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Publishers Urge EU To Reject Google's Antitrust Remedies

By **Kathryn Brenzel**

Law360, New York (June 25, 2013, 12:28 PM ET) -- A group of European publishers and their trade associations urged the [European Commission](#) on Tuesday to reject the latest set of remedies offered by [Google Inc.](#) to resolve antitrust concerns, arguing that the measures don't adequately protect competitors from the search engine's self-promotion.

The opposition paper comes in the final days of a market test launched by the commission in April, seeking comments on Google's latest [attempt to bring an end to allegations](#) that it abused its dominant market position. Publishers and associations, including the Online Publishers Association Europe and the federation of German newspapers, known as BDZ, join others in criticizing solutions the search engine proposed in April to settle the commission's investigation of antitrust allegations.

The coalition argues that Google's offer to change how it labels its preferred sites doesn't solve its rigged hierarchy of links, and in fact, misleads consumers into thinking that the results that seemingly receive the search engine's blessing are "tailor-made results," according to the paper.

"People will still be clicking on the first result, and what we need is neutrality and the same rules for everyone," Irene Lanzaco, deputy director general of the Spanish association of daily newspaper publishers, AEDE, told Law360 on Tuesday. "The investigation has been open for some time now. We believe there is no more time to play around."

As news organizations continue to test the murky waters of pay-walls and other business models, Google's proposed resolutions put websites in a tight spot: either grant the search engine access to content or risk becoming invisible on the web, the paper alleges.

The construction of Google's top news searches forces companies to grant access to their content to remain a viable competitor and opens the door to requiring payments from "rival links" to be included beneath Google-sponsored links, giving an unfair edge to news aggregators over online news sites, even though the former "merely scrape the original content from the latter," the coalition claims. Google doesn't offer a viable solution for websites to block unauthorized use of its content, according to the paper.

Companies can't reasonably "opt out" of allowing Google access, given its monopoly on the market, the coalition contends. Though the search engine offers technological protections, the burden is placed on the website to guard its content, turning the "relationship between abuser and victim on its head," the paper says.

“Quite simply, systematic expropriation of our intellectual property is the ultimate predatory practice in that it unlawfully destroys the value of any creative endeavor, undermines or, worse, destroys any innovation or advantage a competitor may have,” European Publishers Council Chairman Francisco Pinto Balsemao told Law360 on Tuesday in a statement.

The regulatory agency began its investigation in November 2010 after receiving complaints from some of the search giant's rivals. Google previously submitted a proposal meant to address the EU's concerns, and on April 25, the EU antitrust regulator said it would [collect comments](#) from the company's rivals and other interested parties as part of a market test.

Under the proposed commitments, Google agreed, among other things, to make changes to the labeling of promoted, specialized search results and to display links to rival specialized search services, the commission said in April. In May, [the regulator indicated](#) that it would likely require additional concessions from Google.

The commission expects to receive the remainder of responses involved in the market test by the end of the week, an agency spokesman told Law360 on Tuesday

“We will then need to analyze all the comments submitted through this market test,” Antoine Colombani told Law360. He declined to specify how many comments the commission has so far received.

Representatives for Google did not immediately respond to requests for comment Tuesday.

--Additional reporting by Stewart Bishop. Editing by Lindsay Naylor.

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