

ANNEXURE 1

GOOGLE SEARCH, SHOPPING AND TRAVEL

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[1. Introduction]

1. The Online Intermediation Platform Market Inquiry “OIPMI” (or “the Inquiry”) published its Provisional Report on 13 July 2022 for comment from the public and stakeholders.¹ The Provisional Report provided an in-depth analysis and review across several issues pertaining to Google Search, Travel and Shopping and the role Google plays in the competitive dynamics of the online intermediation platform ecosystem.² As such, the Final Report (Annexure 1) does not seek to repeat all the discussions that were in the Provisional Report but rather address the comments, affirmations and contestations made by stakeholders on the provisional findings and remedies. For its findings, the Inquiry aims to provide an evidenced-based assessment, a fair depiction of the nature of the online market and the role Google plays as both a key input for platforms in terms of discoverability and customer acquisition, and as a rival in terms of the presence of its own products and features on the search engine results page (“SERP”). Lastly, the Inquiry discusses evidence and arguments, both new and old, pertaining to the provisional remedies made in the Provisional Report indicating whether they are likely to result in unintended consequences, or are unwarranted, or whether they are indeed worthwhile pursuing.
2. The Provisional Report made provisional findings and remedies pertaining to Google self-preferencing its own product in respect of Google Travel and Shopping and maintains its views that Google does self-preference these products on the SERP. Furthermore, the provisional finding that a clearer marking of paid search results as adverts on the SERP to distinguish them from organic search results and the “no top of the SERP top ads” remedy are discussed. The Inquiry also made provisional findings and remedies in relation to minimum CPC bid thresholds and Google’s default arrangements with Android and iOS. Following the release of the Provisional Report, the Inquiry received further submissions and held engagements with various stakeholders, including Google. The structure of the Report deals with issues pertaining to Google Travel and Google Shopping and then deals with Google Search. Lastly, the provisional remedies as per the Provisional Report are discussed.³

1 OIPMI Provisional Report and Provisional Summary Report available here: <https://www.compcom.co.za/online-intermediation-platforms-market-inquiry-provisional-report/> [accessed 6 December 2022]

2 PR Chap 2 and Chap 3. Available online: <https://www.compcom.co.za/online-intermediation-platforms-market-inquiry-provisional-report/>

3 For provisional findings and remedies pertaining to Google, see PR chap 9, page. 4 to 7.

[2. Google Travel]

3. In the Provisional Report, the Inquiry made a provisional finding that Google self-preferences its travel units including Google Hotels, Flights, Holiday Rentals and Things To Do which are triggered depending on the nature of the travel query.⁴ It does this by placing itself in a prominent position on the SERP as the first organic search result with a large size and rich colourful features which attracts disproportionately higher levels of clicks relative to organic search results. At the same time this pushes down organic search results, making Google's downstream rivals more dependent on paid search to drive consumer traffic, which invariably increases the cost of customer acquisition. Google Hotels effectively operates as a metasearch engine ("MSE"), as such it is in the business of generating leads for Online Travel Agency's ("OTAs") and hotels. This puts it in direct competition with MSEs such as Trivago, Tripadvisor, Skyscanner and Kayak thereby raising their input costs or diminishing their visibility, yet at the same time Google incurs a zero or very low search cost for its own product, creating a margin squeeze on its rivals, particularly for those travel units that charge a zero price. Similarly, OTAs are impacted as they seek to source customers directly on Google Search and either need to spend more on paid search or use Google Hotels to maintain visibility.

Stakeholder's views and supporting arguments

4. The comments on the Provisional Report by the relevant market participants and stakeholders in the online travel and accommodation

segment reaffirmed the Inquiry's provisional findings that the prominence of Google's travel units (i.e., Flights, Hotels, and Things to Do) on the SERP amounts to self-preferencing to the detriment of competition, users, and other online travel service providers.⁵ The general view from rival online platforms is that by favouring its own travel units, Google distorts the ability of OTAs and MSEs to compete for customers on the SERP. It was noted by a stakeholder that one of the features that enhances Google's anticompetitive conduct, is the captive nature of the search engine on users who are unlikely to multi-home or use other search engines. As such, the introduction of Google's own adjacent or vertical service, means that users are kept engaged with Google's own content.⁶

Google's views and supporting arguments

5. In contrast to the views of market participants and stakeholders, Google has disputed the Inquiry's provisional findings, based on the following points.
 - 5.1. Firstly, Google argues that the travel units are organic results, and that they are only triggered and presented on the SERP when the organic algorithm considers it relevant and responsive to a query.⁷ Accordingly, Google describes the Inquiry's assertion that organic search results were pushed down because of the travel units as incorrect as the travel units are themselves organic. Google further explained that the display of the travel units does not amount to self-preferencing as they are ranked on

4 PR Chap 2, Section 3.1.6, para. 147 - 158.

5 [REDACTED] RPR1. Para 2.3.1.; [REDACTED] RPR1. Para 2.; [REDACTED] RPR1. Para 1.1; RPR 1.1; Hausfeld. RPR1. Para 3; [REDACTED] RPR1.

6 [REDACTED] RPR1. Para 2.3.1.

7 Google. RPR1. Para 3.21.

- the SERP according to relevance by the same algorithms that rank all other organic results that appear on the SERP.⁸
- 5.2. Secondly, Google argues that OTAs and MSEs are not disadvantaged by the travel units as they benefit from the clicks that redirect traffic to their respective sites.⁹
 - 5.3. Thirdly, Google disputes that the travel units are likely to result in adverse consumer outcomes in the form of higher prices and poor consumer options. According to Google, the purpose of the travel units is to distil large amounts of information for users, by providing them with relevant results in response to their queries.¹⁰
 - 5.4. Lastly, Google also disputes that it engages in margin squeeze as travel and accommodation sites derive value from the large amounts of free clicks that they generate from the search engine.¹¹

Inquiry's views on the submissions

6. The Inquiry has considered and assessed the submissions from the aforementioned parties, and as such, the Inquiry's provisional findings on Google's self-preferencing its Travel Unit (Hotels, Flights, Holiday Rentals, Things To Do) remains unchanged. Google's self-preferencing conduct remains a concern for the Inquiry, accordingly the Inquiry sets out its response to the submissions below.
7. Google's SERP has evolved over time, and this evolution includes the displacement of third-party organic results to lower down the

SERP when the travel units are triggered.¹² The Provisional Report included a graphical depiction of how the benchmarked change in paid search ad clicks and organic clicks diverged in favour of paid search ads since the introduction of the Hotel Unit and four top ads late in 2015.¹³ Furthermore, a natural experiment study by Edelman and Lai (2016) that assessed the prominent placement of the search engines own services and its effects on users' choices found that when the Google Flight Unit is triggered, it increased the clicks on paid advertising listings by more than 50% and decreased clicks on organic search by a similar proportion.¹⁴

8. Although the Inquiry does not dispute that Google's travel units are "organic", there is a justified concern that its placement above organic results on the SERP appears systematic. The placement of Google's travel units as the first organic search result has been consistently observed over the course of the Inquiry. Based on data submitted by Google, the various travel units appear to have a high rank when they are triggered by a query on the SERP, with the exception of the Things To Do unit.¹⁵ It may very well be true that, as Google claims, the algorithm ranks its travel units organically. However, these travel units are graphically and visibly unique from any other organic results on the SERP, given their larger size, colourful graphical features and rich content. Evidence shows that these travel units solicit high click-through-rates ("CTR") which explains its prominent ranking position

8 Google, RPR1. Para 3.32.1.

9 Flights, Hotels and Holiday Rentals Units represent █ of the sum of clicks Google sends to travel and accommodation sites. Google, RPR1. Para 3.22.3.

10 Google, RPR1. Para 3.26.

11 Google, RPR1. Para 3.28.

12 PR Chap 2, sections 3.1.1 to 3.1.3, para. 110 to 131.

13 See Figure 24, page 107 of Chapter 2 of the Provisional Report. The graphical depiction shows organic and paid click data over time benchmarked to 2012. (Data submitted for over 5000 travel and accommodation domains in Google WS3d, Annex 4.2 and Google WS4a, Annex 14.1).

14 Edelman, B. and Lai, Z., 2016. Design of search engine services: Channel interdependence in search engine results. *Journal of Marketing Research*, 53(6), pp.881-900.

15 Google, WS5d. Para 7.5.

relative to other organic results.¹⁶ Furthermore, Google is the gatekeeper of its own algorithm which is effectively an enigma or “black-box”¹⁷ for domains dependent on organic search to drive traffic. This means that Google has the ability to set the parameters that would enable its own products to be preferable.¹⁸

Table 1: Average rank position of Google’s units, July–October 2022

Unit	Average Rank Position
Google Hotels	
Google Flights	
Things To Do	
Holiday Rentals	

Source: *Inquiry’s own compilation of data submitted by Google.*¹⁹

9. Search engines are by far the most important marketing channel for OTAs and MSEs, as they are the starting point of the consumer funnel, driving over half of the traffic on average across the online travel and accommodation segments.²⁰ As mentioned previously, in order to maintain consumer traffic, OTAs and MSEs need to spend more on paid search results or use Google’s travel units. Evidence provided in the Provisional Report²¹ shows that there appears to be an increased dependence on Google’s travel units, particularly Google Hotels, by OTAs for traffic and an effective squeezing out of MSEs

on the SERP. Furthermore, the notion that an MSE needing to depend on another MSE (Google Travel) for leads, so that itself can generate leads seems somewhat inefficient and unnecessarily adding another layer of intermediation for consumers to access the final point of service.

10. MSEs are dependent on paid search for traffic and were in fact the largest spenders on Google Search as a percentage of revenue earned.²² As such, the notion that they incur no search costs because they obtain free organic traffic is not consistent with the realities of how MSEs operate.²³ Accordingly, the Inquiry reiterates its concerns that Google’s conduct can be conceived as placing an anticompetitive margin squeeze on its downstream rivals on the SERP as it drives up search costs for rivals, and places its own travel units prominently, charging a zero price at least on three of its units (Flights, Holiday Rentals and Things To Do).²⁴

11. Lastly, Google’s travel products are evolving. In October 2022, Google launched ‘Property Promotion Ads’ (“PPA”) for hotel properties as presented below, which is a carousel at the top of the SERP that contains a selection of specific hotel adverts, triggered where the consumer makes a query that anticipates a more specific hotel response.

16 For example, for the period December 2020 to August 2021, the average CTRs for Google Hotels, Holiday Rentals and Flights was respectively. (Own calculations from data submitted in Google WS2c, Annex 5.1). In contrast, the Inquiry calculated that the average third-party organic result had a CTR of between [2-3]% for travel and accommodation platforms (Own calculations based on data provided by third-party travel platforms).

17

18 In addition, Google also controls and oversees the design and development process of its technology, user interface, ranking standards, and has the ability and the resources to scrape data that is key for developing new products and further develop its existing products.

19 Note Google does not specify whether the data used to calculate average rank includes paid search results. For purposes of data illustration in Table 1, the Inquiry assumes that it does. (see Google. WS5d. Paragraph 7.5. for data).

20 PR Chap 2, Figure 11, page 52.

21 See PR Chap 2, Figure 23, page 106.

22 Marketing spend ranged from 43% to 80% of total revenue of which Google is typically the largest expenditure item by far.

23 In 2021, paid search accounted for 27% of overall search traffic and organic accounted for 73%. (own calculations using Similarweb data, see Figure 11 and 12 of the Provisional Report).

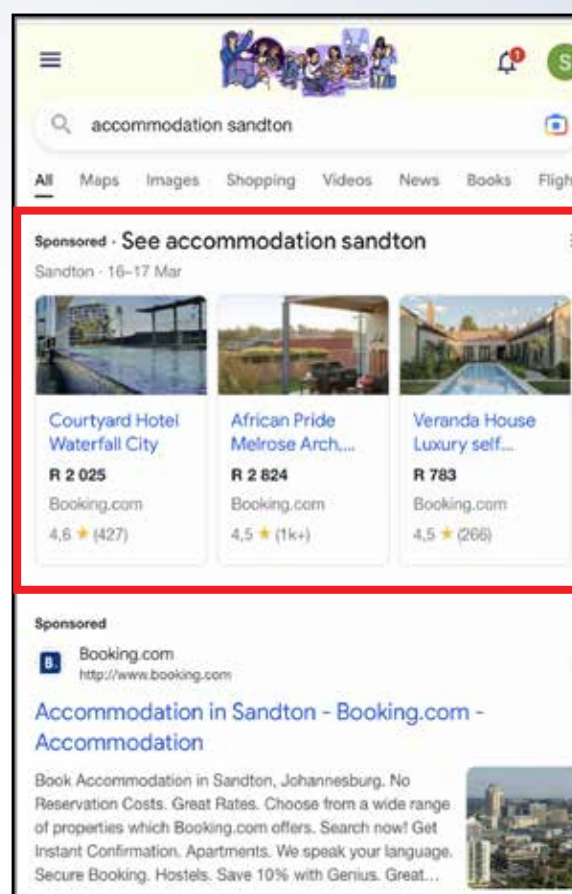
24 See PR Chap 2, Section 3.1.6, paragraphs 147 to 158.

12. In essence, the PPA is similar to the Shopping Property in its ads position and display, and with a focus on more product-level advertising. The only difference is that it does not link through to the travel units, but rather the travel unit remains separately and prominently in the organic search results. The combination of units now means paid and organic results are pushed further down the SERP where third-party organic search results are further crowded out. Google states that this new ad format is open to hotels, MSEs and OTAs, presumably to offer assurances that it does not disintermediate. But the PPA carousel on top of the unit means that Google products now take up even more of the SERP and reduce paid results in the SERP for MSE and OTAs for more generic landing pages (rather than property landing pages). Google has also added a 'Book with Google' option in the links from the Flights Unit, a likely precursor for other travel areas.

Box 1: Conclusion on self-preferencing in travel

The Inquiry is still of the view that Google self-preferences its travel units, namely Hotels, Flights, Holiday Rentals, and Things To Do by offering these units unique and unparalleled features such as a large size, attractive displays and graphics, and rich content which rivals cannot replicate. Invariably these travel units rank well on the SERP and receive a disproportionate number of clicks. This has the effect of impeding and distorting competition by pushing up consumer acquisition costs by pushing down third-party organic results and subsequent non-paid consumer traffic, and increasing dependence on the Google travel units by rivals.

Figure 1: Property Promotion Ads



Source: Screenshot of Google's SERP, captured by the Inquiry on 08 March 2023

[3. Google Shopping]

13. The Provisional Report made three provisional findings against Google in relation to the eCommerce industry in South Africa. These findings range between the participation of comparator shopping sites (“CSSs”) on the Google platform in general, the prominent display of the Shopping Unit and the treatment of merchants on the Google platform. The Inquiry made the following findings;

13.1. CSSs have been negatively impacted by the entry of Google Shopping into South Africa.

13.2. Google is engaging in self-preferencing with respect to the Shopping Unit because the Shopping Unit always secures the top position on the SERP with respect to product queries. The Inquiry found that such self-preferencing through the prominent display of the Shopping Unit has entrenched Google as the monopoly provider of intent-based marketing and customer acquisition in South Africa as with many other markets.²⁵ In addition, the prominent positioning of the Shopping Unit has entrenched Google as a dominant specialist search or CSS for eCommerce relative to other CSSs.

13.3. Google, as an indispensable marketing channel holds the position of being able to determine the fate of eCommerce retailers through account suspensions.²⁶

Stakeholder’s views and supporting arguments

14. Stakeholders acknowledge the complexity of Digital Markets, the velocity at which they change and that this makes it difficult to put in place recommendations that will be effective

in many circumstances and achieve the Commission’s goals of making Digital Markets more competitive over the long-term.²⁷

15. ██████████ collaborates ██████████ previous submissions that there has been a strategy by Google to steer away users from CSSs. ██████████

██████████²⁸ This conduct results to an immediate decrease in traffic for CSSs in South Africa as with many other markets. The overall impact of this conduct is subdued visibility of CSSs or competing rivals. ██████████

██████████²⁹ Trends show a significant decline in ads leads from Google to CSSs in South Africa and in other international countries. ██████████ suggest that to restore competition, rival services must have equal functionality, equal prominence, and equal attractiveness.³⁰

Google’s views and supporting arguments

16. The Provisional Report articulated that Google engages in self-preferencing with respect to the Shopping Unit because it “always” secures the top position on the SERP with respect to product queries. On this topic, Google submit that the Shopping Unit is not a CSS, it does not function like CSSs since it doesn’t have the search function at all.³¹ In addition, Google

25 PR Chap 3, Section 3.1.3, page 83, Para 163.

26 PR Chap 3, Section 3.1.5, Page 86, Para 170.

27 ██████████

28 ██████████

29 ██████████

30 ██████████

31 Google, RPR, Page 67, Para 4.21-4.22.

illustrated that the Shopping Unit does not displace organic results nor affect the ranking of such results.³² [REDACTED]

[REDACTED]

17. Finally, on self-preferencing, Google noted that the Provisional Report suggests that “intent-based marketing for eCommerce firms” forms a distinct market and that the Provisional Report did not provide evidence to support this approach to market definition.³⁴ The Inquiry’s views were misconstrued on this relevant topic. The Inquiry simply separated different types of marketing and search methods, as they possess different characteristics. The Inquiry never sought to define relevant search markets based on market definition standards but only noted and specified that there are different types of search and marketing avenues. During Inquiry’s public hearings, PriceCheck indicated that intent-based search is the heart of all eCommerce transactions. This is largely because with intent search, customers know what they want to buy and are looking for the best option. In other words, customers know they want to buy the item and they need guidance on where to buy it.³⁵ Another type of search or marketing is “Discovery-based”. Discovery-based search is not driven by customers’ desire to buy something in particular but rather accidentally and impulsively. This kind of marketing is popular with influencers and on social media domains. For instance, customers would normally click on the item or link after having seen the ad on social media. It is for these differences in

characteristics that the Inquiry separated the two search and marketing methods.

18. Google submits that it is not the main source of traffic for eCommerce sites. According to Google, most of the traffic for these sites are from alternative sources, including direct traffic (and navigational traffic), display advertising, referrals, and social media.³⁶ The Inquiry is of the view that this is not accurate particularly for intent-based search and marketing, where Google is dominant. Submissions from merchants indicated that their marketing spend is higher on Google than other marketing avenues. It is unthinkable that merchants would spend significant portions of their marketing budget on Google ads in general and generate traffic elsewhere.
19. The Provisional Report raised concerns regarding merchants’ accounts suspensions. Google argued three main points regarding account suspensions. First, Google sees it reasonable to suspend merchants for egregious violations. Second, Google provides sufficient information about violations. Lastly, Google is responsive to questions regarding account suspension.³⁷ Google further indicated that they currently have 12 customer service teams in South Africa that work on advertiser suspensions across various channels.

Inquiry’s views and supporting arguments

20. The figure below shows marketing channels for five marketplace providers in South Africa from January 2020 to December 2022. Most of aggregated traffic comes from direct and search sources. Other sources like emails, referrals, social and display ads have limited traffic drive.

32 Google, RPR, Page 67, Para 4.24.

33 [REDACTED]

34 Google, RPR, Page 70, Para 4.34.

35 PriceCheck, OS, Page 8.

36 Google, RPR, Para 4.34.

37 Google RPR, Page 71, Para 4.38, 4.40 and 4.42.

Figure 2: Marketing channels, channels overview.



Source: Similarweb data. Accessed 24 February 2023.

Table 2: Traffic to Takealot domain per traffic source (Jan 2020- Dec 2022).

Domain	Domain	Traffic	Share
takealot.com	Direct	190 144 996	38,6%
takealot.com	Search	267 190 885	54,3%
takealot.com	Display Ads	3 881 232	0,8%
takealot.com	Email	7 079 187	1,4%
takealot.com	Referrals	6 111 410	1,2%
takealot.com	Social	17 585 412	3,6%
Total		491 993 123	100.0%

Source: Similarweb data. Accessed 24 February 2023.

21. The table above shows Takealot.com domain traffic by source for the period January 2020 to December 2022. Traffic from search constitute 54.3%, direct is 38.6% and other make up 7.0% of the total traffic.

22. It is therefore no doubt that general search constitutes the most important source of traffic for eCommerce merchant domains.

23. The Provisional Report provided extensive evidence that the manner in which Google preferences its Shopping Unit on the SERP distorts competition with CSSs. Specific evidence was provided in respect of

PriceCheck, one of the leading CSSs in South Africa. Furthermore, Google has been found in contravention of competition law on the same grounds in the EU.

24. As a matter of experiment, PriceCheck participated in Shopping Unit auctions and ad campaigns since the beginning of December 2022 in the manner that Google suggest is inclusive of CSSs on the SERP. It only experimented with some low bids and some higher, and was not seriously campaigning on the Shopping Unit. However, despite this, during December alone, PriceCheck achieved [REDACTED] impressions

and [REDACTED] clicks through the Shopping Unit.³⁸ This is an indication that CSSs in South Africa can still draw a considerable traffic and generate some income through clicks. The successful use of the Shopping Unit by PriceCheck is indeed significant evidence that there is demand for CSSs in South Africa, and arguably that the Shopping Unit remedy proposed by Google may be more effective than what the Provisional Report considered.

25. As indicated in the figure and table above, for intent-based search, merchants derive a significant share of traffic from the Google Search facility. Suspension by Google therefore has a considerable impact on traffic, visibility and opportunities to conclude transactions to the suspended merchant(s). At times, it may be reasonable for Google to suspend merchants for egregious violations. While the Inquiry does not contest this, it is only fair for users to be provided a clear reason for suspension in order to remedy Google's concerns. This can easily serve as an effortless advocacy and learning and development tool. [REDACTED]

[REDACTED]

[REDACTED].³⁹ The Inquiry believes that the recording and communication of specific misrepresentation is important for advocacy. While putting out guidelines may be useful, it may not be necessarily enough at least for new, small and developing merchants. A clear communication of specific misconduct may assist users to transverse their case to Google, in an event of misunderstanding between parties.

[REDACTED]

This is an indication that Google's current measures of enforcement are not corrective enough and the Inquiry believes that there are other corrective measures that can be implemented.

38 [REDACTED]
39 [REDACTED]
40 [REDACTED]

[4. Google Search]

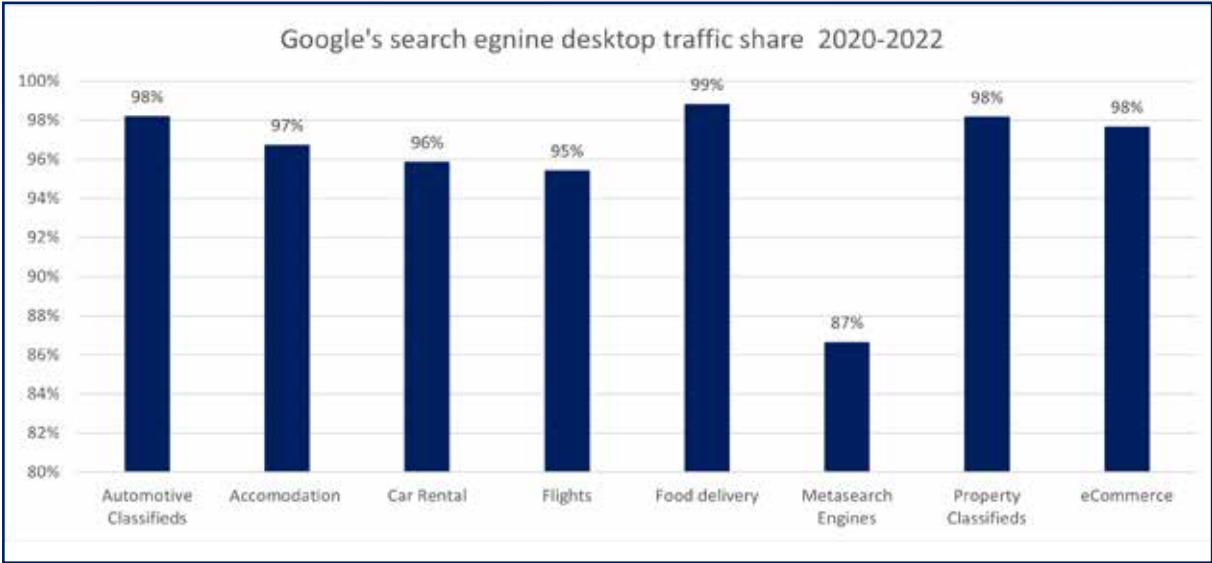
27. In relation to Google Search, the Inquiry made several provisional findings in the Provisional Report including (i) the prominence of paid results at the top of Google’s SERP and their lack of sufficient distinction from organic results, along with its monopoly status, which materially restricts online intermediation platform competition as it elevates payment for customer acquisition which strongly favours leading platforms with deep pockets; (ii) Google profiteers from general search especially in commercial streams such as eCommerce and travel, which raises the costs of customer acquisition by intermediation platforms to the ultimate detriment of business users and consumers; and (iii) the Google Search SERP has incrementally become more of Google’s own product and diminished the variety of third-party results on the SERP, which has pushed down or crowded out third-party organic results. Following these findings, several provisional remedies were proposed to address them. Most discussions and feedback from stakeholders centered on the provisional remedies which are discussed later in this report.
28. Two additional provisional findings relating to Google Search include the fact that Google is the de facto monopolist and that the default arrangements of Google Search on both Android and iOS mobile devices has materially contributed to entrenching this de facto monopoly status. While the Inquiry maintains this to be the case, and that these provisional findings are resonated by stakeholders⁴¹, nor have they been contested by Google per se, Google has characterized these findings to be out of scope of the Inquiry.⁴² While Google’s contestation is around scope in relation to General Search more broadly, the extent that Google Search is a key input of consumer traffic for online intermediation platforms falls within the scope of the Inquiry.⁴³ Here it is effectively the monopolist general search service provider as demonstrated by the figures below. For intermediation platform streams that have been considered by the Inquiry, Google accounted for an average of 95%+ of desktop search engine traffic over the 2020 to 2022 period, except for metasearch engines which were a few percentage points lower.

41 [REDACTED]. RPR1. Para 1.1; [REDACTED]. RPR1.; [REDACTED] RPR1.; [REDACTED]. WS4. Para 1.; [REDACTED] WS4.

42 [REDACTED]. RPR1. Para 2.9.

43 This includes travel and accommodation, eCommerce, food delivery, and online classifieds.

Figure 3: Google’s share of desktop search engine traffic, 2020-2022



Source: Inquiry’s own compilation using Similarweb data

Figure 4: Search engine user engagement infographic

Metric	google.com	bing.com	yahoo.com	yandex.com	duckduckgo.com
Monthly visits	509.0M	2.127M	7.666M	249,054	1.926M
Monthly unique visitors	23.05M	371,970	1.445M	85,546	109,022
Visits / Unique visitors	22.08	5.72	5.30	2.91	17.67
Deduplicated audience	19.65M	279,003	1.087M	69,932	78,315
Visit duration	00:10:39	00:08:56	00:07:30	00:07:26	00:09:09
Pages per visit	7.51	5.90	5.04	7.26	5.77
Bounce rate	30.02%	34.93%	37.19%	42.12%	21.89%

Source: Screenshot of Similarweb⁴⁴

29. Given its importance as the key input for the discoverability of online intermediation platform services, general search offers a means for global platforms to enter South Africa without establishing a physical presence.⁴⁵ This is particularly the case in travel and accommodation intermediation. For example, Busbud which is fast becoming

one of the largest online bus intermediation platforms, does not have a physical presence in South Africa but rather has grown its business by utilising an aggressive paid search strategy and search engine optimization. This puts most domestic online intermediation platforms at a disadvantage given that many do not enjoy the same capital

44 Similarweb. Website performance: Engagement. Accessed 23 January 2023.
 45 Some global platforms have a rudimentary presence in South Africa, offering support services such as assisting accommodation providers to onboard establishments, localised marketing support etc. This includes platforms such as Airbnb and Booking.com. Other online intermediation platform services have no presence at all in South Africa such as metasearch engines.

backing as global platforms, nor are they able to leverage their experience and financial resources obtained from operations in other jurisdictions for aggressive general search strategies in South Africa.⁴⁶ Entry of global platforms through paid search also drives up the cost of customer acquisition for domestic online platforms by pushing up bid prices on search terms.⁴⁷

30. The Inquiry will discuss findings on Google Search by theme in a way that leads into the discussion around provisional remedies. As mentioned before, much of the responses from Google and stakeholders have mostly centred around the provisional remedies. However there is value in a discussion of the findings that may cross-cut themes traversed in stakeholder responses to remedies.

4.1 Increasing Google SERP features and displacement of organic results

31. As mentioned, one of the provisional findings is that Google's SERP has incrementally become more of its own product and diminished the variety of third-party results on the SERP,⁴⁸ which has pushed down or crowded out organic results, and for purposes of this discussion, the Inquiry has taken this to mean third-party organic results typically characterized by blue links.

The Inquiry had also found that there were a diminishing number of third-party organic results over time.^{49, 50} SERP features include Google's travel units, Shopping Unit, local business units, "People Also Ask", images and (Youtube) videos. Stakeholders did not provide much of a response with respect to this finding, however, in Google's response it noted that the "majority of Google's SERP features are organic results which are ranked according to relevance by algorithms that rank all the different types of organic results that appear on the SERP (blue links, Travel Units, Maps, Images, Video, etc.). Logically, they will therefore appear amongst the organic results; they are organic results and cannot meaningfully be said to push down organic results".⁵¹ Google then goes on to argue that the observation that it is increasingly displaying less than 10 organic search results on the SERP is incorrect because it does not factor in the SERP features as additional organic results.⁵²

32. Google's own arguments seem to suggest that it has replaced some third-party (blue link) organic search results with its own organic SERP features. Therefore, it seems fair to say that Google's own SERP features push down and crowds out third-party organic results to some extent. It is also a reasonable inference to state that this reduces variety on the SERP and

46 An additional potential platform competition issue that was raised concerning abuses of Google Search's copyright infringement process by online platform rivals, in that the web pages of online platforms are delisted by Google following spurious allegations of copyright infringement without a due process provided to the delisted platform to respond to the alleged infringement. The theory of harm is that the delisting of online platforms following spurious copyright infringement allegations can impede platform competition given the dependence of platforms on Search for user traffic. This complaint, however, has come at an advanced stage of the Inquiry, and the Inquiry at the time of writing is engaging Google on their suspension or delisting process. (See [REDACTED]). This is an example where it is necessary to distinguish between legitimate copyright infringement and spurious copyright infringement.

47 See [REDACTED]

48 PR Chap 9, Para. 11.6.

49 For example, the Inquiry analysed data submitted by Google across five categorical and five navigational searches during 2021 and found that the average number of organic results per query was slightly lower than 10 for categorical searches and significantly lower than 10 for navigational searches in travel and accommodation. (See Provisional Report, Chap 2, Para. 131, p.89).

50 In another example, Kim (2021) observed that around 12 to 14 August 2021, the number of third-party organic results had a 30% reduction of organic listings on 18.3% of SERPs resulting in an approximate 5.5% decrease of all first page organic listings. Kim, L. 2021. Google SERP Dumps 5.5% of Organic First Page Listings. WordStream. Available at: <https://www.wordstream.com/blog/ws/2012/08/21/new-google-serp#:~:text=You%20may%20have%20noticed%20recently,just%207%20organic%20search%20listings> (Accessed on 27 March 2023).

51 Google RPR1.1, Para. 2.32.2.

52 Google RPR1.1, Para. 2.32.2.

free (organic) user traffic to third-parties. This lack of variety has implications for platform competition as it restricts the number of discoverable options and diminishes visibility on the SERP, especially for smaller and less established platforms, and it is an important point discussed in more detail later in this report. Therefore, the presence of these SERP features affirms the requirement for remedial action to promote visibility for SME and HDP platforms as they are more affected than leading platforms.

Box 2: Conclusion on increasing Google SERP features over time

The Inquiry notes that per query, the average number of Google's SERP features have increased and simultaneously the average number of organic search results for third-party domains have decreased over time. This suggests that there is merit to the observation that organic search results (of third-party domains) are being pushed down the SERP and are crowded out to some extent. This means less variety on the SERP which distorts platform competition, given that fewer third-party rivals are discoverable on organic search results and customer acquisition costs increase on average for online platforms (as they opt for paid search to be discovered). This disproportionately impacts the discoverability of small and new platforms.

4.2. Paid search results

33. The Inquiry made a provisional finding that the prominence of paid search results at the top of Google's SERP and their lack of

sufficient distinction from organic results materially restricts intermediation platform competition across most categories as it reduces ad blindness and increases users' likelihood to click on paid search results.⁵³ This increases customer acquisition costs which favours leading platforms with deep pockets. For purposes of this discussion there are several themes to be dissected. Firstly, that paid search results are not significantly distinguishable from organic search results, secondly that paid search results favours deep pockets and testing the assumption that organic search results are therefore good for plurality and competition, which introduces a third theme, duplications of organic and paid search results on the SERP.

4.2.1 Distinguishability of paid search

Stakeholder's views and supporting arguments.

34. Stakeholder responses have been somewhat mixed with respect to whether Google sufficiently distinguishes paid search results from organic search results. For example, a platform noted that at present Google's paid search results are sufficiently distinguishable from their organic search results.⁵⁴ Another platform felt that implementing the Federal Trade Commission's ("FTCs") guidance⁵⁵ on labelling paid search results is unlikely to have a material impact in redressing the effects of Google's behaviour⁵⁶, whereas two other platforms seemed to support the FTC's guidance and maintain distinguishability of paid search as a concern.⁵⁷ The general view however is that the display of paid search results has evolved where distinguishability has diminished over time.⁵⁸ The diminished prominence in the display of

53 See PR Chap 9, Para. 11.5.

54 [REDACTED]. RPR1.1.

55 This guidance includes paid search ads with prominent shading, a clear outline, a prominent border, a text label that explicitly and unambiguously conveys that the result is advertising, and is large and visible enough to be noticed, near the relevant result(s).

56 [REDACTED] WS_Google1, page 4.

57 [REDACTED] RPR1.3_Google; [REDACTED] WS4.

58 See [REDACTED] WS_Google1, page 4.

paid search results has resulted in reduced organic search traffic to platforms and at least two platforms have provided some evidence of this.⁵⁹ Stakeholders have raised concerns that the lack of distinction can lead to high customer acquisition costs for advertisers as users perceive paid ads as organic results by clicking on them without realizing that they are in fact paid ads.⁶⁰

Google's views and supporting views

35. Google disputed that its ad labelling changes resulted in a reduction of organic search traffic.⁶¹

35.1. Google argues that its current display of paid search results is sufficiently detectable as adverts⁶² and believes it provides users with industry-leading ad labelling practices.⁶³ It also argues that it goes beyond prescriptions made by international regulators⁶⁴ that simply indicate that labelling of paid search should be labelled as "ads" or be separated from free results. It does this by placing the ads in a dedicated ad space, it labels ads as "Ad", and it uses pop-ups and windows to convey more information. Lastly, Google argues that the notion that it has ignored the FTC guidelines is incorrect, rather its current labelling approach follows these guidelines.

35.2. Google has described the Inquiry's provisional findings that ad labelling changes resulted in a reduction of organic search traffic as unconvincing and inconsistent. Google highlighted that the Inquiry's assessment of a decrease in organic traffic for travel and accommodation platforms as being small following a change in ad labelling contrasts with the observation in eCommerce websites which indicated that there was no wholesale decrease in organic traffic. Accordingly, Google argues that these observations suggest that the most recent ad labelling change had no discernible effect.

35.3. Google has also criticised the Inquiry's analysis that found a negative impact of Google's ad-labelling changes on organic search traffic. According to Google, the Inquiry ignored external factors that may have changed user behaviour during the assessed period and did not determine whether changes on organic are statistically significant.⁶⁵ Furthermore there has been no material change in organic results.⁶⁶

The Inquiry's views and supporting arguments

36. At the time of writing⁶⁷ it is noted that Google recently changed the display of paid search results from "Ad" depicted in bold black to "Sponsored" depicted in bold black above the

59 For example, a platform submitted that it experienced a substantial drop in its organic search clicks ranging between [20-30] percent (albeit a small value drop in percentage points) following changes to the mobile design graphics of the word ads which was initially green with a border. (See [REDACTED]). Another stakeholder demonstrated how its gross booking value based on SEO traffic decreased by a few percentage points ([REDACTED]) in just under two years, whilst being accompanied by an increase in gross booking value from paid search. (See [REDACTED]).

60 [REDACTED] RPR1. Para 2.2.1.

[REDACTED]. RPR1. Para 1.1.

61 Google. RPR. Para 2.41.

62 More specifically it notes that the paid search results are [REDACTED]

63 Google RPR, Para. 2.39 & 2.40.

64 Including the "FTC", the UK Competition and Markets Authority, the French advertising association, and the German Telemedia Act.

65 Google notes that trying to isolate the impact of this minor labelling change using econometric controls, there would be significant challenges to identify the causal impact of the labelling change on user behaviour against the backdrop of multiple external factors (including the pandemic).

66 [REDACTED]

67 29 March 2023.

paid search favicon and blue link.⁶⁸ The current labelling is somewhat different from what the FTC's guidance envisioned in 2002, which envisioned a clear border⁶⁹ and shading. Incremental changes in paid search labelling since the FTC's guidance have taken place over time. The Inquiry's own observations relating to these incremental changes and those submitted by stakeholders (see *Annexure A*), seems to suggest that the distinction of paid search results have diminished somewhat.

37. Google's argument that the Inquiry did not do a meaningful assessment of causality pertaining to small changes of Google's paid search results display on organic traffic seems fair, this is particularly the case for travel queries during a pandemic where many variables could affect organic traffic. In the Provisional Report, the Inquiry attempted to understand how a small change to the display of desktop paid search results in January 2020 would impact organic results. However, conducting a period-on-period assessment (July to December 2019 on July to December 2021) was not sufficient to determine a causal effect. While there was a small decrease in the proportion of organic traffic from 2019 to 2021, there was a small increase in 2022.⁷⁰ However, evidence provided by stakeholders that organic search traffic had decreased following the change in the paid search display appeared rather succinct. It may be the case that these changes just impacted organic search traffic for certain platforms⁷¹ but, as Google and

the Inquiry's assessment of Similarweb data observed, there appears to have been no material changes in the proportion of organic search results for a broader set of travel and eCommerce platforms since 2019.

38. This still begs the question whether Google's paid search ads in its current format is sufficiently distinct from organic search results. The Competition and Markets Authority's ("CMA") and stakeholder's sentiments are that the lack of distinguishability has the effect of increasing the propensity of users to click paid search unknowingly.⁷² Varn (2022), a UK-based SEO and SEM expertise company, notes that a survey it undertook, found that most people (68.2%) do not recognise a Google Ad in their search results and of those who do recognise adverts 78.6% do not click on them.⁷³ This also corresponds to a consumer-survey⁷⁴ commissioned by a stakeholder in Germany, Spain, France and Italy that shows that about 50% of the users on Google Search are unsure about or don't recognize the correct nature of search results (i.e., whether they are paid for or organic search results). Varn (2019) notes "since our first survey in 2016, the amount of people who are unable to identify adverts on Google hasn't really changed. In fact, over the past few years, the percentage of those surveyed who are not aware of the paid adverts on Google has stayed at just under 60%".⁷⁵

39. Internal documentation sourced by the Inquiry from Google indicates that Google

68 This differs from rival search engines such as Yahoo, Bing, DuckDuckGo and Yandex which appear to use less clear markings for paid search ads than Google in mobile and desktop search. For example, Bing uses a small "Ad" badge written in light grey on a white backdrop that blends in with the result.

69

70 The Inquiry's own calculation for the same travel and accommodation platforms over the July to December period of 2022 suggested that organic search was 65% of overall traffic in 2022 (where it was 63.9% in 2019 and 62.9% in 2021).

71

72 CMA. 2020. Online platforms and digital advertising. *Appendix Q: exploitation of market power*. Para 21.
CMA. 2020. Online platforms and digital advertising. *Appendix P: specialised search*. Para 137-139.

73 Varn (2022). The latest Google Ads Research from Varn 2022. Available at: <https://varn.co.uk/09/22/latest-google-ads-research-2022-varn/> [accessed 26 February 2023].

74

75 Varn (2019). Varn Original research. Available at: <https://varn.co.uk/02/05/varn-original-research-only-40-of-people-know-which-links-on-google-are-paid-adverts/> [accessed 26 February 2023].

does assess any changes in the display of paid search results, and in particular the effect that the change has on the detectability and ease of ad identification.⁷⁶ It also appears that these assessments are done with consideration of the US FTC guidelines⁷⁷ including whether ads are clearly visible to users, easy to understand, and sufficiently transparent. Testing whether a change, for example, the “Ad” badge colour, results in a deterioration in user detectability of ads are done.⁷⁸ Google also assesses for ‘skippability’, which is the extent to which consumers engage ads and seeks to implement changes that result in greater engagement.⁷⁹ The recent change from ‘Ad’ to ‘Sponsored’ sought to precisely achieve that. Google appears to manage or balance Ad “detectability” and Ad “skippability”, ideally by improving the former and by minimising the latter. Furthermore, there is no evidence to suggest that Ad design features such as the introduction of favicons on desktop and mobile, which stakeholders have raised concerns with, raise competition or consumer concerns.⁸⁰ Lastly, internal documents suggest that Google engages and responds to stakeholder critiques when a change in Ad design lands badly.⁸¹

40. Based on the surveys and the data assessments delineated above, approximately half of users are aware of ads. Google clearly tries

to maintain or improve user engagement with ads while at the same time maintaining or improving ad detectability in line with FTC guidelines. Also there appears to be no meaningful change in the proportion of organic traffic (to overall search traffic) for online intermediation platforms over the past 3 years in South Africa. The Inquiry has not tested for or established a causal link between the change in the display of paid search ads and the apparent lack of Ad awareness, however, given that a large proportion of users are typically unaware of paid search ads and have been over time, education of users of what constitutes paid and organic search results seems an important tool to create awareness and help users make informed decisions with their clicks.

41. Lastly, the importance of distinguishing between paid ads and organic results, or at least educating consumers about the difference between the two, is not only a consumer issue but also a competition issue. The Inquiry has gone to lengths to demonstrate how paid search is the largest cost item for online intermediation platforms and the inability of consumers to distinguish between paid search results and organic search results, be it through insufficiently clear labelling or a lack of general awareness, means that many users unwittingly click on paid

76 For example, [REDACTED] (See Google WS5e, Annex 1.13).

77 See Google, WS5e, Annex 1.1, page 11 & 17. [REDACTED]

78 [REDACTED]

79 [REDACTED] Google, WS5e, Annex 1.13, page 14.

80 For example, [REDACTED]

81 For example, [REDACTED] Google, WS5e, Annex 1.3, page 1.

search results when they would have clicked on organic search results otherwise. Clicks on paid search are monetised by Google and adds to the cost of customer acquisition for online intermediation platforms, in a world where Google is highly profitable. Ultimately, paid search directly raises costs for online intermediation platforms, as evidenced in their financial statements, and indirectly raises prices for consumers as platforms seek to recoup these expenses through higher prices.

4.2.2 Paid ads, deep pockets, and organic search.

Stakeholder's views and supporting arguments.

42. Platforms, with one exception⁸², did not respond to the notion of paid search favouring deep pockets. However, many stakeholders responded to the Inquiry's remedy pertaining to the "no top of the page ad rule" (i.e., the provisional remedy that organic search results should displace paid search results above the fold), providing many insights into the nature of paid search and organic search results.

42.1. Online platforms have argued that it can take years for a website to appear on top of the organic results and have indicated that for a website to have prominence on the SERP through Search Engine Optimization ("SEO") requires an extremely specialized, resource intensive work and corresponding costs.⁸³ Furthermore, SEO leaves domains dependent on Google Search for organic search traffic at its mercy. Google has power to control organic results as its algorithm is equivalent to a black box⁸⁴ and is unpredictable to third-parties. In summary, organic search results seem to

favour incumbent and older domains, and attempting to win over substantial amounts of organic traffic is resource intensive and unpredictable.

42.2. Accordingly, a benefit of paid search, as put by a domestic platform, is that it can be a useful way for new and smaller domains to attain user traffic where paid ads are argued to be the most accessible entry point for new players, in contrast to organic results which favour older websites.⁸⁵ For example, Tripco notes that it would not have been able to start its business without paid search results. Platforms note that small online market players will not be able to survive without paid ads as they offer better customer targeting services and offer immediate returns particularly on niche search terms.⁸⁶ This is useful for market entry and growth based on strategic bidding. As such, smaller domains can target a subset of the market and get instant traffic, in comparison to SEO which would take months or even years to get higher ranking that would generate the same amount of traffic.⁸⁷

Google's views and supporting arguments

43. Like the arguments put forward by platforms, Google submitted that smaller businesses use paid search to increase their visibility and acquire customers, and that it is not correct that competition on the SERP is a game of deep pockets that ultimately benefits Google. Google further disputed that larger market players on the SERP squeeze out smaller players, stating several arguments as follows⁸⁸:

43.1. Larger websites with established brands

82 [REDACTED] does not agree that paid ads favor advertisers with deep pockets noting that platform paid ads are conducted via an auction system and each vendor, big or small, can determine how much they are willing to bid for paid search user traffic. [REDACTED]. RPR1. Para 2.1.1.

83 [REDACTED] RPR1.; [REDACTED] RPR1. Para 2.1.2.

84 [REDACTED] RPR1.3 Para 2.1.3.

85 [REDACTED] RPR1.

86 [REDACTED]. RPR1; [REDACTED]. RPR1. Para 2.1.2.

87 [REDACTED]. RPR1. Para 2.1.3.

88 Google. RPR1. Para 2.16.

- are more likely to occupy the top positions on organic listings⁸⁹;
- 43.2. The CPC model diminishes any advantage that a firm with larger advertising budget may have as advertisers only pay when their ads are clicked on;
 - 43.3. Rankings on the SERP are not only determined by the bids of the advertisers, but by their relevance to the users' search and as such as smaller player with a relevant ad but a small bid may appear ahead of a larger player with a relatively higher bid;
 - 43.4. The cost of customer acquisition has decreased over time;
 - 43.5. Text ads are cost effective and provide a targeted approach for SMEs to quickly generate visibility on the SERP;
 - 43.6. Google provides technical and financial support to SME start-ups in South Africa with basic ad campaigns.
44. Lastly, Google submitted that it has no incentive to increase the number of ads on the SERP to the detriment of user experience by allowing less useful and relevant ads to show.⁹⁰

The Inquiry's views and supporting arguments

45. The Inquiry maintains its view that paid search is an important tool to drive consumer traffic but, for the most part, it favours platforms or domains with deep pockets, especially along profitable and mainstream search queries where bigger budget domains can outbid small budget domains.^{91,92} Having said this, the Inquiry also appreciates the benefit of

paid search, especially for smaller domains, to drive traffic. For example, Chan et al. (2012) found that 81% of ad impressions and 66% of ad clicks occurred in the absence of an associated organic search result.⁹³ Using paid search allows for small platforms to enter, differentiate themselves often along long-tail and niche search queries⁹⁴, and effectively service niche markets at first.

46. This however does not drive widespread competition, especially on keyword searches where big brand platforms participate, as barriers to expansion are at play, restricting smaller domains from attaining substantial volumes of traffic. This observation corresponds with the evidence provided by Google that shows that paid search drove most of the consumer traffic for the smaller domains based in lower deciles⁹⁵, but volumes of consumer traffic are so small, it pales in comparison with the larger domains in the higher deciles where organic search results feature more strongly. Paid search thus seems to create a fragmented tail of smaller domains to operate on the SERP.⁹⁶
47. The Inquiry is of the view that organic search results typically favour older domains and require time and significant resources to gain traction. It also leaves domains at the mercy of Google's algorithm and introduces a degree of unpredictability. The Inquiry agrees with Google's point that larger websites with established brands typically occupy the top positions on organic listings and therefore it makes sense that smaller domains use paid search as a more effective and

89 [REDACTED] (See Annex 1 of Google RPR1.1.)

90 Google. RPR. Para 2.36.

91 Controlling for Ad relevance.

92 Numerous platforms have raised this point including [REDACTED]

93 Chan, D., Kumar, D., Ma, S. and Koehler, J., 2012. Impact of ranking of organic search results on the incrementality of search ads.

94 Another study by Chan et al. (2011) that examined click behaviour on Google's SERP, found that 89% of clicks or visits through Google's text ads would not have happened if there were no text ads. (Chan, D.X., Yuan, Y., Koehler, J. and Kumar, D., 2011. Incremental clicks: The impact of search advertising. Journal of Advertising Research, 51(4), pp.643-647.).

95 See Google RPR1.1, Annex 1.

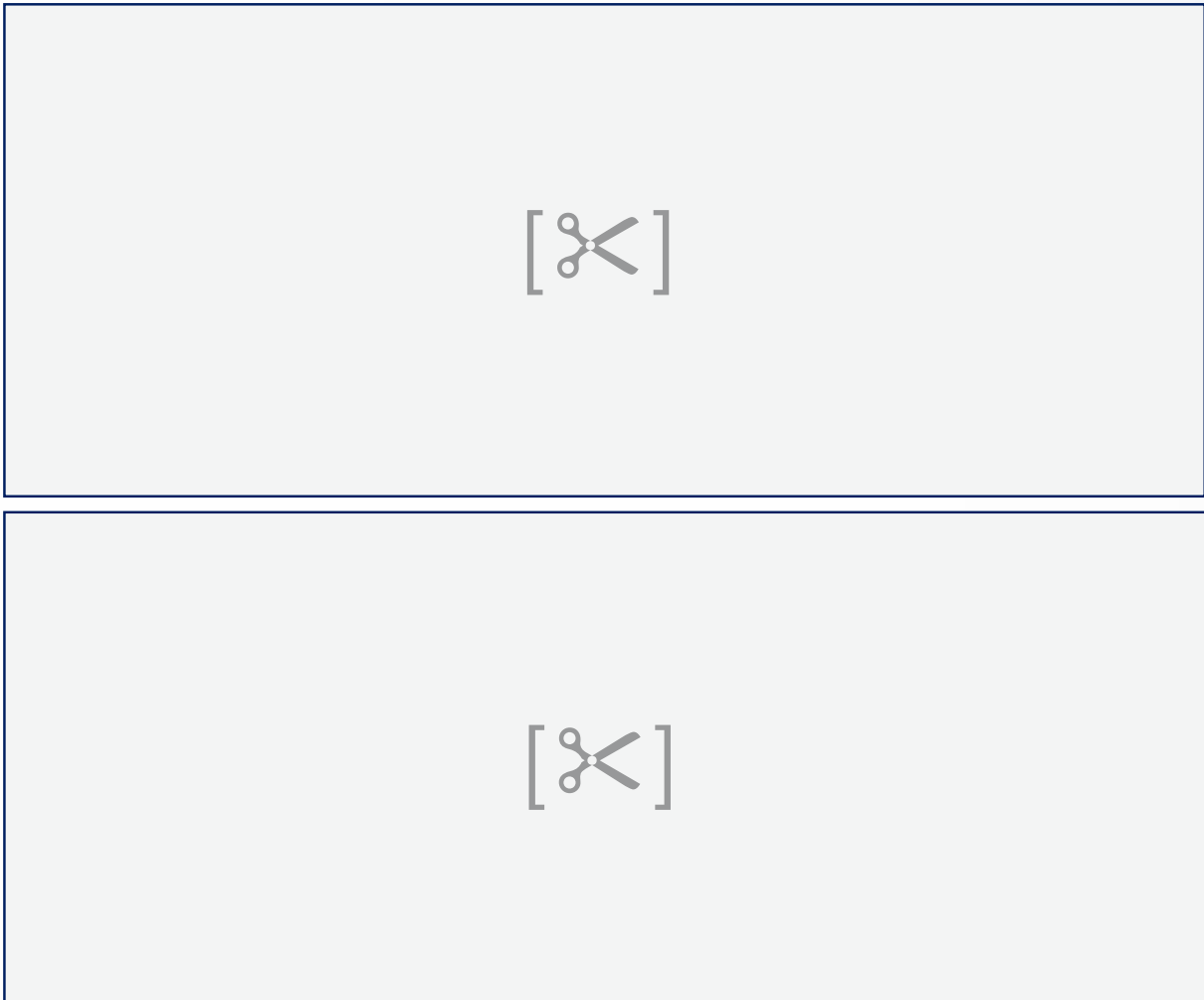
96 If used wisely, as in the case of Tripco, paid search can be used to compete with more mainstream domains over a long period of time. This, however, may be an exception and not the norm. (see Tripco's presentation for the public hearings, slide 12 and the Provisional Report Chapter 2, Figure 14).

controllable way to drive consumer traffic.⁹⁷

48. Another important caveat to note is that search traffic is highly concentrated for both paid search and organic search. For example, based on 2021 data provided by Google, the largest percentile of domains commanded more traffic than the other 99 percentiles combined by several factors for paid search and organic search, with the latter being slightly more concentrated for eCommerce.⁹⁸

The same could be said for travel domains, except paid search seems somewhat more concentrated than organic search.⁹⁹ Booking.com certainly features strongly in paid search where it accounted for a significant portion of paid search where a broad spectrum of travel domains were included in the assessment.¹⁰⁰ The figures below depict the extent of concentration on paid search and organic clicks even within the largest decile.

Figure 5: Clicks by percentile in the largest decile of travel and eCommerce domains (2021)



Source: Inquiry's own compilation using Google data. Google RPR1.2, Figures 1 & 2 for Annex 1; and Google WS5a, Annex 14.1

97 Google RPR1.1. Para 2.16.

98 [REDACTED] (Own calculations from Google RPR1.2, figure 1 and 2 to Annex 1).

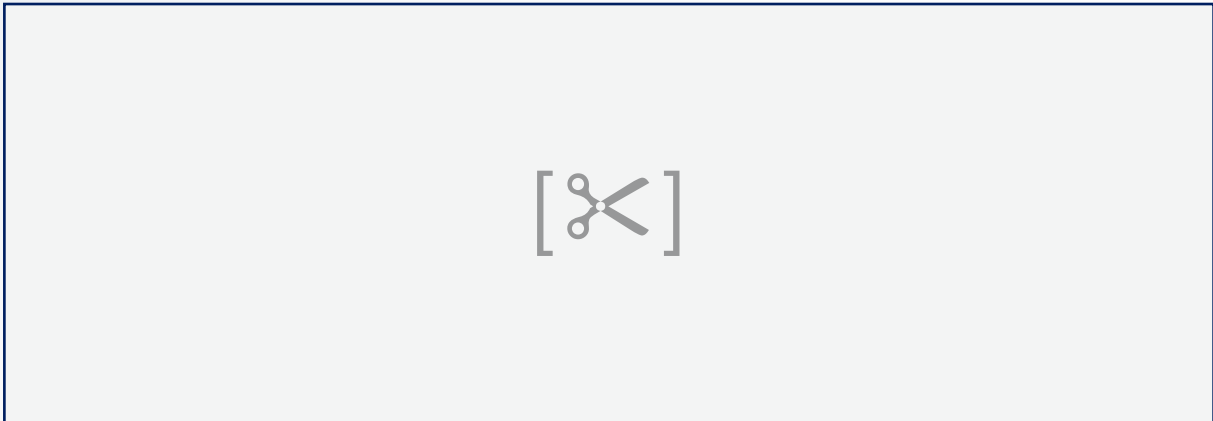
99 [REDACTED] (Google RPR1.2, figure 1 and 2 to Annex 1).

100 [REDACTED]

49. The Inquiry considered the total spend on Google’s text ads across a total of 25 online travel and accommodation platforms for the 2018-2021 period.¹⁰¹ The largest spend was by Booking.com, which accounted for approximately ██████% of overall Google text ads spend across the platforms. In terms

of spend distribution across the 25 platforms, the figure below illustrates how the text ads spend on Google are highly concentrated. The top 10 and the top 5 largest spenders accounted for ██████% and ██████% of the overall spend in the period respectively.

Figure 6: Distribution of text ads spend on Google.



Source: Inquiry’s own analysis and compilation using Google data¹⁰²

50. Barriers to expansion appears high for both paid search and organic search based on arguments maintained by the Inquiry such as the finding of deep pockets (for paid search) and arguments given by stakeholders and Google relating to the difficulty of acquiring organic search traffic for new and small platforms. The data also confirms this given the high concentration of paid and organic clicks attributable to a small fraction of domains. This also raises the concern that large platforms are able to occupy prime real estate on the SERP and use this to further entrench their platforms. This leads into another observation made by the Inquiry discussed below, namely its observation of numerous duplications of search results (paid and organic) on the SERP, especially the duplication of organic and paid search results of large domains (some considered leading platforms by the Inquiry).

Box 3: Conclusion on paid search, deep pockets and organic search

The Inquiry maintains that paid search results favour those platforms with deep pockets, and this is evidenced by the high levels of concentration in paid search. However, paid search is also an important means for new and small platforms to attract consumer traffic in a manageable way but their share remains insignificant compared to overall paid search results which are dominated by large domains (such as leading platforms). Small platforms can more successfully use paid search to drive traffic for non-mainstream queries, often covering niche markets. The reason for this is that with organic search sourcing traffic is unpredictable and typically favours older domains, and it requires significant time and resources to obtain traffic through SEO. Like paid search, organic search is also highly concentrated, also favouring large domains (such as leading platforms).

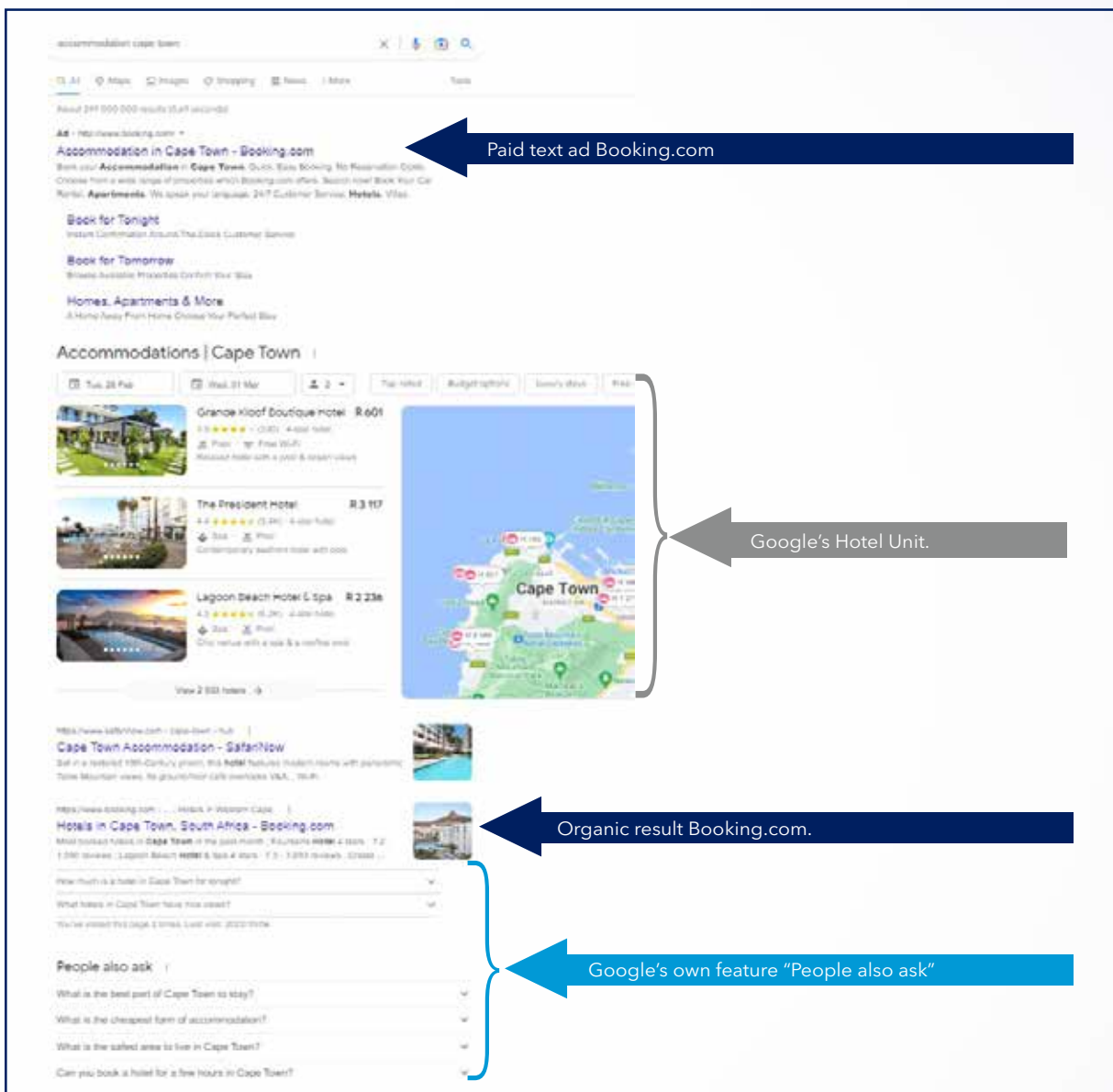
101 Google, WS2b. Annex 24.1.
102 Google, WS2b. Annex 24.1.

4.2.3 Duplications on the SERP

51. Following the publication of the Provisional Report, and in the process of receiving submissions and holding engagements, the issue of “duplication” of the same domains was picked up by the Inquiry following discussions around “the no top of the page Ad rule”. The Inquiry observed that there are instances where the SERP would present a duplication of the same website domain, where the domain would appear both in the

paid results and in the organic results below. For example, the figure below illustrates how Booking.com is listed prominently both on paid ads, as well as on the organic results on the same SERP for the “Accommodation Cape Town” search query. As can be seen, the top end of the SERP, the prime search real estate, is effectively occupied by Booking.com and Google’s own products, with one small organic entry for SafariNow squeezed in the organic search results.

Figure 7: Duplication on the SERP.



Source: Google’s SERP following one attempt at the query “accommodation Cape Town”.

52. The Inquiry's concern is that there are features of the SERP, especially along highly commercial streams such as eCommerce and travel that impede and distort competition. This concern is in effect a lack of variety, a lack of competing domains in prime real estate on the SERP (i.e., a lack of competition). Duplications, in conjunction with Google's SERP features, seem to reduce variety on the SERP. Furthermore, due to high levels of concentration on the SERP for both paid and organic search it seems that a few domains tend to get most of the good locations on the SERP. The Inquiry is of the view that opening the SERP to variety will foster more platform competition, especially for smaller domains, giving access to more rivals on the SERP when a consumer starts his or her search journey. Whilst some platforms have expressed concern about unintended consequences, these are largely unintended and possibly negative consequences for themselves. This is because larger platforms benefit from featuring strongly on both paid and organic search results for a given query, yet generating more variety on the SERP has the potential of opening platform competition by creating more traffic opportunities on the SERP for smaller rivals.

the SERP and have explored their views on removing duplications as well as unintended consequences that may emerge.¹⁰⁴ The platforms did not view duplications as a concern.¹⁰⁵ The general view is that organic and paid search should not be characterised as a duplication as the two are treated and operated differently by Google and are subjected to different algorithms. As such, they use a different criteria to determine the relevance and the ranking position of results that are ultimately presented on the SERP.¹⁰⁶ Furthermore, a domain can use both paid and organic search for different purposes. For example, Google might select a highly transactional (commercial) page on a paid search result but a blog page for organic search result on a given query. Another concern raised by a platform is that it could result in a degradation in quality of the SERP, considering that platforms need to choose whether to invest in paid search or organic search¹⁰⁷ and could make the SERP less useful overall for users.¹⁰⁸

54. Concerns were raised around the practicality and predictability of how duplications are removed. For example, questions around how duplicate results are going to be removed and who is going to decide what result stays on the SERP. Questions about the fairness of removing duplicate search results were made.¹⁰⁹ For example, *"a decision to remove a paid ad, simply because the organic is already*

*Stakeholder's views and supporting arguments*¹⁰³

53. The Inquiry has engaged a few platforms on duplications, its impact on variety on

103 [REDACTED]

104 Google has also been made aware of these concerns.

105 [REDACTED]

106 [REDACTED] WS4. Para 4.3. [REDACTED] WS4. Para 7.1. [REDACTED] WS4. Para 4.3. [REDACTED]. RPR1. Para 19.1.

107 [REDACTED]

108 [REDACTED]

109 [REDACTED]

there, would be unfairly disadvantageous for the OTA in question, as there will no doubt be other OTAs in the paid ads, positioned above the organic results. It may also be worse for consumers, who would have to scroll further down past the ads to find the organic result, when the removed paid ad might have been what they were looking for". "Alternatively, removing the organic result in the event of a duplication can also have unpredictable consequences. Many users might scroll straight past the paid results (effectively being blind to them) or have ad-blockers, and proceed straight to the organic results. If the organic results can't repeat the content already shown in the ads, then the user may never see the domain in question, and not have their search satisfied".¹¹⁰

Inquiry's views and supporting arguments

55. The Inquiry's concern regarding duplication on the SERP emanates from the likely negative effects this has on crowding out of meaningful third-party leads (traffic) for customer acquisition and effectively competition. This raises impediments to competition particularly on the ability of small online platforms to expand their businesses using the SERP and in restricting the variety of choices for consumers on commercial queries. The concern raised by platforms about having to choose between either going paid search or organic search for a set of queries, although raising unpredictability, is potentially a good thing. For example, platforms opting for paid search might free space on the organic results part of the SERP for a rival and vice versa if they opt for the organic results. This also helps break the hold that the largest platforms such as Booking.com and Takealot have on

both paid and organic search results. Whilst some platforms have expressed concern about unintended consequences, these are largely unintended and negative consequences for themselves. This is because larger platforms benefit from featuring strongly on both paid and organic search results for a given query, yet generating more variety on the SERP has the potential of opening platform competition by creating more traffic opportunities on the SERP for rivals. As such, the Inquiry needs to consider improvements to broader welfare needs and competition as opposed to the private needs of certain firms.

56. Google has also alluded to several studies that deal with incrementality on the SERP. Incrementality refers to the incremental clicks that are generated by the presence of a paid search result over and above the organic search result. In other words, it is the proportion of clicks not cannibalised by an organic result when the display of that paid search result is paused.¹¹¹ Chan et al. (2011) found that 89% of visits to an advertiser's site are incremental to clicks on organic results on average.¹¹² When broken down by organic result rank, (i) 50% are incremental when an organic result appears at the top position; (ii) 82% when an organic result appears at ranks 2-4 and (iii) 95% when an organic result appears at ranks 5 and higher.¹¹³ What these studies show in effect is that there are incremental benefits to paid search over and above organic search results for a given query. It also shows that the higher a domain is on an organic search result, the larger the likelihood these organic results will cannibalise paid search traffic and crowd out valuable SERP space, this is not efficient. Incremental benefits

110 [REDACTED], page 5.

111 Therefore, 100% incrementality represents no cannibalisation of paid search by organic results and 0% incrementality means that all paid traffic is cannibalised by organic traffic. The Inquiry's understanding is that at 100% incrementality, clicks attributable to paid search ads represent traffic fully to alternative domains over and above organic results, representing increased efficiency and variety in the overall flow of traffic on the first SERP.

112 D. Chan, Y. Yuan, J. Koehler, D. Kumar. 2011. Incremental Clicks Impact of Search Advertising. *Journal of Advertising Research*, 51(4):58-62.

113 Chan, D., Kumar, D., Ma, S. and Koehler, J., 2012. Impact of ranking of organic search results on the incrementality of search ads.

to paid search can potentially be improved to 100% if duplications of paid and organic results are removed. For example, for a given query, the incrementality of the paid search results relative to the first organic result would be 100% (instead of 50%) because the two reflect different domains.

57. The first page of Google's SERP is prime real estate for commercial queries as approximately 98% of user clicks are made here¹¹⁴ and, the higher up the SERP a result is, the more valuable it will be in terms of CTRs.¹¹⁵ Accordingly, the duplication of domains on the first SERP results in a less variety of third-party websites, which means less choice for users and less leads for rival domains (including platforms). This lack of variety is further worsened by the introduction of Google's own SERP features and products. Creating more space on the SERP for a variety of third-party results, especially on the prime real estate at the top of the SERP, will help diminish the barriers to expansion for rival online platforms, especially new and smaller ones. Furthermore, featuring strongly on both organic and paid search by large brands, including well-known platforms, can inadvertently act as a defensive strategy to safeguard large platforms from any meaningful traffic and customer acquisition by rivals, thereby further entrenching the said platform. Lastly, the Inquiry has not observed the duplication of results in specialised search engines such as those belonging to online intermediation platforms, putting into question the justification for SERP duplications.

Box 4: Findings on high levels of concentration, lack of variety, and discoverability for small and new platforms on the SERP

The Inquiry finds that there is a lack of variety of results and prominence for new and smaller platforms on the SERP that reduces their discoverability by users. As in the case of Google's SERP features, duplications reduce variety of third-party results on the SERP and tend to favour the same large, branded domains (including those leading platforms identified by the Inquiry) which feature strongly on both paid and organic results for a given query. This serves to further entrench these larger domains. The SERP is an important channel for customer acquisition for platforms and as such an important driver of discoverability and competition. The Inquiry therefore finds that for commercial queries on the SERP, especially higher up on the SERP, that there are high levels of concentration, there is a lack of discoverability options and limited visibility for small or new platforms, and a lack of third-party variety, which impedes and distorts platform competition, and impedes on the ability of new and small platforms to compete effectively. This has a clear adverse effect on platform competition. Remedies to assist smaller and new platforms to get a fairer share of paid results, taking into account the finding on paid results favouring those with deeper pockets, will contribute to overcoming this issue.

4.3 Minimum bid threshold

58. In responding to the provisional finding that Google excessively profits from general search for reasons deliberated in the Provisional Report¹¹⁶, the Inquiry flagged minimum bid thresholds¹¹⁷ (a term often used interchangeably with minimum CPC

114 Google, WS3d. Annex 4.4.

115 For example one analysis of 874,929 pages and 5,079,491 search queries found that the first result has an average CTR of 31.7%; (ii) the first result is 10 times more likely to receive a click compared to a link in the 10th spot; (iii) CTR's for positions 7-10 is virtually the same, therefore moving up a few spots on the bottom of the first page may not result in more organic traffic; and (iv) on average, moving up one spot in the search results will increase CTRs by 30.8% .[Dean, B. (2019). We analyzed 5 million Google search results. Here's what we learned about organic click through rates. Available online: <https://backlinko.com/google-ctr-stats> (Accessed on 17 April 2022)]. The Inquiry demonstrated the importance of featuring high up on the SERP and the corresponding high CTRs in the Provisional Report. (PR Chap 2, Section 3.1.2., para. 114 to 118).

116 Provisional Report, Chapter 2, Section 3.1.5, para. 136 to 146.

117 Also known as Ad Rank thresholds. See: <https://support.google.com/google-ads/answer/7634668?hl=en> [accessed 28 February 2023].

thresholds¹¹⁸), a criterion for Google's paid search, as a factor that might drive high CPCs on search queries. The concern was two-fold, firstly that it might impede the ability of smaller platform rivals from the full utilization of paid search if they didn't meet the thresholds and secondly that it artificially raises the cost of paid search by creating a price floor and/or anchoring the starting CPC for bids.

Stakeholder's views and supporting arguments

59. In general, platforms support the removal of the minimum bid thresholds, where the thinking is that the removal would result in paid results being more accessible.¹¹⁹ One platform suggested that Google should no longer impose a minimum bid threshold where a quality advert of sufficient relevance might otherwise gain a position in Google's paid search results.¹²⁰ According to the platform, in the context of searches that involve the advertisers own brand name (i.e. a navigational search), the ad's relevance should be sufficiently high that even a tiny bid amount should allow the relevant brand to win the auction because Google should be able to determine that the ad is the most relevant result.¹²¹ Another platform submitted that the removal of minimum bid thresholds would reduce the advantage that firms with deep pockets have on paid results¹²² where it could potentially enable smaller companies

on lower ad positions to enter the market on specific keywords. It cautioned, however, that this would lead to overall higher prices as more participants will bid.¹²³

60. Rival search engines argued that minimum CPC thresholds are necessary as they cover the cost to serve, protect the integrity of auctions by deterring spam and invalid bids, deter irrelevant bids¹²⁴, and enhance the efficiency and quality of bids.¹²⁵

Google's views and supporting arguments

61. Google has denied that it uses the minimum CPC threshold (i.e., or the minimum bid threshold) to increase revenue.¹²⁶ According to Google, the minimum CPC threshold enables Google to identify and exclude low quality ads that do not meet the threshold.¹²⁷ It is also argued that the minimum CPC is set in such a way that does not adversely impede participation of firms of all sizes which would be in contrast to its own interest of a healthy advertiser ecosystem with widespread and greater participation of advertisers providing useful and relevant ads.^{128,129} Lastly, Google provided evidence showing that the incidence of actual bid amounts equalling the minimum CPC required for a bid (plus a small margin of error) was very low¹³⁰, suggesting that minimum CPC's do not materially influence the overall bid amount.

118 The two terms technically have slightly nuanced meanings but based on observed data are similar in value.

119 [REDACTED]. RPR1. Page 3; [REDACTED]. RPR1. Para 1.4; [REDACTED]. RPR1.; [REDACTED]. RPR1. Para 19.1.

120 [REDACTED]. RPR1.

121 In fact, it was argued that there should be no minimum bid threshold for the platform's own branded term. [REDACTED]. WS4. Para 6.2.

122 [REDACTED] RPR1. Page 3.

123 [REDACTED]. WS4. Section 6.

124 [REDACTED] WS4.

125 [REDACTED]. WS4.

126 Google. RPR1. Para 2.36.3.

127 [REDACTED] [Google. RPR1. Para 2.53.]
Google. RPR1. Para 2.36.3.

128 [REDACTED] [Google. RPR1. Para 2.57].

129 Google. RPR1. Para 2.55.1. [REDACTED]

130 The assessment was done for navigational searches, non-navigational searches as well as eCommerce and travel and accommodation queries. [REDACTED]

[REDACTED]. Google WS5e, Para. 18.

Inquiry's view and supporting arguments

62. The Inquiry considered and conducted its own assessment of a sample of bidding data covering a large number of Google's eCommerce and travel paid text ads.¹³¹ The assessment was done by inflating Google's minimum CPC by 100% and observing what proportion of actual bid amounts were equal to or below the inflated CPC threshold. It was found that a very small proportion of actual bid amounts were equal to or below the inflated CPC amount.¹³² Furthermore, the data indicates that on average the actual bid amount is several times larger than the minimum CPC amount.¹³³ This suggests that minimum CPC's, based on the data provided to the Inquiry, are unlikely to materially influence the actual bid amount given that they are significantly higher than the minimum CPC amount. As such, the data does not show any evidence that the minimum bid threshold materially drives up bidding prices by creating a price floor or by anchoring the starting bid price.
63. In the counterfactual scenario of removing the minimum CPC thresholds, it is not clear how this would materially improve the ability of smaller platforms to drive paid search traffic, for eCommerce and travel in South Africa at least. Minimum bid levels are low with a range up to ZAR [0-25] cents¹³⁴, whereas a small proportion of actual bid amounts fall within this range.¹³⁵ This is consistent with an argument

raised by a stakeholder which noted that even if there was no minimum bid threshold, low bids would lose the auction anyway.¹³⁶ Minimum bid thresholds may not be factored into the actual bid amounts as platforms often engage in paid search using performance targets such as return on investment ("ROI").¹³⁷ These performance targets are centred around willingness to pay and the platforms own performance thresholds. For these platforms, their interest is in maximizing their returns for the set performance target and this is more likely to influence the bid value.

64. Considering the above, the Inquiry has reconsidered its provisional finding and notes that the evidence on hand suggests that minimum bid thresholds do not appear to materially affect actual bid amounts, particularly for eCommerce and travel queries in South Africa. However, as the general search market matures, cognisance should be given to the ability that minimum CPC (or bid) thresholds could have in setting a price floor and/or anchoring the starting bid amount. Submissions provided by Google suggest that the application of minimum CPC thresholds have evolved and are currently evolving.¹³⁸ As such, the Inquiry advocates awareness relating to the concerns delineated in this report pertaining to minimum CPC thresholds which could arise as general search evolves and dependency on general search grows over time.

131 The data was provided by Google and reflected [REDACTED] text ads. Google. WS5e. Annexure 18.1.

132 Where only [REDACTED] of the actual bids were the same or lower than inflated CPC amount. This means that the remaining [REDACTED] of bids were higher than the inflated CPC threshold and therefore unlikely to have been influenced by minimum CPC thresholds.

133 Based on the dataset the average and median actual bid amount is [REDACTED] times larger than the average and median minimum CPC amount respectively (Own calculations based on data submitted in Google. WS5e. Annexure 18.1.

134 [REDACTED]. RPR1. Para 2.55.1. [REDACTED]

135 [REDACTED]

136 [REDACTED] WS4. Para 6.1.

137 [REDACTED]. WS4. Para 6.

138 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Google WS5d, Paragraph. 15.

[5. Provisional Remedies]

65. The Inquiry called on stakeholders and interested parties to submit their input and views on the provisional remedial actions that was proposed by the Inquiry in relation to the provisional findings in the Provisional Report.¹³⁹ Below, the Inquiry sets out the summary of these submissions and highlights issues that were raised by the various parties.

5.1 Google Travel

66. To remedy the harm caused by Google's self-preferencing conduct in relation to its own specialist search units, the Inquiry proposed the following provisional remedies. Firstly, Google may not place its travel units in a guaranteed position on the SERP nor favour them in any way.¹⁴⁰ Secondly, the Inquiry also proposed that Google must afford competing metasearch, specialist search or OTAs the same opportunity to provide content and visual rich impressions or units that Google affords to its own specialist travel and local search results.¹⁴¹

5.1.1 Placement of Travel Units on guaranteed positions

Stakeholder's views and supporting arguments

67. Platform stakeholders agree with the Inquiry's provisional remedy that Google's travel units should not be placed in a guaranteed position on the SERP. They maintain that the travel units should be subjected to the same algorithm

that are applicable to other competing organic results and that Google must not favour its own unit.¹⁴² A concern that was raised however is that Google can manipulate its own organic results algorithm, or it can be influenced by whomever has enough resources and SEO specialists devoted to optimising their domains to rank highly on the SERP.¹⁴³ Some platforms also motivated for a complete removal of Google's travel units.¹⁴⁴

Google's views and supporting arguments.

68. Google submitted that the provisional remedy would not be justified because the travel units are already ranked organically according to relevance by the organic results algorithm.¹⁴⁵ In addition, Google submitted that the travel units are not ad units and as such there is no adverse effect on competition that would justify the provisional remedy.

Inquiry's views and supporting arguments

69. The Inquiry delineates its concerns with the travel units in the Provisional Report¹⁴⁶ and details its concerns pertaining to self-preferencing in Section 2 of this report. Based on responses from stakeholders, the overarching themes including lack of transparency and equal treatment of online downstream rivals pervade where ranking and positioning of Google's own travel units are concerned. Even if it was the case that Google's travel units are subjected to

139 Provisional Report Chapter 9. Pages 4 to 7.

140 Provisional Report Chapter 9. Para 15.3.

141 Provisional Report Chapter 9. Para 15.4.

142 [REDACTED]. RPR1.; [REDACTED] RPR1. Para 1.4.

143 [REDACTED] RPR1. Para 3.4.2.

144 [REDACTED]. RPR1.

145 Google. RPR1 Para 3.32.

146 PR Chap 2, Section 3.1.6., paragraphs 147 to 158.

the same algorithm that ranks the organic results of third parties¹⁴⁷, the reality is that the travel units enjoy higher CTR's and a favourable position on the SERP.¹⁴⁸ This is because Google enjoys visually rich features and typically a larger size than both paid text ads and organic results. Therefore, the travel units are effectively always presented above third-party organic results because they enjoy these advantages and subsequent higher CTRs which are likely to reinforce the travel units prominent ranking on the SERP. Rival online travel and accommodation platforms are therefore not afforded equal opportunity to present their organic results in the same fashion as Google's products, nor develop or replicate them (discussed later).

70. Though Google does not monetise some of the travel units through paid advertising on travel properties, it still manages to garner valuable information and data on these units whenever they are shown on the SERP. This can be used to improve and further develop the travel units which can be monetised in the near future.¹⁴⁹ The assertion by Google that the travel units are not paid ads and therefore there is no harm, carries no weight as Google still enjoys preferential outcomes delineated in the previous paragraphs. Google is the gatekeeper of its own organic search algorithms, which is not fully understood by domains dependent on organic search to drive traffic where Google has the ability to

alter and set the parameters.¹⁵⁰ Furthermore, Google frequently changes its organic search algorithms, where domain operators must constantly engage the resource intensive process of updating and reorganizing their SEO. Lastly, Google's self-preferencing of its travel units clearly harms online platform competition by pushing down organic search results, reducing discoverability on the SERP by squeezing out third-party content in favour of its own content¹⁵¹, and raising rival customer acquisition costs which depend more on paid search to drive traffic¹⁵², indirectly harming consumers through higher prices (as platforms seek to recoup their paid search spend).

71. The Inquiry was not furnished with direct evidence that there are efficiency benefits of presenting the travel units in favourable positions. The Inquiry was only able to make inferences about the travel units with respect to the Google Shopping Unit in Turkey and the alleged benefit it has for business users.¹⁵³ Furthermore, the Inquiry was not provided with any quantifiable evidence weighing any efficiency or pro-competitive benefits against the harm of self-preferencing its travel units. Instead, the input from platforms and quantifiable evidence reaffirmed the Inquiry's provisional findings that the travel units diminish the ranking position of third-party organic results and subsequent CTRs. The traffic Google claims to drive to platforms

147 The Inquiry has not seen Google's actual algorithm first-hand.

148 For example, for the period December 2020 to August 2021, the average CTRs for Google Hotels, Holiday Rentals and Flights was ██████████ respectively. (Own calculations from data submitted in Google WS2c, Annex 5.1). In contrast, the Inquiry calculated that the average third-party organic result had a CTR of between [2-3]% for travel and accommodation platforms (own calculations based on data provided by third-party travel platforms).

149 For example, Google Flights was previously monetized but no longer is. However, Google is quite able to monetize the Flights Unit again should it wish to.

150 In addition, Google also controls and oversees the design and development process of its technology, user interface, ranking standards, and has the ability and resources to scrape data that is key for developing new products and further develop its existing products.

151 For example, the presence of the travel units garners high levels of click through relative to third party rival organic results. The counterfactual would be that these click throughs would be redistributed to remaining third party results absent Google's own content.

152 For example, Table 10 of Chapter 2 of the Provisional Report shows that CPI's have increased by a factor 2.45 between 2014 and 2021. (Also see Section 3.1.6. of Chapter 2 of the Provisional Report and Section 2 of this report for a more in-depth delineation of the harms that emanate from Google self-preferencing its travel units.)

153 Google submitted that a similar remedy on its Shopping Unit was proposed in by the Turkish Competition Authority, which resulted in Google shutting down its Shopping Unit. Google. RPR1. Para 3.34.2.

through the travel units, can still be driven to platforms directly from the SERP, especially if there is less of Google's own product there. Accordingly, Google's submission that the remedy is not justified, and subsequent arguments are a poor attempt by Google to meaningfully engage and rebut the Inquiry's theory of harm of self-preferencing. Therefore, the Inquiry still believes that its concerns pertaining to self-preferencing necessitates remedial action.

5.1.2 Third-parties providing their own travel units

Stakeholder's views and supporting arguments.

72. Several stakeholders raised concerns, in respect of the provisional remedial action that Google must afford rival third party platforms the same opportunities and the terms Google affords to its own unit. One stakeholder submitted that it agrees in theory with the Inquiry, however the platform believes that the remedy presents challenges in ensuring that firms will compete on an equal basis.¹⁵⁴ According to the platform, Google is pushing its own bidding algorithms particularly on products such as Universal App Campaigns ("UAC") or Performance Max where the advertisers have no control over individual bids. The platform explained that Google controls the auction, competes in the auction and controls the bids of others in the auction, which is undesirable. Accordingly, it recommended that Google should not compete in the auctions it runs and use the same ad formats as other advertisers.¹⁵⁵

73. Another domestic platform cautioned that the remedy would benefit only the leading and larger global platforms with adequate development capacity and resources

to integrate their own internal systems with Google's.¹⁵⁶ It was also outlined that the repercussions would be the further entrenchment of existing dominance of leading platforms, or platforms with the technical skills and resources to develop their own travel units, which would be detrimental to smaller platforms. The platform proposed for the total removal of the specialised travel units on the SERP, with Google using the marketing tools that are available for all other third-party platforms and advertisers without self-preferencing, than to allow third-party platforms to have their own units on the SERP. Other platforms supported the Inquiry's proposal and emphasized on fairness in terms of treatment and participation of third-parties.¹⁵⁷

Google's views and supporting arguments.

74. Google described the provisional remedy as unjustified, unworkable, ineffective and not proportionate.¹⁵⁸ According to Google the provisional remedy is not justified based on three main reasons. Firstly, the Inquiry did not establish a theory of harm as the travel units do not disadvantage OTAs and MSEs. Secondly, Google reiterated that the travel units are organic results that show users a preview of available flight or hotel options by providing a condensed set of information that is considered by Google's algorithm to be responsive to their query. Lastly, Google argues that OTAs and MSEs can and do appear in Google's Travel property once users have clicked through on the travel units (as well as in paid results and organic blue link results). OTAs and MSEs are therefore likely to receive the benefit of user clicks within the travel units.

75. Google has also characterised the provisional remedy as neither workable nor effective.¹⁵⁹

154 [REDACTED] RPR1. Para 3.4.3.

155 [REDACTED] RPR1. Para 3.4.2.

156 [REDACTED] RPR1.

157 [REDACTED] RPR1.; [REDACTED] RPR1. Para 1.4.

158 Google. RPR1. Para 3.33.

159 Google. RPR1. Para 3.34.

75.1. According to the search engine, the SERP cannot accommodate multiple third-party units due to space constraints. Google also raised concerns of deterioration in the quality of the SERP and user experience due to latency issues that would arise by showing multiple units. Google also highlighted the challenges that would emerge in relation to verifying the accuracy, reliability, and the quality of the information on third-party units which presents a risk of reputational harm.

75.2. In addition, Google submitted that a similar remedy on its Shopping Unit was proposed by the Turkish Competition Authority, which resulted in Google shutting down its Shopping Unit.¹⁶⁰ Google was ordered by the Turkish Competition Authority to treat CSSs equally, and in response Google offered to give CSSs the same opportunity to show Shopping ads from merchants like in Europe, which did not materialise and resulted in Google shutting down the unit.¹⁶¹

75.3. Google also cited UK's High Court judgment on the *Streetmap vs Google abuse of dominance matter*, which according to Google was a rejection of a similar proposal. In this case Streetmap alleged that Google abused its dominant position by displaying its own map more prominently on the SERP, with graphically rich contents that users could click on in response to a search query, while other third-party maps did not have such features. Streetmap further argued that third-party were instead relegated lower down the SERP in the form a blue link.¹⁶² The high court ruled in favour of Google, and stated that "*introduction by Google in the UK in June 2007 of the new-style*

Maps One-Box was not reasonably likely appreciably to affect competition in the market for online maps.....if it was likely to have such an effect, Google's conduct in that regard was objectively justified."

75.4. Lastly, Google pointed out that the provisional remedy does not appear to be consistent with the Inquiry's concerns of the space taken by the travel units and its impact on organic results, and that it is also not effective to address these concerns.

76. With regards to the remedy being unworkable, Google raised numerous concerns. Firstly, Google submitted that the third-party units would need to be organic, and as such it would not be technically feasible for these units to be subjected to the same organic ranking algorithm as Google's own travel units and all other organic results on the SERP. Secondly, Google added that there would be no way to ensure quality, accuracy, and consistency of the results.¹⁶³ Lastly, Google submitted that there would be severe delays in responding to user queries as it would first have to send queries to these third-party service providers, who would then generate results with their own algorithms and send these results back to Google causing latency which compromises the quality and speed of these services, where speed is a core parameter of competition between search services.¹⁶⁴

77. The provisional remedy is characterised as not proportionate, because the travel units benefit users by connecting them to airlines, hotels, online travel agents, metasearch engines, and other travel providers which provide Google with feeds of itineraries, prices and availability which it assimilates.¹⁶⁵

160 Google. RPR1. Para 3.34.2.

161 Google. 2020. *Press release: An update on Shopping ads in Turkey*. Available online: <https://turkiye.googleblog.com/2020/07/google-alisveris-reklamlari-ile-ilgili29.html> [accessed 30 March 2023].

162 England and Wales High Court (Chancery Division). 2016. Case No: HC-2013-000090. *Decision: Streetmap EU vs Google*.

163 Thirdly, [REDACTED] Google. RPR1.

164 Google. RPR1. Para 3.34.9.

165 Google. RPR1. Para 3.35.

Google also added that the OTAs and MSEs receive the indirect benefit of user clicks on the travel units in addition to the clicks from paid and organic results. Accordingly, Google is of the view that providing OTAs and MSEs with the opportunity to provide their own travel unit would only provide them with the marginal benefit in terms of clicks, relative to the Travel property as is currently the case. As a result, Google believes the apparent benefit of the contemplated remedy is at best limited. The threat to the quality and reputation of Google Search, however, is high which will ultimately harm consumers and businesses who rely on it which makes the provisional remedy disproportionate.

Inquiry's views and supporting arguments

78. The Inquiry considered the input from stakeholders and Google and has the following views. Firstly, the Inquiry is concerned that the provisional remedy will not create the intended desired environment where rivals compete on an equal footing as it will only benefit a few platforms with adequate technical and monetary resources, such as global platforms which enjoy global economies of scale. This will have an adverse effect on platform competition, as the ability of small and domestic platforms are impeded. Secondly, there is no guarantee that a unit introduced by a travel and accommodation platform would generate leads for a variety of rival OTAs and metasearch engines, as well as business users. The concern is that the entire unit may be for the benefit of a single OTA¹⁶⁶ or metasearch engine, where the latter can self-preference leads to platforms operating within its holding company's portfolio of travel platforms. Thirdly, the Inquiry is also wary of introducing a remedy that will materially reduce the quality of the SERP and negatively affect the user friendliness and user

experience. The ability to present relevant results timely following a search query is an important consumer value proposition for any digital platform, particularly search engines. It is not clear how third-party travel units will work, including quality assurance of the results presented, allocation of space, and latency challenges etc. Lastly, transparency remains an issue as to how a third-party's travel unit will be triggered, ranked, etc.

79. After considering the submissions on hand, the Inquiry is of the view that giving third-party platforms the option of providing their own travel unit on the SERP will not even the playing field and improve transparency for online intermediation platform competitors. The scenario where third-party platforms benefit from their own travel units, in turn, are also able to reduce variety of leads to smaller platforms and business users and to self-preference platforms forming part of their holding companies. Furthermore, it may not be implementable or workable, and potentially diminishes the quality of the SERP. Lastly, it may shift dependency of business users on Google's Travel Unit to the OTAs and metasearch engines that have the resources and funds to develop their own travel units.

5.2 Google Shopping

80. The Inquiry made the following provisional remedies in relation to Google shopping.
- 80.1. Google may not place its specialist search units in a guaranteed position on the search results page, nor favour them in any way in organic search results through intended or unintended algorithm bias;¹⁶⁷
 - 80.2. Google must afford competing specialist search and comparator sites (shopping or other) the same opportunity to provide

166 Especially if the OTA can afford to buy most of the unit space.

167 PR Summary Report, Page 48, Para 131.3.

content and visual rich impressions or units that it affords its own specialist shopping, and local search units.¹⁶⁸

Stakeholder comments on the shopping remedy.

81. Stakeholders have indicated that the removal of the Shopping Unit in a guaranteed position from the SERP might have unintended consequences. Below we list some of the proposals made as an alternative to the Inquiry's initial recommendation and/or remedy. The essence of proposals and alternatives are crafted around the observation that

[Redacted text block]

81.1. [Redacted text block]

81.2. [Redacted text block]

[Redacted text block]

81.3. [Redacted text block]

[Redacted text block]

[Redacted text block]

168 PR Summary Report, Page 49, Para 131.4.

169 [Redacted]

170 [Redacted]

171 [Redacted]

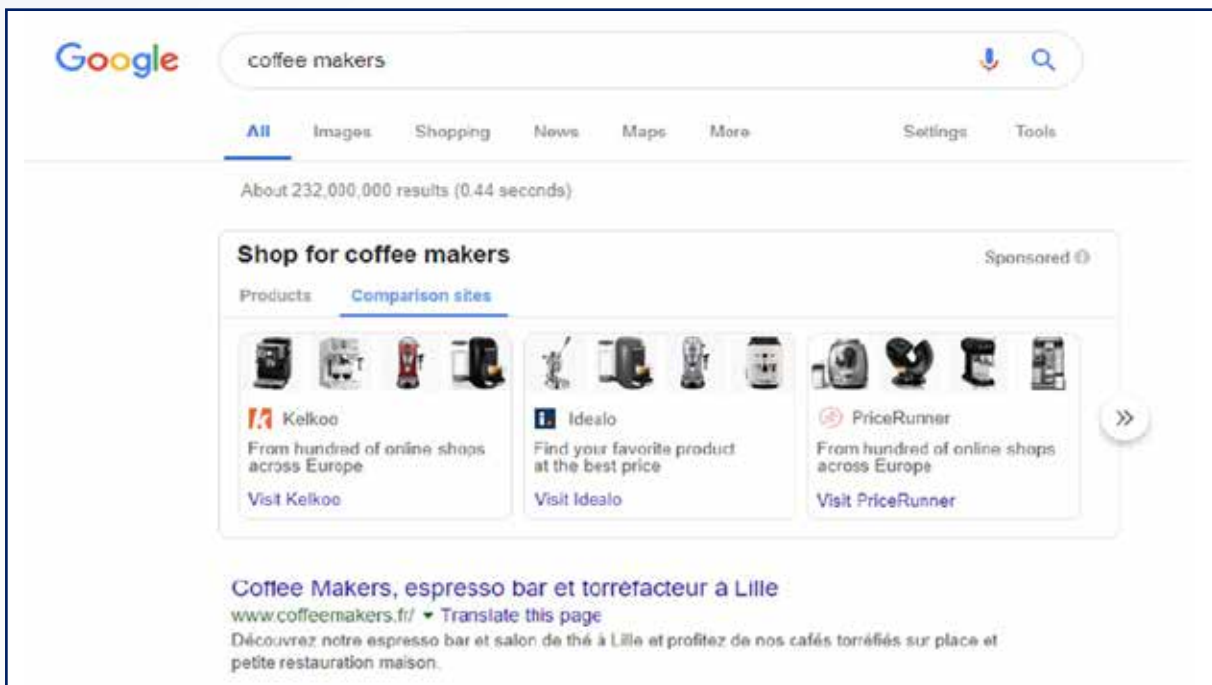
172 [Redacted]

173 [Redacted]

87. The opposing views of the proposal originated from a consideration that there is no justification for reserving any space on its general search results pages to a specialized Google search service. The general search results pages have characteristics akin to that of an essential facility.¹⁸³ From a competition policy perspective, the top space of such results pages therefore needs to be a neutral infrastructure and should be provided on non-discriminatory basis. In this regard, Google may not reserve prime capacity or prime slots to their own downstream services.¹⁸⁴

88. In the EU, Google currently operates a specialised ad format which is different to South Africa. The figure below shows the current user interface of the SERP. The SERP currently displays the Product Listing Ads (“PLA”) and the Comparison Listing Ads (“CLA”). The CLA appears as a hidden tab in the current EU user interface. Kelkoo Group submit that with some refinements, the PLA and CLA interface could form the basis of an effective remedy.

Figure 8: Google search SERP page in the EU/ The EU Shopping remedy user interface



Source: Kelkoo Group, RPR, page 12

89. In short, the Kelkoo Group proposed that the CLA should be a default tab ahead of the PLA which is a default tab in the EU remedy at present. The relevant test or question in this regard is whether customers change, click or open non default tabs. The Kelkoo Group

further submit that the CLA suffer from format issues in a form of small images, no indication of pricing, no indication of brands or product match, and generic holding text which is not search specific.¹⁸⁵

183 Judgment of the General Court (EU), 10 November 2021, Case T-612/17, Para. 224 Google Shopping.

184 Hausfeld LLP, RPR, page 19.

185 CLA proposed format improvements include a suggestion that the “Comparison sites” tab should display as default, visually appealing CLA display ads, larger imagery, and that CLAs should include number of shops and pricing data to support consumer choice.

Google comments on the Shopping Remedy

90. Google submits that remedies requiring them to show multiple rival units would be technically and commercially unworkable. Such a remedy was rejected in the UK in High Court proceedings and was not the approach taken by the European Commission.¹⁸⁶ Google provided that this approach would lead to slower results (due to latency), user confusion, a crowded and unattractive results page, and results whose accuracy and quality cannot be verified by Google.¹⁸⁷ [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].¹⁸⁸

91. Google reiterates that the Shopping Unit does not displace CSSs, CSSs are able to display their product ads in the Shopping Unit¹⁸⁹ and that the reduction in CSSs traffic cannot be attributed to the shopping unit. However, there is a condition that CSSs needs to meet in order to show on Shopping Unit. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]¹⁹⁰ Google submits that "this requirement does not prevent CSSs from accessing the Shopping Unit as CSSs can place product ads that link to pages in their own website that incorporate buy functionality".¹⁹¹ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

92. Product ads in this regard and at present require that when the user clicks on the ad, the user is taken to a page where the user can purchase the advertised product at the advertised price.

93. In addition, Google asserts that the Shopping Unit is not always shown on the SERP. The Shopping Unit only surfaces when Google is confident that the most useful and relevant results in response to a query will be displayed. Google estimates that the Shopping Unit is triggered for only [REDACTED] of all commercial shopping queries (across desktop and mobile).¹⁹²

94. Google does not consider that the decrease in traffic to PriceCheck is attributable to the Shopping Unit, but loss of interest by users.¹⁹³ To justify this, Google compared bounce rate and average visit duration between PriceCheck and some South African eCommerce market participants. The comparison showed that PriceCheck has higher bounce rates and less average visit duration.¹⁹⁴ To this end, Google stated that drop of traffic to price Check was not as a result of its algorithms and core updates. However, as indicated above, it appears to be a common argument that CSSs are experiencing a significant decline in ads leads from Google in South Africa and other international countries. As indicated above, the recent evidence provided by PriceCheck however indicates that they still draw traffic from South Africa when they show up on the Shopping Unit.

95. Post publishing the Provisional Report, the Inquiry had a series of engagements with Google in order to resolve some of the

186 Google, RPR, Page 7.

187 Google, RPR, Page 7.

188 [REDACTED]

189 Google, RPR, Page 62.

190 [REDACTED]

191 Google, RPR, Page 62, Para 4.9.

192 Google, RPR, Page 68, Para 4.28.

193 Google submits that there is a possibility of other factors contributing to the decrease in interest in PriceCheck, including the quality of the website, the nature of the product range it promotes and the relevance of the ads it surfaces.

194 Google, RPR, Page 63. Para 4.13.

concerns raised in the same report and to test the efficacy of the recommendations and proposals put forward. On the Google Shopping front, the Inquiry was particularly interested in effecting changes in the Shopping Unit and make it inclusive more so because it is shown in a prominent position. After a series of engagements, the Inquiry sought to test the efficacy of the EU remedy in South Africa. This included the research conducted by both parties and statistics coming from countries where the EU remedy is phased in.

96. At present Google in the EU runs CSS Program¹⁹⁵ where they allow CSSs to place ads that link to their merchant partners in the Shopping Unit on an equal basis as Google Shopping (also known as the PLAs).

[REDACTED]
[REDACTED]¹⁹⁶ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].¹⁹⁷

97. As indicated above, there has been opposing views on which tab must be shown on default.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].¹⁹⁸
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

98. Another extensively discussed topic around the display of CLAs is whether the ad or link must direct customers to CSS site or merchant's site. Both these options come with their own pros and cons. Google indicated that some CSSs direct traffic from shopping ads to merchants' sites. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]¹⁹⁹ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Research on CLAs mismatching problem

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]²⁰⁰ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

195 Under the CSS Program, Google allows CSSs to place ads that link to their merchant partners in the Shopping Unit on an equal basis as Google Shopping (these are PLAs). In this program, Google allows interested parties to register and become participants or display their ads on the CLA.

196 [REDACTED]
197 [REDACTED]
198 [REDACTED]
199 [REDACTED]
200 [REDACTED]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Response by the Inquiry to stakeholder submissions on Google Shopping remedy

104. The Inquiry sought to test consumer clicking behaviour or clicking patterns in order to understand whether consumers which are presented with the PLA and CLA options actually click on the CLA.

Table 3: Activities on the PLA and the CLA tabs between Jan 2020 and Sep 2022.

Year	Number of queries with a PLA Carousel	Number of queries where users engaged in an open or scroll action with a PLA Carousel
2020	[Redacted]	[Redacted]
2021	[Redacted]	[Redacted]
Jan 22- Sep 22	[Redacted]	[Redacted]
Year	Number of queries with CLA Tab	Number of queries where the CLA Tab was viewed by the user
2020	[Redacted]	[Redacted]
2021	[Redacted]	[Redacted]
Jan 22 - Sep 22	[Redacted]	[Redacted]

Source: Google submission, Tranche 4. 02 November 2022, Annex 34.2 Revised number of queries. and Google submission, 14 December 2022, Annex 9.2.

105. The data presented on the table above indicates that there has been growth in activities of both the PLA and the CLA between year 2020 and 2022. As shown, activities on

the CLA are significantly lower than activities on the PLA. One would expect this to be the case since the CLA is not a default tab in the EU remedy. This is alluding to Kelkoo

201 [Redacted]

Group's submission which is ultimately of the view that the CLA must be the default tab, but rebutted by Google that CLA is not user friendly due to high rate of customer query mismatch and prolonged communications between different technologies.

106. The Inquiry accepts that the initial proposal is likely unworkable that with and some variations the EU remedy may provide better outcomes.

5.3 Paid results

107. In relation to the Inquiry's provisional findings on paid results, the Inquiry made three provisional remedies to address its concerns.²⁰² Firstly, the Inquiry proposed that paid search results are required to be clearly distinguishable as advertising, including prominent shading and a border with a large bold and unambiguous advert label. Secondly, the Inquiry proposed that the top of the search results screen may only have organic search results and any paid search results can only appear once the consumer has scrolled down (i.e. below the fold).²⁰³ Thirdly, Google may no longer impose minimum CPC thresholds for paid results.

108. Two of the remedies noted above have already been dealt with in sufficient detail in the discussions concerning the provisional findings earlier in this report. The remedy pertaining to the clear labelling and distinction of paid search results was discussed in Section 4.2.1 and the remedy pertaining to no minimum CPC thresholds was discussed in Section 4.3. of this report. In this regard the Inquiry concludes the following:

108.1. Based on evidence provided by Google, the Inquiry found that Google tests for detectability of paid search in line with the

FTC guidelines. The Inquiry does not aim to be overly prescriptive of how Google displays its paid search results as long as it is clearly marked as paid advertising in a sufficiently discernible way for users. At present Google labels its paid search results in bold black font as "Sponsored" for desktop and mobile search results.

108.2. The Inquiry found insufficient evidence of minimum CPC thresholds driving up bid prices by creating a price floor or by anchoring the starting bid price. The Inquiry notes, however, that as the general search market matures, minimum CPC thresholds could potentially influence actual bid prices.

109. The last provisional remedy pertaining to paid search results appearing below the fold will be dealt with in further detail in the next section. This theme has been addressed in part in the deep pockets and paid search, and duplications on the SERP sections of this report (See sections 4.2.2. and 4.2.3).

5.3.1 Presentation of paid results below the fold

Stakeholder's views and supporting arguments

110. On paid search results on the SERP, the majority of the stakeholders indicated that they do not support the Inquiry's proposal that the top of the search results screen must only have organic search results and any paid search results can only appear once the consumer has scrolled down.²⁰⁴ Stakeholders raised several concerns about the remedy, which would result in unintended consequences for competition. Firstly, the general view from the stakeholders is that the removal of paid results on top of the SERP would impede on the ability of smaller firms to compete and be catastrophic on small firms that depend on paid results to survive, due to the lack of

202 PR Chap 9, para 15.

203 The other provisional remedy was "Google may no longer impose minimum CPC bid thresholds for paid results". This has been dealt with in Section 4.3 of this report.

204 [REDACTED]. RPR1.3. Para 3.2. [REDACTED] RPR1. [REDACTED].RPR1.

visibility on the SERP that will arise as well as the lack of prominent ranking on organic results.²⁰⁵ The stakeholders highlighted that for a prominent ranking position on organic results, firms must undertake an intense search engine optimisation strategy, which is resource intensive, requires highly specialised skills and it can take years for firms to achieve a decent ranking position. The stakeholders also highlighted that this would benefit the larger platforms, that are already enjoying more prominence on organic results and have the resources to improve and maintain their ranking positions.

111. Secondly, the stakeholders proposed several solutions. For example one stakeholder submitted that this remedy would not be effective if the issue of Google's self-preferencing is not addressed, and called for either the removal of Google's listing on the SERP, or for a transparent and detailed explanation of why Google's products are presented on the SERP.²⁰⁶ Another stakeholder proposed a more moderate approach such as more transparency and clear distinction of paid results or imposing a minimum percentage of space (i.e., 50 percent) to organic results for results appearing "above the fold" on the SERP.²⁰⁷ Stakeholders view paid results as a more effective customer acquisition tool that also offers consumers with more information and alternative choices than organic results.

Google's views and supporting arguments.

112. Google submitted that the provisional remedy is out of the Inquiry's scope and

characterised it as being ineffective, unworkable, disproportionate, inconsistent with the Inquiry's own provisional findings²⁰⁸, and unjustified.²⁰⁹ Furthermore, it was argued that the provisional remedy would not be effective in addressing the Inquiry's concerns as it imposes significant limitations on its ability to allocate ad space, which will in turn affect all South African advertisers and in particular, SMEs.²¹⁰ According to Google, text ads often benefit smaller platforms or new entrants that do not appear in free results or do not appear as high up in free results as more established rivals.²¹¹ Accordingly, a reduction in ad scale through restrictions on ads on the SERP would harm smaller South African platforms disproportionately as the loss in ad traffic for these platforms is unlikely to be mitigated by a corresponding increase in organic traffic. Google added that the remedy would only make it more difficult for SMEs to win traffic and compete against bigger rivals, which would in turn reduce their visibility, user traffic and overall revenues.²¹²

113. Google also pointed out that the remedy would not be workable because it is not clear how the remedy could be applied in practice, and that it is not commercially realistic nor viable.²¹³ According to Google, showing paid results at the top of the SERP is a legitimate and key aspect of how Google's search service operates with a two-sided, partly ad-funded business model enabling users to enjoy the service free of charge. It was noted that it generates a significant proportion of its revenue by showing paid results separately from its organic (free) results. As such, this aspect of its business model is inherent in

205 [REDACTED]. RPR1.3. Para 3.2. [REDACTED]. RPR1.

206 [REDACTED]. RPR1.3. Para 3.2.

207 [REDACTED]. WS, RPR1.

208 Google highlighted that the remedy is also not consistent with the finding in the Provisional Report that "one cannot attribute a large drop-off in traffic because of being below the fold" and would not be justified. Google added that in contrast with this finding, the remedial action identifies the fold as the key differentiator between sufficient visibility and insufficient visibility for a business appearing on the SERP. Google. RPR1. Para 2.89.

209 Google. RPR1. Para 2.82-2.97.

210 Google. RPR1. Para 2.86.

211 Google. RPR1. Para 2.87.

212 Google. RPR1. Para 2.88.

213 Google. RPR1. Para 2.90.

its ability to provide a free search service to users²¹⁴, where the removal of paid results from above the fold would undermine its business model.²¹⁵

114. Google also added that the provisional remedy is based on the flawed theory of harm that larger platforms have sufficiently 'deep pockets' to secure ads, while smaller rivals rely on purportedly demoted or limited organic search results. According to Google, the Inquiry has failed to take into account the real benefit provided by text ads to users and advertisers and gather evidence and conduct an analysis of the impact of ads on the specialist search properties.

115. Lastly, it was submitted that the remedy would be disproportionate because it will have unpredictable and adverse consequences for different searches.²¹⁶ According to Google, the provisional remedial action would prevent both the platforms and the merchants from appearing in advertising above the fold in categorical markets such as eCommerce. It is argued that the Inquiry's proposed one size fits all remedy will produce different combinations of platforms and non-platforms, and this would not be effective in achieving the Inquiry's objectives of promoting platform competition. This may dampen competition and harm small businesses in several scenarios by weakening a useful marketing channel.

Inquiry's views and supporting arguments

116. Evidence portrayed in Sections 4.2.2 and 4.2.3 of this report, including Figure 5, show the high concentration of clicks in the highest percentile of both paid and organic search. The Inquiry maintains that paid search favours platforms with deep pockets but also acknowledges the importance of paid search for new and smaller platforms to drive

user traffic, especially for long tail search terms. Furthermore, attaining prominence in organic search typically favours already established platforms and those that have sufficient resources to invest in search engine optimisation. Google frequently updates its organic search algorithm which is often considered an enigma or black box by stakeholders that are dependent on organic search to drive traffic. Pushing organic search results to the top of the SERP may reduce customer acquisition costs for beneficiaries of such a remedy, but this will probably benefit the same domains and impede the ability of new and smaller platforms to attract user traffic.

117. The Inquiry has thus shifted its view and no longer pursues this remedy pertaining to no paid search above the fold. It has been demonstrated that removing paid search results above the fold will have unintended consequences and may further entrench established domains thereby impeding competition from new and smaller online rivals. Having said this, there is still a need to address the dominance of paid results on the SERP to the detriment of new, small and HDP platforms. This is to reduce the barriers of expansion for these new and smaller platforms as well as to counter the entrenchment of larger platform that appear to dominate the prime real estate of the SERP, covering both paid and organic search results.

214 Where the majority of search queries do not surface any ads at all.

215 Google. RPR1. Para 2.93.

216 Google. RPR1. Para 2.94.

Annexure A

Changes in Google's display of paid search results from 2007 to 2019.²¹⁷



217 Source: [Redacted]

Appendix A: List of submissions.

Submission by	Stakeholder type (e.g., platform, pure online reseller, B&M, CSS)	Submission full name / Description	Submission date	Report shorthand Reference
Google	Search engine	Engagements on provisional report and provisional remedial actions	11 August 2022	Google, Engagements on provisional report and provisional remedial actions.
Google	Search engine	Response to Provisional Report	02 September 2022	Google. RPR1.
Google	Search engine	Response to Provisional Report (follow up RFI)	07 September 2022	Google. RPR1.2.
Google	Search engine	Response to Provisional Report - Non confidential version	09 September 2022	Google. RPR1.
Google	Search engine	Response to Provisional Report - Non confidential version	16 September 2022	Google, Engagements on Remedial actions, WS (presentation slides)
Google	Search engine	Engagements on provisional report and provisional remedial actions	19 September 2022	Google, Engagements on Remedial actions.
Google	Search engine	[REDACTED]	11 October 2022	Letter from Google.
Google	Search engine	[REDACTED]	14 October 2022	Update from Google.
Google	Search engine	Response to further Request for information	14 October 2022	Google. WS5a.
Google	Search engine	Response to further Request for information	25 October 2022	Google. WS5b
Google	Search engine	Response to further Request for information	28 October 2022	Google. WS5c
Google	Search engine	Response to further Request for information	02 November 2022	Google. WS5d.
Google	Search engine	[REDACTED]	07 November 2022	[REDACTED]
Google	Search engine	Engagements on provisional report and provisional remedial actions	08 November 2022	Google, Engagements on Remedial actions.
Google	Search engine	Response to further Request for information	21 November 2022	Google. WS5e.
Google	Search engine	Engagements on provisional report and remedial actions	14 December 2022	Google, Engagements on Remedial actions.

Submission by	Stakeholder type (e.g., platform, pure online reseller, B&M, CSS)	Submission full name / Description	Submission date	Report shorthand Reference
Google	Search engine	Response to further Request for information	14 December 2022	Google. WS6a.
Google	Search engine	[REDACTED]	14 December 2022	[REDACTED]
Google	Search engine	Response to further Request for information	22 December 2022	Google. WS6b.
Google	Search engine	Google letter in response to questions from the Panel	09 January 2023	Google response letter
Google	Search engine	Engagements on provisional report and remedial actions	11 January 2023	Google, Engagements on Remedial actions.
Google	Search engine	[REDACTED]	25 January 2023	[REDACTED]
Google	Search engine	Response to further Request for information (follow up)	25 January 2023	Google. WS. Response to a clarity question.
Google	Search engine	Engagements on provisional report and remedial actions	03 February 2023	Google, Engagements on Remedial actions.
Google	Search engine	Engagements on provisional report and remedial actions	10 February 2023	Google, Engagements on Remedial actions.
Google	Search engine	[REDACTED]	08 March 2023	[REDACTED]
Google	Search engine	Engagements on provisional report and remedial actions	29 March 2023	Google, Engagements on Remedial actions.
Google	Search engine	Response to further Request for information	03 April 2023	Cover letter
Google	Search engine	[REDACTED]	03 April 2023	[REDACTED]
Google	Search engine	Engagements on Remedial Actions	06 April 2023	Google, Engagements on Remedial actions.
Google	Search engine	[REDACTED]	08 April 2023	[REDACTED]
Google	Search engine	Engagements on Remedial Actions	12 May 2023	Google, Engagements on Remedial actions.
Google	Search engine	Google Covering Letter	03 March 2023	Google covering letter
Google	Search engine	[REDACTED]	03 March 2023	[REDACTED]

Submission by	Stakeholder type (e.g., platform, pure online reseller, B&M, CSS)	Submission full name / Description	Submission date	Report shorthand Reference
Google	Search engine	Response to further Request for information	08 March 2023	Cover letter
Google	Search engine	[REDACTED]	08 March 2023	[REDACTED]
Google	Search engine	Google response to information requested and update.	13 March 2023	Response letter.
Google	Search Engine	Response to Remedial Actions	19 June 2023	Google, RRA1
Google	Search Engine	Engagements on Google's response to Remedial Actions	23 June 2023	Google, Engagements on Google's response to remedial actions.
Google	Search Engine	Response to Remedial Actions	12 July 2023	Google, RRA 2
[REDACTED]	Platform	Response to Provisional Report	15 September 2022	[REDACTED]
Bing (Microsoft)	Search engine	Response to further Request for information	23 September 2022	Bing. WS4.
[REDACTED]	Platform	Response to Provisional Report	06 September 2022	[REDACTED]
[REDACTED]	Platform	Response to further Request for information	20 October 2022	[REDACTED]
[REDACTED]	Platform	Response to Provisional Report	07 September 2022	[REDACTED]
[REDACTED]	Platform	Response to further Request for information	14 October 2022	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Hausfeld	Stakeholder	Response to Provisional Report	24 August 2022	Hausfeld. RPR1.
[REDACTED]	Platform	Response to Provisional Report	23 August 2022	[REDACTED] RPR1.
[REDACTED]	Platform	Response to further Request for information	17 November 2022	[REDACTED]. WS4.
Yandex	Search engine	Response to further Request for information	30 September 2022	Yandex. WS4.
Price-Check	CSS	Response to Provisional Report	24 September 2022	PriceCheck. RPR.
Kelkoo Group	CSS	Response to Provisional Report	07 September 2022	Kelkoo Group. RPR.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]