google Has increased Its Dominance In The Online Search Market Over The Past Decade. “Google overwhelmingly dominates the market for general online search. Publicly available data suggest the firm captures over 87% of U.S. search and over 92% of queries worldwide. Despite notable changes in the market—such as the switch from desktop to mobile—Google has maintained this dominance for more than a decade, a period during which its lead over its most significant competitors has only increased.¹⁰⁶⁰ Over that time, Google benefited from economies of scale and the self-reinforcing advantages of data, as well as from aggressive business tactics that Google wielded at key moments to thwart competition. The combined result is that Google now enjoys durable monopoly power in the market for general online search.” [House Subcommittee On Antitrust, Majority Staff Investigation Of Competition In Digital Markets, [10/6/20](#)]

House Antitrust Subcommittee: Google Was “Generally Immune To Competition Or Threat of Entry” In The Online Search Market Because Of Cost And Other Factors. “Several factors render Google’s power in online search generally immune to competition or threat of entry. General online search strongly favors scale due to: (1) the high fixed costs of servers needed for crawling and indexing the entire web; and (2) the self-reinforcing advantages of click and query data, which let a search engine constantly improve the relevance of search results. Even an upstart that was able to secure the necessary capital to invest heavily in computing infrastructure would find itself at a considerable disadvantage given that Google’s search algorithm has been refined through trillions upon trillions of queries.¹⁰⁶¹ Meanwhile, steps that website owners take to block non-Google crawlers have rendered the task of creating an independent comprehensive index extremely challenging, if not effectively impossible.” [House Subcommittee On Antitrust, Majority Staff Investigation Of Competition In Digital Markets, [10/6/20](#)]

House Antitrust Subcommittee: Google Was Building A “Walled Garden” That Kept Users Within Google’s Services And Content. “More broadly, market participants expressed concern that Google has evolved from a ‘turnstile’ to the rest of the web to a ‘walled garden’ that increasingly keeps users within its sites.¹¹⁶⁹ Many observers have noted that when Google filed its initial public offering, Google co-founder Larry Page identified the company’s mission as the following: ‘We want you to come to Google and quickly find what you want...We want you to get you out of Google and to the right place as fast as possible.’¹¹⁷⁰ In recent years, however, studies have shown that more than half of all queries on Google either terminate on Google or result in a click to Google’s own properties—a share that is growing over time.¹¹⁷¹ In July, The Markup published results showing that Google allocated 41% of the first search results page on mobile devices to Google’s own content.” [House Subcommittee On Antitrust, Majority Staff Investigation Of Competition In Digital Markets, [10/6/20](#)]

CONGRESS SCRUTINIZED GOOGLE’S MONOPOLISTIC POWER OVER THEIR APP STORES IN AN APRIL 2021 HEARING AND A BIPARTISAN INVESTIGATION

IN APRIL 2021, THE SENATE JUDICIARY SUBCOMMITTEE HELD A HEARING WITH EXECUTIVES FROM GOOGLE TO DISCUSS THE COMPANY’S POWER OVER THEIR APP STORE

April 21, 2021: The Senate Judiciary Antitrust Subcommittee Held A Hearing With Executives From Apple And Google Over The Power They Wield Over Their App Stores. “Executives with Apple and Google will face a grilling today from the Senate Judiciary antitrust subcommittee during a hearing about the power they wield over their app stores. Klobuchar, the chair of the committee, told MT she hopes the hearing will build support for her broad antitrust bill, which contains provisions preventing tech platforms from engaging in monopolistic conduct that disadvantages competitors.” [Politico, “Morning Tech,” [4/21/21](#)]

SENATE JUDICIARY ANTITRUST SUBCOMMITTEE CHAIR AMY KLOBUCHAR GRILLED GOOGLE EXECUTIVES

Chair Of The Senate Judiciary Antitrust Subcommittee Amy Klobuchar Said Google's Google Play And Apple's App Store Were Anti-Competitive, Calling The App Store A "Literal Monopoly."

"The Senate Judiciary Committee's antitrust panel focussed on claims that Apple's App Store and Google's Google Play are anti-competitive. Senator Amy Klobuchar said that Apple's App Store was a 'literal monopoly'. She said both stores 'exclude or suppress apps that compete with their own products' and 'charge excessive fees that affect competition in the app store economy'. Google Play and the App Store are where the vast majority of apps worldwide are downloaded. Developers claim that because of a lack of competition Apple and Google can charge extortionate rates. There were also claims that Apple used its App Store to unfairly compete with rivals." [BBC, [4/21/21](#)]

GOOGLE RECEIVED BIPARTISAN CONDEMNATION FOR THEIR CONTROL OVER THEIR APP STORE PLATFORMS, WITH REPUBLICAN MIKE LEE CONDEMNING THEIR "HARMFUL" MARKET POWER"

Republican Senator Mike Lee Argued That Google And Apple's Market Power Was "Unprecedented" And Should Alarm Legislators "On Both Sides Of The Aisle." "Utah GOP Sen. Mike Lee — ranking member of the Senate Judiciary Subcommittee on Competition Policy, Antitrust, and Consumer Rights, which hosted the hearing to examine app store competition — said the issues are critical to Americans who increasingly manage their lives on their mobile phones. 'For better or for worse our smartphones have come to dominate our social and economic lives and apps are increasingly becoming the most popular ways to use those devices,' Lee said. 'The power that Google, Apple and a few other large tech companies hold over the way Americans live their lives is itself simply unprecedented. 'And legislators on both sides of the aisle are right to be concerned. And right to be interested into inquiring into some of these issues.'" [Deseret News, [4/21/21](#)]

Republican Senator Mike Lee Believed Apple And Google's Power To Remove Apps From Their App Stores Represented An Abuse Of Market Dominance, Saying They Could Act With "Wanton Disregard For Competitive Forces." "Lee said decisions by both Google and Apple after the Jan. 6 Capital insurrection to remove app store listings of social media site Parler, an alternative to Twitter that's won wide favor among U.S. political conservatives, was an example of behavior that while in itself is not an antitrust violation, represented an abuse of market dominance. 'When we see this kind of market power being used in harmful, if legal, ways it's only fair to ask whether it's also being used in illegal ways that might harm competition,' Lee said. 'Sometimes this is what raises the first flags. If you see someone acting with wanton disregard for competitive forces that might otherwise come into play, what else might be out there?'" [Deseret News, [4/21/21](#)]

AT THE HEARING, REPRESENTATIVES FROM TECH COMPANIES INCLUDING SPOTIFY, TILE, AND MATCH TESTIFIED AGAINST GOOGLE AND APPLE, CONDEMNING THEIR "IRON-FISTED MONOPOLY CONTROL"

Representatives From Spotify, Tile, And Match Group Argued That Google And Apple Unfairly Wielded Their Power As App Store Overseers To Limit Competition, Ultimately Harming Consumers. "Lawyers representing Apple and Google found themselves in hot water Wednesday at a Senate Judiciary Committee hearing on the companies' app stores and whether they stifle competition. Representatives of Spotify, Tile and Match Group, which owns dating apps including OKCupid and Tinder, argued that the Silicon Valley giants are unfairly wielding their power as app store overseers and are deliberately limiting competition, ultimately harming consumers." [Huffington Post, [4/21/21](#)]

In Exchange For Listing An App On Their App Store, Google And Apple Took A 15% To 30% Cut

Of Every Transaction Made There, Which In 2020 Amounted To \$33 Billion For The Two Companies. "Central to the issue are in-app payments Apple, Google and others extract from developers in exchange for listing an app in their app stores, which give them a 15% to 30% cut of every transaction made there. In 2020, the payments amounted to a combined \$33 billion for Apple and Google according to data tracked by the app analytics firm Sensor Tower. Jared Sine, Match Group's chief legal officer, told senators the fees comprise his company's single-largest expense and will soon eclipse half a billion dollars a year." [Huffington Post, [4/21/21](#)]

ARIZONA'S APP STORE PAYMENT BILL AIMED TO REIN IN GOOGLE'S POWER AND WAS MET WITH BIPARTISAN SUPPORT

ARIZONA'S AZ HB2005 WOULD HAVE FORCED GOOGLE TO ALLOW ALTERNATIVE PAYMENT SYSTEMS IN APPS

The Arizona App Store Payment Bill Would Force Apple And Google To Allow Alternative Payment Systems. "Pretty astounding outcome. Arizona House just advanced HB2005, the bill forcing Apple and Google to allow alternative payment systems. It's on its way to the state senate." [Twitter, Nick Statt, [3/3/21](#)]

The Arizona App Store Payment Bill Would Allow Companies To Avoid Paying Apple And Google Up To 30% In Commissions. "The Arizona House just passed a bill that would be very bad news for Apple and Google. It'd prevent them from forcing apps in the state to use their payment systems, meaning they could evade the tech giants' up to 30% commissions." [Twitter, Jack Nicas, [3/3/21](#)]

Verge App And Gaming Reporter Nick Statt Believed The Arizona App Store Payment Bill "Is A Pretty Serious Threat To The Core Business Models Of The App Store And The Google Play Store." "Not an understatement to say AZ HB2005 is a pretty serious threat to the core business models of the App Store and the Google Play Store. If only because it might inspire other states to draft similar legislation. The antitrust fight has pretty officially gone local in the US." [Twitter, Nick Statt, [3/3/21](#)]

ARIZONA'S BILL WAS SPONSORED BY REPUBLICAN STATE REPRESENTATIVE REGINA COBB AND SUPPORTED BY HER REPUBLICAN COLLEAGUES

Republican State Representative Regina Cobb Sponsored Arizona's HB 2005, The App Store Payment Bill. "Arizona State Rep. Regina Cobb hadn't even formally introduced her app store legislation last month when Apple and Google started storming into the state to lobby against it. Apple tapped its own lobbyist, Rod Diridon, to begin lobbying in Arizona. It hired Kirk Adams, the former chief of staff to Arizona Gov. Doug Ducey and speaker of the Arizona House of Representatives, to negotiate with Cobb on its behalf. It quickly joined the Arizona Chamber of Commerce, which began lobbying against the bill. And lawyers for both Google and Apple went straight to the Arizona House's lawyers to argue that the bill is unconstitutional. 'We went through a very difficult weekend where Apple and Google hired probably almost every lobbyist in town,' Cobb said." [Protocol, [3/1/21](#)]

The Majority Of The Support For The Arizona App Store Payment Bill Came From Republicans, With 27 Votes In Favor From Republican Representatives, And Only Four Votes Against. "Support for the bill in the Arizona House did not break down along party lines in the way one might expect for an antitrust-related bill. While antitrust reform at the federal level is currently more likely to come from Democrats, most of the support for the Arizona bill came from Republicans. Of the 31 votes in favor, 27 came from Republican representatives, and four were from Democrats. The tally was almost exactly inverted among the 29 'nay' votes, where 25 came from Democrats, and four were from Republicans." [ARS Technica, [3/4/21](#)]

DESPITE ITS REPUBLICAN ROOTS, NATIONAL AND LOCAL PROGRESSIVE LEADERS WHOLEHEARTEDLY ENDORSED ARIZONA'S APP STORE PAYMENT BILL

Senator Elizabeth Warren Supported Arizona's App Store Payment Bill, Saying "Apple & Google's App Platforms Are A Necessity For Many Small Businesses & Startups To Exist – But They Rig The Rules To Bulldoze Competition And Consolidate Their Power." Senator Elizabeth Warren shared an article on Arizona's App Store Payment Bill: "Apple & Google's app platforms are a necessity for many small businesses & startups to exist – but they rig the rules to bulldoze competition and consolidate their power. It's time to loosen Big Tech's grip on our economy. Bills like this are a good start." [Twitter, Senator Elizabeth Warren, [3/3/21](#)]

Representative Pramila Jayapal Supported Arizona's App Store Payment Bill, Saying "Small Businesses & Start Ups Literally Cannot Succeed Without Using Apps Like Apple Or Google— But These Platforms' Exorbitant Fees Make It So They Get A Massive Cut Of The Earnings." Representative Pramila Jayapal shared an article on Arizona's App Store Payment Bill: "Small businesses & start-ups literally cannot succeed without using apps like Apple or Google— but these platforms' exorbitant fees make it so they get a massive cut of the earnings. We need more bills like this one to break Big Tech's hold on our economy." [Twitter, Representative Pramila Jayapal, [3/15/21](#)]

Senator Amy Klobuchar Said She Was "Particularly Interested" In Competition Issues With Apple And Google's App Stores. "We have to make the point that this isn't just about one industry," she said, mentioning cat food and caskets as two unusual but heavily consolidated businesses. Later hearings by the panel will zoom in on specific industries, including tech, telecom and media, and Klobuchar said she is 'particularly interested' in competition issues that relate to Apple and Google's app stores." [Politico, [3/4/21](#)]

Progressive Arizona State Legislator Lobbyist Geoff Esposito Supported Arizona's App Store Payment Bill. Progressive Arizona State Legislator Lobbyist Geoff Esposito commented on Arizona's App Store Payment Bill: "Democrats should never be using their power in defense of monopoly. Multi billion dollar corporations have plenty of champions, we need a party to be the voice of people without power." [Twitter, Progressive Geoff Esposito, [3/3/21](#)]

The Arizona Public Interest Research Group Supported Arizona's App Store Payment Bill. The Arizona Public Interest Research Group commented on Arizona's App Store Payment Bill: "Deep appreciation to @recobbforazrep for her sponsorship & leadership of this legislation. Fitting the House passed this bill as part of National Consumer Protection Week. #NCPW2021 @edmpirg" [Twitter, Arizona Public Interest Research Group, [3/3/21](#)]

A Coalition Of Progressive Groups, Including The American Economic Liberties Project, American Family Voices, Arizona Working Families Party, Fight for the Future, Progress Arizona, Public Citizen, And Progressive Change Campaign Committee, Signed A Letter Supporting The Arizona App Store Payment Bill. "The American Economic Liberties Project was part of a coalition of progressive groups that penned a letter last month to members of the Arizona legislature urging them to pass the bill. The letter was also signed by American Family Voices, Arizona Working Families Party, Fight for the Future, Progress Arizona, Public Citizen and Progressive Change Campaign Committee." [The Hill, [3/3/21](#)]

NATIONAL TECH AND ANTITRUST ADVOCATES SUPPORTED ARIZONA'S APP STORE PAYMENT BILL

Tech Accountability Activist Jesse Lehrich Supported Arizona's App Store Payment Bill And Criticized Arizona Democrats For Opposing The Bill With "Tortured Arguments." Tech accountability activist Jesse Lehrich commented on Arizona's App Store Payment Bill: "hopefully

@AZSenateDems can summon a little more moral clarity than most of their House counterparts. the tortured arguments for protecting Apple & Google's 30% cut of app store sales are... unbecoming, at best." [Twitter, Tech Accountability Activist Jesse Lehigh, 3/3/21]

A Coalition Of Progressive Groups, Including The American Economic Liberties Project, American Family Voices, Arizona Working Families Party, Fight For The Future, Progress Arizona, Public Citizen, And Progressive Change Campaign Committee, Signed A Letter Supporting The Arizona App Store Payment Bill. "The American Economic Liberties Project was part of a coalition of progressive groups that penned a letter last month to members of the Arizona legislature urging them to pass the bill. The letter was also signed by American Family Voices, Arizona Working Families Party, Fight for the Future, Progress Arizona, Public Citizen and Progressive Change Campaign Committee." [The Hill, 3/3/21]

Fight For The Future Executive Director Sarah Roth-Gaudette Supported Arizona's App Store Payment Bill, Saying "We Think It's Great That Lawmakers At The Local, State, And Federal Level Are Showing Real Interest In Addressing The Abuses That Come With This Incredible Level Of Power Over Our Digital Lives." "'It's long past time for lawmakers to rein in the power of Big Tech companies,' Fight for the Future executive director Sarah Roth Gaudette said in a statement. 'We think it's great that lawmakers at the local, state, and federal level are showing real interest in addressing the abuses that come with this incredible level of power over our digital lives,' Roth-Gaudette added." [The Hill, 3/3/21]

American Economic Liberties Project Director Of State And Local Policy Pat Garofalo: Arizona App Store Payment Bill "Would Help Address The Range Of Harms That Gatekeepers Like Apple And Google Pose To Small Businesses, Entrepreneurs, Consumers And Local Communities." "The American Economic Liberties Project released the following statement after the Arizona House voted to approve HB 2005, a bill to limit the power of dominant app distributors such as Apple and Google. 'Bills like the one approved by the Arizona House today would help address the range of harms that gatekeepers like Apple and Google pose to small businesses, entrepreneurs, consumers and local communities,' said Pat Garofalo, Director of State and Local Policy at the American Economic Liberties Project. 'That the bill successfully passed is proof that there is a growing desire to rein in the power of the Big Tech companies that hold sway over key areas of commerce.'" [American Economic Liberties Project, Press Release, 3/3/21]

American Economic Liberties Project Director Of State And Local Policy Pat Garofalo: Arizona App Store Payment Bill Counters "The Whims Of Platform Monopolies That Can Arbitrarily Crush [Small Business] Overnight, With No Warning Or Recourse." "'The dominance of Big Tech firms has resulted in many tangible harms to small businesses and local communities by choking innovation, depressing business dynamism, and undermining job growth. Small businesses exist at the whims of platform monopolies that can arbitrarily crush them overnight, with no warning or recourse, if they don't agree to turn over a significant cut of their revenue in order to access their own customers. Bills such as HB 2005 are one part of addressing those harms,' added [Pat Garofalo, Director of State and Local Policy at the American Economic Liberties Project]." [American Economic Liberties Project, Press Release, 3/3/21]

ARIZONA'S APP STORE PAYMENT BILL WAS JUST ONE EXAMPLE OF HOW THE FIGHT AGAINST GOOGLE'S MONOPOLISTIC PLATFORM IS PLAYING OUT IN STATE LEGISLATURES ACROSS THE COUNTRY

NORTH DAKOTA'S STATE LEGISLATURE INTRODUCED THE FIRST STATE-LEVEL ATTEMPT TO REGULATE GOOGLE AND APPLE'S CONTROL OF THEIR APP STORES, OPENING THE "FLOODGATES" TO SIMILAR LEGISLATION ACROSS THE COUNTRY

North Dakota's Bill Targeting Apple's In-App Fees Would Have Required Companies That Make More Than \$10 Million Per Year In The State Through App Stores To Offer Alternative Payment Processors For Purchases Through The App Store. "The North Dakota bill targeted Apple's fees by requiring companies that make more than \$10 million per year in the state through app stores — essentially, just Apple and Google — would be required to offer alternative payment processors for purchases through the app store, allowing developers to avoid Apple or Google's cut. It would only apply to companies based in North Dakota." [CNBC, [2/16/21](#)]

North Dakota's Bill Would Prohibit Apple And Google From Requiring Apps To Use Their Payment Systems, Denying The Companies Commissions From In-App Purchases. "The North Dakota bill focuses on Apple's and Google's practices of taking a cut of up to 30 percent from many app sales on smartphones, a policy that brought the companies a combined \$33 billion last year, according to estimates from Sensor Tower, an app data firm. [...] The bill would prohibit Apple and Google from requiring apps to use their payment systems, which enable them to collect their commissions. It would also require Apple and Google to allow users of their smartphones to download apps from outside their flagship app stores, though Mr. Davison said he was trying to remove that provision to ease some of his colleagues' concerns. Google already allows such downloads, but Apple does not." [New York Times, [2/14/21](#)]

North Dakota's Bill Would Force Apple And Google To Allow Their Smartphone Users To Download Apps From Outside Their Flagship App Stores. "The North Dakota bill focuses on Apple's and Google's practices of taking a cut of up to 30 percent from many app sales on smartphones, a policy that brought the companies a combined \$33 billion last year, according to estimates from Sensor Tower, an app data firm. [...] The bill would prohibit Apple and Google from requiring apps to use their payment systems, which enable them to collect their commissions. It would also require Apple and Google to allow users of their smartphones to download apps from outside their flagship app stores, though Mr. Davison said he was trying to remove that provision to ease some of his colleagues' concerns. Google already allows such downloads, but Apple does not." [New York Times, [2/14/21](#)]

BOTH DEMOCRATIC AND REPUBLICAN STATE LEGISLATORS INTRODUCED BILLS TO CONTROL GOOGLE'S POWER OVER ITS APP STORES ACROSS THE COUNTRY...

State-Level Bills To Rein In Google And Apple's Control Over Their App Stores Were Introduced By Both Republicans And Democrats In Attempts To Check Silicon Valley's Power. "The legislation in Arizona was backed by a Republican, while in other states, such as Illinois and New York, Democrats are bringing the app store bills forward. That underscores the broad range of critics of Big Tech's power who are increasingly targeting the app stores' power. Conservatives are increasingly interested in checking large Silicon Valley companies' power in the aftermath of the attacks on the Capitol, when tech companies took rare steps to limit the reach of former president Trump and apps such as Parler due to concerns that they were contributing to physical violence. Apple and Google both kicked Parler off their app stores for violating their terms following the attacks." [Washington Post, [3/5/21](#)]

...IN STATES INCLUDING MINNESOTA...

March 2021: Legislation Designed To Rein In Apple And Google's Control Of Their App Store Platforms Was Being Considered In Arizona, Minnesota, Georgia, And Hawaii. "In the three weeks since Cobb introduced her bill, Arizona has become an unexpected hotspot in the country's antitrust debate, with the full force of the country's progressive anti-monopoly movement lining up behind a cadre of small- to medium-sized developers against an aggressive army of Apple and Google lobbyists. HB2005 could pass the House this week and potentially even make it through the Republican-majority Arizona Senate, making Arizona the first state to push through legislation to loosen Apple and Google's grip over their app ecosystems in the country. There's similar legislation being considered in Minnesota, Georgia, Hawaii and other states, mostly being pushed by Match Group, Epic Games and the broader

Coalition for App Fairness, which only formed last year and includes Spotify, Tile and others." [Protocol, [3/1/21](#)]

Legislation To Rein In Google And Apple's Control Over Their App Stores Was Pending In Both Chambers Of The Minnesota State Legislature. "The state legislative fights are the latest manifestation of the long-running gripes that developers such as Spotify have aired to lawmakers and antitrust regulators in both Washington, D.C., and Europe about app store policies. Epic, the creator of the popular video game Fortnite, is also waging its own court fights against Apple and Google in an attempt to defang their app policies. [...] Bills are also pending in both chambers of the Minnesota state legislature and Hawaii." [Politico, [3/3/21](#)]

...NEW YORK...

March 2021: Politico Reported That There Were State-Level Bills To Rein In Google And Apple's Control Over Their App Stores In Hawaii And New York. "Software developers have found a new place to fight against the fees and restrictions imposed by Apple's and Google's app stores — state capitols from Honolulu to Albany. Bills that would rein in the two tech giants' app policies are cropping up in multiple state legislatures this year, as lawmakers seize on rising discontent against Silicon Valley to push proposals that echo years of complaints by developers like Spotify, Epic Games and Match Group. One bill, which would let developers sidestep the two companies' 30 percent fees on digital purchases, cleared the Arizona House by a 31-29 vote Wednesday." [Politico, [3/3/21](#)]

New York State Senator Rachel May Introduced Legislation To Rein In Google And Apple's Control Over Their App Stores As Part Of An Attempt To Reduce Monopoly Power. "New York state Sen. Rachel May said she introduced her bill as part of 'efforts to reduce monopoly power.' 'My constituents often find themselves excluded by a digital divide that is only reinforced by increased costs and limited options,' said May, a Democrat who represents Syracuse and parts of the surrounding counties. 'It is vital that we have the conversation about what forces are harmful to our economy and what states might be able to do to rein those forces in.'" [Politico, [3/3/21](#)]

...GEORGIA...

February 2021: The New York Times Reported That Georgia Lawmakers Were Considering "Nearly Identical App Store Legislation" To The North Dakota Bill That Would Regulate Apple And Google's Control Of Their App Stores. "If the bill fails, Apple and Google's fight would appear far from over. Georgia and Arizona lawmakers are considering nearly identical app-store legislation, and Andy Vargas, a state representative in Massachusetts, said he planned to introduce a comparable bill this week. Lobbyists said they were also pushing for app-store bills in Wisconsin and Minnesota." [New York Times, [2/14/21](#)]

...MASSACHUSETTS...

March 2021: Politico Reported That Legislation To Rein In Google And Apple's Control Over Their App Stores Was Introduced In Seven States, Including New York, Illinois, And Massachusetts. "Last month, Apple and Google beat back a North Dakota Senate bill that would have required Apple to let iPhone and iPad users download alternative app stores and let developers change their payment options. Undeterred by that loss, the developers are focusing now on bills to let app-makers choose their own payment processors. So far, that legislation has been introduced in seven states, including New York, Illinois and Massachusetts, though the Arizona bill is the farthest along." [Politico, [3/3/21](#)]

Massachusetts State Representative Andy Vargas Introduced Legislation To Rein In Google And Apple's Control Over Their App Stores, Arguing That The In-App Fees Reduced Equitable Opportunities For Tech Entrepreneurs. "Both state Rep. Andy Vargas, a Democrat who is sponsoring similar legislation in Massachusetts, and Hawaii Democratic state Sen. Stanley Chang said they hoped

legislation would help level the playing field between the tech companies and startups and entrepreneurs, who have no choice but to accept Apple's and Google's terms. [...] Massachusetts' Vargas said he would press forward with the legislation despite the pushback from Apple and Google. 'The forced 30 percent payment processing fee means consumers pay more, competition is stifled, and startups have a tougher time scaling because every piece of revenue they generate is undercut,' Vargas told POLITICO. 'Consumers deserve fairness and our small app developers — especially people of color often left out of scaling startups — deserve equitable opportunities to pursue their big ideas.'" [Politico, 3/3/21]

...HAWAII...

Hawaii State Senator Stanley Chang Introduced Legislation To Rein In Google And Apple's Control Over Their App Stores To Help Level The Playing Field Between Tech Companies And Startups. "Both state Rep. Andy Vargas, a Democrat who is sponsoring similar legislation in Massachusetts, and Hawaii Democratic state Sen. Stanley Chang said they hoped legislation would help level the playing field between the tech companies and startups and entrepreneurs, who have no choice but to accept Apple's and Google's terms." [Politico, 3/3/21]

...AND ILLINOIS

In Illinois, Democratic State Senator Sara Feigenholtz Introduced Legislation To Rein In Google And Apple's Control Over Their App Stores, Calling The In-App Fees A "Legitimate Stickup." "In Illinois, Democratic state Sen. Sara Feigenholtz said she was 'really shocked' that software developers could be forced to pay as much as 30 percent while physical small businesses like bars and restaurants can shop to find the lowest processing fees. 'Our job as state lawmakers is to stick up for Illinois businesses and not allow California monopolies to perform a legitimate stickup,' said Feigenholtz, who introduced the legislation last week. 'We shouldn't be making the big guys bigger and the small guys pay.'" [Politico, 3/3/21]

GOOGLE FACED MULTIPLE LAWSUITS AND SCRUTINY FROM CONSUMER ADVOCATES OVER ITS PRIVACY PROTECTIONS

GOOGLE FACED MULTIPLE STATE AND CLASS ACTION LAWSUITS OVER ITS VIOLATIONS OF PRIVACY STANDARDS

IN 2022 THE ATTORNEYS GENERAL OF TEXAS, WASHINGTON, INDIANA, AND DC SUED GOOGLE FOR TRACKING USERS' LOCATIONS AFTER CONSUMERS BELIEVED THEY HAD DISABLED THAT FEATURE

Google Was Sued By The Attorneys General of Texas, Washington, Indiana, And DC For Tracking Users' Locations After Consumers Believed They Had Disabled That Feature. "Texas, Indiana, Washington, and Washington, D.C., all filed parallel lawsuits against the tech company Monday, alleging it leads consumers to believe that turning off 'location history' will keep location data from being stored, when in actuality other settings and methods continue to collect the information. All four lawsuits allege Google has been collecting the data since at least 2014 and used it to send targeted advertisements to consumers, earning Google billions in profits." [Law360, 1/24/22]

IN 2021 ARIZONA ATTORNEY GENERAL MARK BRNOVICH SUED GOOGLE OVER ITS LOCATION TRACKING POLICIES

Arizona AG Mark Brnovich Sued Google Over "Deceptive And Unfair" Location Tracking Policies That Violated Users' Privacy Rights. "A new version of Arizona Attorney General Mark Brnovich's lawsuit against tech behemoth Google alleges the company tracked users' location across third party

apps and still gathered that information when devices connected to WiFi, even if location services were off. And company employees voiced concerns that the media, including The New York Times, would find out. [...] The complaint is part of an ongoing consumer fraud lawsuit Brnovich first filed in May 2020 alleging that Google's data collection schemes violated the state's Consumer Fraud Act, though large portions of the lawsuit were redacted by the court at Google's request. What has followed has been a legal battle over what has been able to be released." [Arizona Mirror, [5/24/21](#)]

IN 2020 GOOGLE FACED MULTIPLE CLASS ACTION LAWSUITS OVER ITS USER DATA TRACKING PRACTICES

A 2020 CLASS ACTION LAWSUIT IN CALIFORNIA ALLEGED THAT GOOGLE CONTINUED TO TRACK USERS' LOCATIONS EVEN AFTER THEY SWITCHED OFF THAT FEATURE

A California Class Action Lawsuit Alleged That Google Continued To Track Users' Locations Even After They Switched Off The Location History Feature. "Interestingly, the Arizona case may have breathed new life into another action that has been pending in the Northern District of California since 2018. As in the Arizona matter, the plaintiffs in a set of consolidated cases have alleged that Google continues to track users' locations even after they have switched off the location history feature on their smartphones." [Davis Wright Tremaine LLP, [10/26/20](#)]

ANOTHER 2020 CLASS ACTION LAWSUIT IN CALIFORNIA ALLEGED THAT GOOGLE CONTINUED COLLECTING DATA ON USERS WHILE THEY ARE IN "INCOGNITO MODE"

Plaintiffs Filed A Class Action Lawsuit Alleging That Google Continues Collecting Data While Users Are In "Incognito Mode." "In June, plaintiffs filed a class action in the Northern District of California, alleging that Google continues collecting data while users are browsing in "Incognito" mode and asserting that this conduct violates the federal Wiretap Act, California's Invasion of Privacy Act (CIPA) and California's constitutional right of privacy, and constitutes the tort of intrusion upon seclusion." [Davis Wright Tremaine LLP, [10/26/20](#)]

A THIRD 2020 CLASS ACTION SUIT ALLEGED THAT GOOGLE CONTINUED TRACKING USER ACTIVITY DATA IN APPLICATIONS DEVELOPED WITH GOOGLE'S FIREBASE SOFTWARE DEVELOPMENT KITS

Google Faced A Class Action Lawsuit Alleging That The Company Continued Tracking User Activity Data Through Applications Developed With Google's Firebase Software Development Kits. "In July, plaintiffs (represented by the same firm as in Brown) filed a class action challenging Google's continued tracking of user activity data through applications developed with Google's Firebase software development kits.⁴ Plaintiffs allege that Google continues to track user activity data through applications that use the Firebase SDK even when the Web & App Activity setting is turned off. Plaintiffs allege violations of the federal Wiretap Act, CIPA, California's Comprehensive Computer Data Access and Fraud Act, and for invasion of privacy." [Davis Wright Tremaine LLP, [10/26/20](#)]

IN 2020 CONSUMER ADVOCATE GROUPS WARNED THAT GOOGLE'S PURCHASE OF FITBIT WOULD HARM DATA PRIVACY

Consumer Groups Warned That Google's Fitbit Buyout Could Harm Data Privacy. "Consumer groups are urging regulators to scrutinize Google's \$2.1 billion bid for Fitbit, citing privacy and competition concerns. 'This will be a test case for how regulators address the immense power the tech giants exert over the digital economy and their ability to expand their ecosystems unchecked,' a group of 20 consumer organizations wrote in a statement sent to antitrust authorities in the U.S., the U.K., Canada, Australia

and several other jurisdictions. [...] The consumer groups are urging regulators to be wary, highlighting concerns that Google could exploit Fitbit's 'exceptionally valuable health and location datasets, and data collection capabilities' to strengthen its already dominant position in digital markets such as online advertising. 'Google could also use Fitbit's data to establish a commanding position in digital and related health markets, depriving competitors of the ability to compete effectively. This would reduce consumer welfare, including degrading data privacy options, limit innovation and raise prices,' the groups said." [Fierce Healthcare, [7/2/20](#)]

GOOGLE HAS FACED PUBLIC SCRUTINY OVER ITS COMPANY CULTURE AMID ALLEGATIONS OF SEXISM, RACISM, AND CENSORSHIP

GOOGLE FACED SCRUTINY FOR A PERVASIVE CULTURE OF SEXISM AND RACISM AMONG STAFF, AND CRACKDOWNS ON EMPLOYEE SPEECH AND ACTIVISM

IN 2018, *THE NEW YORK TIMES* REVEALED THAT A NUMBER OF GOOGLE EXECUTIVES HAD RECEIVED GENEROUS EXIT PACKAGES AFTER CREDIBLE SEXUAL MISCONDUCT ALLEGATIONS AGAINST THEM

2018: The New York Times Reported That Google Had Provided A \$90 Million Exit Package To Andy Rubin After Receiving A Credible Sexual Harassment Allegation Against Him. "In October, The Times reported that Google had provided a \$90 million exit package to Andy Rubin, the creator of the Android mobile operating system, after an accusation of sexual harassment against him was found to be credible. The lavish payment after the misconduct outraged Google's employees. The company's top executives later apologized and revealed they had fired 48 people for sexual harassment over the past two years, with none receiving an exit package." [New York Times, [4/22/19](#)]

Google Employees Said Reporting Of Andy Rubin's Sexual Harassment "Turned The Lights On On The Bias, Discrimination And Systemic Inequality Women And Other Groups Experience Very Viscerally At Google." "But the apologies did not calm employees' disquiet. Ms. Stapleton and Ms. Whittaker, along with other colleagues, called for employees to walk out of the company for a day in protest. At the time, Ms. Stapleton said in an interview that The Times article had 'turned the lights on on the bias, discrimination and systemic inequality women and other groups experience very viscerally at Google.'" [New York Times, [4/22/19](#)]

AFTER THE *NEW YORK TIMES* STORY, GOOGLE CEO SUNDAR PICHAI APOLOGIZED FOR HIS RESPONSE TO SEXUAL HARASSMENT ALLEGATIONS AT THE COMPANY

2018: Pichai Acknowledged That The Company Had Fired 48 People For Sexual Harassment Over The Past Two Years. "After publication of this article, Sundar Pichai, Google's chief executive, and Ms. Naughton wrote in an email to employees that the company had fired 48 people for sexual harassment over the last two years and that none of them received an exit package. 'We are committed to ensuring that Google is a workplace where you can feel safe to do your best work, and where there are serious consequences for anyone who behaves inappropriately,' Mr. Pichai and Ms. Naughton wrote." [New York Times, [10/25/18](#)]

Google Employee Liz Fong-Jones Argued That Pichai's Statement Was Not Enough Because It Was Still Covering Up Harassment And "Pass[ing] On The Trash." "Some within Google said that was not enough. 'When Google covers up harassment and passes the trash, it contributes to an environment where people don't feel safe reporting misconduct,' said Liz Fong-Jones, a Google engineer for more than a decade and an activist on workplace issues. 'They suspect that nothing will happen or, worse, that the men will be paid and the women will be pushed aside.'" [New York Times, [10/25/18](#)]

Pichai Apologized For His Response To Sexual Harassment Allegations At The Company, Saying His Initial Statement “Wasn’t Enough.” "Google is struggling to contain a growing internal backlash over its handling of sexual harassment and its workplace culture. Over the past week, Sundar Pichai, Google’s chief executive, and Larry Page, a co-founder of Google and the chief executive of its parent company, Alphabet, have taken multiple steps to calm its agitated 94,000-person work force. The anger arose after The New York Times revealed last week that Google had paid millions of dollars in exit packages to male executives accused of harassment and stayed silent about their transgressions. [...] Mr. Page and Mr. Pichai also issued apologies, with Mr. Pichai later saying his initial statement ‘wasn’t enough’ and apologizing again. And one of the executives whom Alphabet continued employing after he was accused of harassment resigned on Tuesday and did not obtain an exit package." [New York Times, [10/31/18](#)]

GOOGLE SOFTWARE ENGINEER LORETTA LEE SUED THE COMPANY AFTER SHE WAS FIRED AFTER REPORTING SEXUAL HARASSMENT AND EXPERIENCING RETALIATION FROM MALE CO-WORKERS

FORMER GOOGLE SOFTWARE ENGINEER LORETTA LEE SUED GOOGLE FOR SEXUAL HARASSMENT, DISCRIMINATION, AND WRONGFUL DISCRIMINATION AFTER EXPERIENCING YEARS OF “ROUTINE” SEXUAL HARASSMENT AT THE COMPANY

2018: Former Google Software Engineer Loretta Lee Sued The Company For Sexual Harassment, Discrimination, Retaliation, And Wrongful Termination. "Loretta Lee, a software engineer who worked at Google for seven years before being fired in February 2016, is suing Google for sexual harassment, discrimination, retaliation, and wrongful termination she says she experienced at the company. Lee says in her lawsuit that the company’s ‘bro-culture’ led to continuous harassment and that Google did nothing to intervene." [The Verge, [2/28/18](#)]

Former Google Software Engineer Loretta Lee Shared That She Experienced Routine Sexual Harassment Throughout Her Time At Google. "Throughout her time at Google, Lee was routinely sexually harassed, according to her lawsuit. She says her male coworkers spiked her drinks with alcohol and shot nerf guns at her regularly, and she says one male coworker messaged her to ask for a ‘horizontal hug.’ At a holiday party, Lee’s lawsuit says, a male coworker slapped her across the face while he was intoxicated." [Gizmodo, [2/28/18](#)]

GOOGLE FACED CRITICISM FROM HUMAN RIGHTS GROUPS AND EMPLOYEES FOR ITS WORK WITH THE CHINESE GOVERNMENT

IN A MOVE CONDEMNED BY HUMAN RIGHTS ACTIVISTS, GOOGLE WORKED TO CREATE A CENSORED SEARCH ENGINE THAT WOULD FOLLOW THE CHINESE GOVERNMENT’S STRICT INTERNET CENSORSHIP

GOOGLE CREATED A CENSORED CHINESE SEARCH ENGINE THAT WOULD COMPLY WITH OPPRESSIVE CENSORSHIP FROM THE CHINESE GOVERNMENT

AFTER MEETINGS BETWEEN GOOGLE EXECUTIVES AND CHINESE OFFICIALS, GOOGLE BEGAN WORKING ON A SEARCH ENGINE THAT COULD OPERATE IN CHINA

August 2018: Leaked Documents Showed That Google Was Secretly Creating A Search Engine For China That Would Restrict Content Banned By Beijing, Called Dragonfly. “Google’s interest in bringing search back to China came to the forefront earlier this month, when reports surfaced that the company was working on a search app that restricts content banned by Beijing. The project, known

internally as Dragonfly, was developed largely in secret, prompting outrage among employees who worried they had been unwittingly working on technology that would help China withhold information from its citizens.” [New York Times, [8/16/18](#)]

The New York Times Reported That Google Had ‘Teams Of Engineers’ Working On A Censored Chinese Search Engine, And Had Demonstrated The App To Chinese Government Officials.

“Google withdrew from China eight years ago to protest the country’s censorship and online hacking. Now, the internet giant is working on a censored search engine for China that will filter websites and search terms that are blacklisted by the Chinese government, according to two people with knowledge of the plans. Google has teams of engineers working on a search app that restricts content banned by Beijing, said the people, who asked for anonymity because they were not permitted to speak publicly about the project. The company has demonstrated the service to Chinese government officials, they added.” [New York Times, [4/1/18](#)]

THE ENGINE WOULD RESTRICT CONTENT BANNED BY THE CHINESE GOVERNMENT AND BLACKLIST SOME SEARCH TERMS

Google Programmers And Engineers Worked To Build A Custom Android App That Would Provide A Censored Search Engine In China. ‘Teams of programmers and engineers at Google have created a custom Android app, different versions of which have been named ‘Maotai’ and ‘Longfei.’ The app has already been demonstrated to the Chinese government; the finalized version could be launched in the next six to nine months, pending approval from Chinese officials.’ [The Intercept, [8/1/18](#)]

Google’s Chinese Search App Would Automatically Identify And Filter Any Websites Blocked By The Chinese Government’s Censorship, Known As The ‘Great Firewall.’ ‘Documents seen by The Intercept, marked ‘Google confidential,’ say that Google’s Chinese search app will automatically identify and filter websites blocked by the Great Firewall. When a person carries out a search, banned websites will be removed from the first page of results, and a disclaimer will be displayed stating that ‘some results may have been removed due to statutory requirements.’ Examples cited in the documents of websites that will be subject to the censorship include those of British news broadcaster BBC and the online encyclopedia Wikipedia.’ [The Intercept, [8/1/18](#)]

GOOGLE’S WORK WITH THE CHINESE GOVERNMENT FACED BACKLASH FROM BOTH HUMAN RIGHTS GROUPS AND GOOGLE EMPLOYEES

Google’s Work Building A Censored Chinese Search Engine Led To A Backlash Among Human Rights Groups, With Amnesty International Calling It A ‘Dark Day For Internet Freedom’ If The Engine Was Released. ‘Google’s work on a censored search engine for China has already caused an outcry among human rights activists. Many are concerned that the company would block a long list of foreign websites including Facebook, Twitter and The New York Times, as well as Chinese search queries including the 1989 Tiananmen massacre and information about the Chinese leadership. Amnesty International said it would be a ‘dark day for internet freedom’ and would constitute ‘a gross attack on freedom of information and internet freedom’ if the tech giant accepted China’s censorship terms.’ [New York Times, [4/1/18](#)]

Google Employees Pressed Pichai About Concerns About The Dragonfly Project And What Information Would Be Censored By The Chinese Government. ‘Late on Thursday, employees pressed Google’s chief executive, Sundar Pichai, and other management about Dragonfly at a weekly staff meeting. As of late Wednesday, one of the top questions on an internal software system called Dory, which lets employees vote for the queries that executives should answer at the meeting, asked whether Google had lost its ethical compass, said people who had reviewed the questions. Other questions on Dory asked directly about the Dragonfly project and specific information that may be censored by the Chinese government, such as air pollution data. ‘If we were to do our mission well, we are to think seriously about how to do more in China,’ Mr. Pichai said in the staff meeting, audio of which was obtained by The Times. ‘That said, we are not close to launching a search product in China.’ [New York Times, [8/16/18](#)]

GOOGLE-OWNED YOUTUBE HAS FACED BACKLASH FROM CONSUMER ADVOCATES, ADVERTISERS, AND GOVERNMENT AGENCIES OVER ISSUES INCLUDING THE SPREAD OF MISINFORMATION AND HARMFUL CONTENT

GOOGLE OWNED YOUTUBE

Google Purchased Youtube In 2006. “Ten years ago this week, Google bought YouTube for \$1.65 billion. That figure seems quaint now (it equates to WhatsApp being worth about 13 YouTubes) but at the time it was an eye-popping figure to pay for a startup only a year and a half old. Some analysts and competitors said Google overpaid. Mark Cuban said the search giant was ‘crazy’ to take on YouTube’s many legal liabilities. Google itself later acknowledged that YouTube wasn’t worth anywhere near the price tag at the time of the acquisition. A decade later, though, the YouTube buy is widely considered to be one of the best consumer tech acquisitions ever.” [The Ringer, [10/10/16](#)]

GOOGLE EXECS CHEERED YOUTUBE’S PUSH TO MAXIMIZE VIEWS, EVEN AS WARNINGS GREW THAT THE ALGORITHM REWARDED CONTROVERSIAL CONTENT

YOUTUBE REDESIGNED ITS ALGORITHM TO MAXIMIZE VIEWS

2012: YouTube Re-Wrote Its Algorithm To Maximize Views, Which Wojcicki Cheered When She Took Over In 2014. “In 2012, YouTube concluded that the more people watched, the more ads it could run—and that recommending videos, alongside a clip or after one was finished, was the best way to keep eyes on the site. So YouTube, then run by Google veteran Salar Kamangar, set a company-wide objective to reach one billion hours of viewing a day, and rewrote its recommendation engine to maximize for that goal. When Wojcicki took over, in 2014, YouTube was a third of the way to the goal, she recalled in investor John Doerr’s 2018 book *Measure What Matters*. ‘They thought it would break the internet! But it seemed to me that such a clear and measurable objective would energize people, and I cheered them on,’ Wojcicki told Doerr. ‘The billion hours of daily watch time gave our tech people a North Star.’ By October, 2016, YouTube hit its goal.” [Bloomberg, [4/2/19](#)]

2015: YouTube Put In Place A New Algorithm, Criticized By A Computer Scientist As An “Addiction Engine” In Order To Drive More Views To Its Content And Make Profits. “That same fall, three Google coders published a paper on the ways YouTube’s recommendation system worked with its mountain of freshly uploaded footage. They outlined how YouTube’s neural network, an AI system that mimics the human brain, could better predict what a viewer would watch next. The research notes how the AI can try to suppress ‘clickbait,’ videos that lied about their subject and lost viewer’s attention. [...] Rather than revamp its recommendation engine, YouTube doubled down. The neural network described in the 2016 research went into effect in YouTube recommendations starting in 2015. By the measures available, it has achieved its goal of keeping people on YouTube. ‘It’s an addiction engine,’ said Francis Irving, a computer scientist who has written critically about YouTube’s AI system. Irving said he has raised these concerns with YouTube staff. They responded with incredulity, or an indication that they had no incentives to change how its software worked, he said. ‘It’s not a disastrous failed algorithm,’ Irving added. ‘It works well for a lot of people, and it makes a lot of money.’” [Bloomberg, [4/2/19](#)]

YOUTUBE EXECUTIVES IGNORED WARNINGS ABOUT THE RISE OF HATE SPEECH AND CONSPIRACY THEORIES ON YOUTUBE

2019: Employees Said That Wojcicki Ignored Warnings About Hate Speech And Conspiracies On YouTube And That She Viewed It As Not Her Job To Fix The Issues. “In recent years, scores of people inside YouTube and Google, its owner, raised concerns about the mass of false, incendiary and toxic content that the world’s largest video site surfaced and spread. One employee wanted to flag troubling videos, which fell just short of the hate speech rules, and stop recommending them to viewers.

Another wanted to track these videos in a spreadsheet to chart their popularity. A third, fretful of the spread of 'alt-right' video bloggers, created an internal vertical that showed just how popular they were. Each time they got the same basic response: Don't rock the boat. The company spent years chasing one business goal above others: "Engagement," a measure of the views, time spent and interactions with online videos. Conversations with over twenty people who work at, or recently left, YouTube reveal a corporate leadership unable or unwilling to act on these internal alarms for fear of throttling engagement. Wojcicki would 'never put her fingers on the scale,' said one person who worked for her. 'Her view was, 'My job is to run the company, not deal with this.' This person, like others who spoke to Bloomberg News, asked not to be identified because of a worry of retaliation." [Bloomberg, [4/2/19](#)]

ADVOCATES CONDEMNED YOUTUBE FOR PROMOTING FAR-RIGHT CONTENT

ADVOCATES NOTED THAT YOUTUBE ENABLED JAIR BOLSONARO'S RISE BY BOOSTING HIS CHANNEL AND OTHERS THAT PROMOTED FAR-RIGHT CONSPIRACIES IN BRAZIL

Amid Reporting That YouTube's Algorithm And Autoplay Features Were Causing A Rise In Support for Far Right Politicians In Brazil, Advocates Pointed Out That YouTube Was Negatively Impacting Democracies. "Danah Boyd, founder of the think tank Data & Society, attributed the disruption in Brazil to YouTube's unrelenting push for viewer engagement, and the revenues it generates. Though corruption scandals and a deep recession had already devastated Brazil's political establishment and left many Brazilians ready for a break with the status quo, Ms. Boyd called YouTube's impact a worrying indication of the platform's growing impact on democracies worldwide. 'This is happening everywhere,' she said. Maurício Martins, the local vice president of Mr. Bolsonaro's party in Niterói, credited 'most' of the party's recruitment to YouTube — including his own. He was killing time on the site one day, he recalled, when the platform showed him a video by a right-wing blogger. He watched out of curiosity. It showed him another, and then another. 'Before that, I didn't have an ideological political background,' Mr. Martins said. YouTube's auto-playing recommendations, he declared, were 'my political education.' 'It was like that with everyone,' he said." [New York Times, [8/11/19](#)]

ADVERTISERS BOYCOTTED YOUTUBE FOR PROMOTING HARMFUL CONTENT

ADVERTISERS INCLUDING JOHNSON & JOHNSON AND AT&T BOYCOTTED YOUTUBE AFTER REPORTS THAT THEIR MESSAGES APPEARED ON OFFENSIVE CONTENT

2017: Blue Chip Companies Pulled Advertising From YouTube After Their Ads Appeared Next To Offensive Content. "But the technology underpinning YouTube's advertising business has come under intense scrutiny in recent days, with AT&T, Johnson & Johnson and other deep-pocketed marketers announcing that they would pull their ads from the service. Their reason: The automated system in which ads are bought and placed online has too often resulted in brands appearing next to offensive material on YouTube such as hate speech. On Thursday, the ride-sharing service Lyft became the latest example, removing their ads after they appeared next to videos from a racist skinhead group. 'This is beyond offensive,' a Lyft spokesman, Scott Coriell, said. 'As soon as we learned of it, we pulled our advertising on YouTube.'" [New York Times, [3/23/17](#)]

YOUTUBE WAS SUED BY BOTH CONSERVATIVES AND LGBTQ CONTENT CREATORS FOR CENSORSHIP

2019: YouTube Faced Lawsuits From LGBTQ Creators And Conservative Misinformation Channel PragerU, Alleging Censorship. "Two months later, a group of LGBTQ YouTube creators filed a class-action lawsuit accusing the company of discrimination. The case mirrored similar charges from across the ideological aisle — a filing from PragerU, a conservative video channel, which has accused YouTube

of censorship. In fact, the lawsuits were brought by the same attorney. 'It just looks like YouTube is taking the maximum amount of time for a solution that pleases no one,' said Stapleton, the former employee." [Los Angeles Times, [12/27/19](#)]

YOUTUBE FACED COMPLAINTS ABOUT BEING A DANGEROUS PLACE FOR KIDS

YOUTUBE KIDS, A PLATFORM BILLED AS APPROPRIATE FOR CHILDREN, WAS FLAGGED TO THE FTC FOR INAPPROPRIATE CONTENT

2015: Two Months After YouTube Kids Launched, Consumer Advocates Complained To The FTC About Disturbing Content Geared Towards Children On The Platform. "On Feb. 23, 2015, YouTube announced YouTube Kids, a stand-alone app built for children and child-appropriate entertainment. The idea was to make YouTube a safer platform for parents, who didn't want their children using the main site unsupervised. The initial blog post about the Kids app mentions that 'parents can rest a little easier knowing that videos in the YouTube Kids app are narrowed down to content appropriate for kids.' Parental controls, including giving parents the ability to remove the search option from the app, giving their children access to 'just the pre-selected videos available on the home screen' were also included. The Kids App, according to Shimrit Ben-Yair, YouTube Kids Group's product manager, marked the 'first step toward reimagining YouTube for families.' Less than two months later, in May 2015, the Campaign for a Commercial-Free Childhood, a coalition of children's and consumers advocacy groups, complained to the Federal Trade Commission (FTC) about content they called 'not only ... disturbing for young children to view, but potentially harmful.'" [Polygon, [12/8/17](#)]

The Complaint Noted That YouTube Kids Featured Sexual Content, Advertising For Alcohol, And Promotion Of Unsafe Behaviors. "CDD and CCFC's further review of YouTube Kids demonstrates that the app is rife with videos that would not meet anyone's definition of "family friendly." In fact, YouTube Kids contains many videos that would not only be disturbing for young children to view, but potentially harmful. Over the course of our review of YouTube Kids, we found: Explicit sexual language presented amidst cartoon animation; A profanity-laced parody of the film Casino featuring Bert and Ernie from Sesame Street; Graphic adult discussions about family violence, pornography and child suicide; Jokes about pedophilia and drug use; Modeling of unsafe behaviors such as playing with lit matches; Advertising for alcohol products." [Campaign for a Commercial Free Child et. al., [5/19/15](#)]

IN 2019 GOOGLE AND YOUTUBE SETTLED WITH THE FTC FOR VIOLATING CHILD PRIVACY LAWS

2019: Google And YouTube Agreed To A Record \$170 Million Settlement To Settle Allegations Brought By The FTC And New York Attorney General Arguing That Google Had Violated Child Privacy Laws. "Google LLC and its subsidiary YouTube, LLC will pay a record \$170 million to settle allegations by the Federal Trade Commission and the New York Attorney General that the YouTube video sharing service illegally collected personal information from children without their parents' consent. The settlement requires Google and YouTube to pay \$136 million to the FTC and \$34 million to New York for allegedly violating the Children's Online Privacy Protection Act (COPPA) Rule. The \$136 million penalty is by far the largest amount the FTC has ever obtained in a COPPA case since Congress enacted the law in 1998." [FTC, 9/4/19; Signed Consent Order, filed [9/4/19](#)]

IN 2021 THE HOUSE OVERSIGHT COMMITTEE SENT A LETTER TO GOOGLE SEEKING INFORMATION ON YOUTUBE KIDS, DESCRIBING IT AS A "WASTELAND OF VAPID" CONTENT

The House Oversight Committee Subcommittee On Reform Sent A Letter To Wojcicki Seeking Information On YouTube Kids, Describing It As A "Wasteland Of Vapid" Content. "A House

subcommittee is investigating YouTube Kids, saying the Google-owned video service feeds children inappropriate material in a wasteland of vapid, consumerist content so it can serve them ads. The inquiry comes despite Google agreeing to pay \$170 million in 2019 to settle allegations that YouTube collected personal data on children without their parents' consent. In a letter sent Tuesday to YouTube CEO Susan Wojcicki, the U.S. House Oversight and Reform subcommittee on economic and consumer policy said YouTube does not do enough to protect kids from material that could harm them. Instead it relies on artificial intelligence and creators' self-regulation to decide what videos make it on to the platform, according to the letter from the committee's chairman, Illinois Democrat Raja Krishnamoorthi. And despite changes in the wake of the 2019 settlement, the letter notes, YouTube Kids still shows ads to children. But instead of basing it on kids' online activity, it now targets it based on the videos they are watching." [Associated Press, [4/6/21](#)]

IN THE DAYS FOLLOWING THE 2020 ELECTION, MEDIA OUTLETS BLASTED YOUTUBE FOR REFUSING TO TAKE DOWN CONTENT CONTAINING MISINFORMATION

November 10, 2020 HEADLINE: YouTube Election Loophole Lets Some False Trump-Win Videos Spread. "A few months ago, YouTube released a detailed policy prohibiting manipulated media and voter suppression, but left one gap: Expressing views on the election is OK. The result has been an onslaught of videos aiming to undermine the legitimacy of the election, according to online media and political researchers. Some of this material has spread on other social networks. And several clips, like the two OANN videos on Monday, ran advertisements, profiting from a Google policy that lets content framed as news reporting or talk shows cash in. 'YouTube saw the inevitable writing on the wall that its platform would be used to spread false claims of election victory and it shrugged,' said Evelyn Douek, a lecturer at Harvard Law School who studies content moderation and the regulation of online speech." [Bloomberg, [11/10/20](#)]

November 10, 2020 HEADLINE: Election Misinformation Continues Staying Up On YouTube. "YouTube's actions are opaque. Its most powerful tool is an algorithm that has been trained to suppress so-called borderline content — videos that bump up against its rules but don't clearly violate them — from appearing high in search results or recommendations. But YouTube does not disclose which videos are designated as borderline so people have to guess whether the company is taking action or not. Even if YouTube takes steps to make it harder for people to find the videos on its site, it does not prevent a user from sharing it widely elsewhere. As a result, many YouTube videos have found new life on Facebook. The video spreading falsehoods about Real Clear Politics rescinding its projection of Mr. Biden winning Pennsylvania had about 1.5 million views on YouTube and it had been shared 67,000 times on Facebook as of Tuesday afternoon, according to BuzzSumo, a web analytics tool." [New York Times, [11/10/20](#)]

November 13, 2020: HEADLINE: YouTube Says It Wants 'Discussion' Of Election Results, Even When It's Been Debunked. "YouTube is facing growing criticism for allowing election misinformation after it decided not to remove or individually fact-check videos that spread unfounded conspiracy theories alleging voter fraud. While all internet platforms are struggling to contain the volume of misinformation since voting ended last week — and all have been criticized to some degree by researchers for their handling of the situation — YouTube has staked out a position that is less aggressive than its social media competitors, most notably Facebook and Twitter. YouTube said before the election that it wouldn't allow videos that encourage 'interference in the democratic process,' but now, as state officials are working to certify vote tallies, the company said it wants to give users room for 'discussion of election results,' even when that discussion is based on debunked information." [NBC News, [11/13/20](#)]

AFTER THE JANUARY 6 INSURRECTION, LAWMAKERS CRACKED DOWN ON GOOGLE FOR ITS INVOLVEMENT IN THE SPREAD OF MISINFORMATION AND PLANNING THE ATTACKS

THE HOUSE SELECT COMMITTEE INVESTIGATING JANUARY 6TH SUBPOENAED ALPHABET FOR RECORDS RELATED TO THE INSURRECTION

The House Select Committee Investigating January 6th Subpoenaed Alphabet For Records Related To The Insurrection. “The House select committee investigating the Capitol attack subpoenaed Twitter, Meta, Alphabet and Reddit on Thursday for records related to the 6 January insurrection, as it seeks to review data that could potentially incriminate the Trump White House. Facebook is part of Meta and Google is part of Alphabet. The move by the select committee suggests the panel is ramping up its examination of social media posts and messages that could provide evidentiary evidence as to who might have been in contact with the Trump White House around 6 January, one source said.” [The Guardian, [1/13/22](#)]

IN 2021 HEARINGS LAWMAKERS GRILLED GOOGLE CEO SUNDAR PICHAI OVER THE JANUARY 6TH INSURRECTION

Lawmakers Grilled Google’s CEO Over The Connection Between Online Disinformation And The Insurrection At The Capitol. “Lawmakers grilled the leaders of Facebook, Google and Twitter on Thursday about the connection between online disinformation and the Jan. 6 riot at the Capitol, causing Twitter’s chief executive to publicly admit for the first time that his product had played a role in the events that left five people dead. When a Democratic lawmaker asked the executives to answer with a ‘yes’ or a ‘no’ whether the platforms bore some responsibility for the misinformation that had contributed to the riot, Jack Dorsey of Twitter said yes.’ Neither Mark Zuckerberg of Facebook nor Sundar Pichai of Google would answer the question directly.” [New York Times, [3/25/21](#)]

