

The Commission's Case (aka the abusive Google Conduct set out in the Decision):

- The **Commission's case** is that the Product Universal and Shopping Unit are one of the means by which Google favoured its own CSS (where the other means was CSS-demoting penalties)

(408) First, the Commission's case is not that the Product Universal was in itself a CSS.⁴⁶³ Rather, the Commission's case is that the positioning and display of the Product Universal was one means by which Google favoured its CSS.

(412) Second, the Commission's case is not that the Shopping Unit is in itself a CSS. Rather, the Commission's case is that the positioning and display of the Shopping Unit is one means by which Google favours its CSS.

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- In fact, the Decision's only passing mention of the "part of" concept is in footnote 3 and recitals 422-423. Where these points were only included in order to counter a Google argument based on the fact that it sometimes launched Shopping Units in countries where it did not yet have a standalone CSS website:

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FN 3 Throughout this Decision, whenever the Commission refers to the more favourable positioning and display in Google's general search results pages of Google's own CSS compared to competing CSSs, the Commission means the more favourable positioning and display of: (i) links to Google's own CSS (see section 0, recital (29), and section 0, recitals (408) to (411)); and/or (ii) parts or all of Google's own CSS (see section 0, recital (32), and section 0, recitals (412) to (423)).

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(422) In the ninth place, the conclusion that the positioning and display of the Shopping Unit is one means by which Google favours its CSS is not called into question by the fact that during an initial period, Google Shopping existed only in the form of the Shopping Unit without an associated standalone website in six of the thirteen EEA countries in which the Conduct takes place (Austria, Belgium, Denmark, Norway, Poland and Sweden). As indicated by the evidence in recitals (420)(g)-(420)(i), the fact that Google Shopping initially existed only in the form of the Shopping Unit in these six countries was a transitional phase, due to the fact that Google had only a limited number of merchant partners in these countries, which made it more difficult to offer a standalone website. Moreover, during that transitional period, users in those six EEA countries could visit the standalone websites in the other seven EEA countries (the Czech Republic, France, Germany, Italy, the Netherlands, Spain and the United Kingdom).

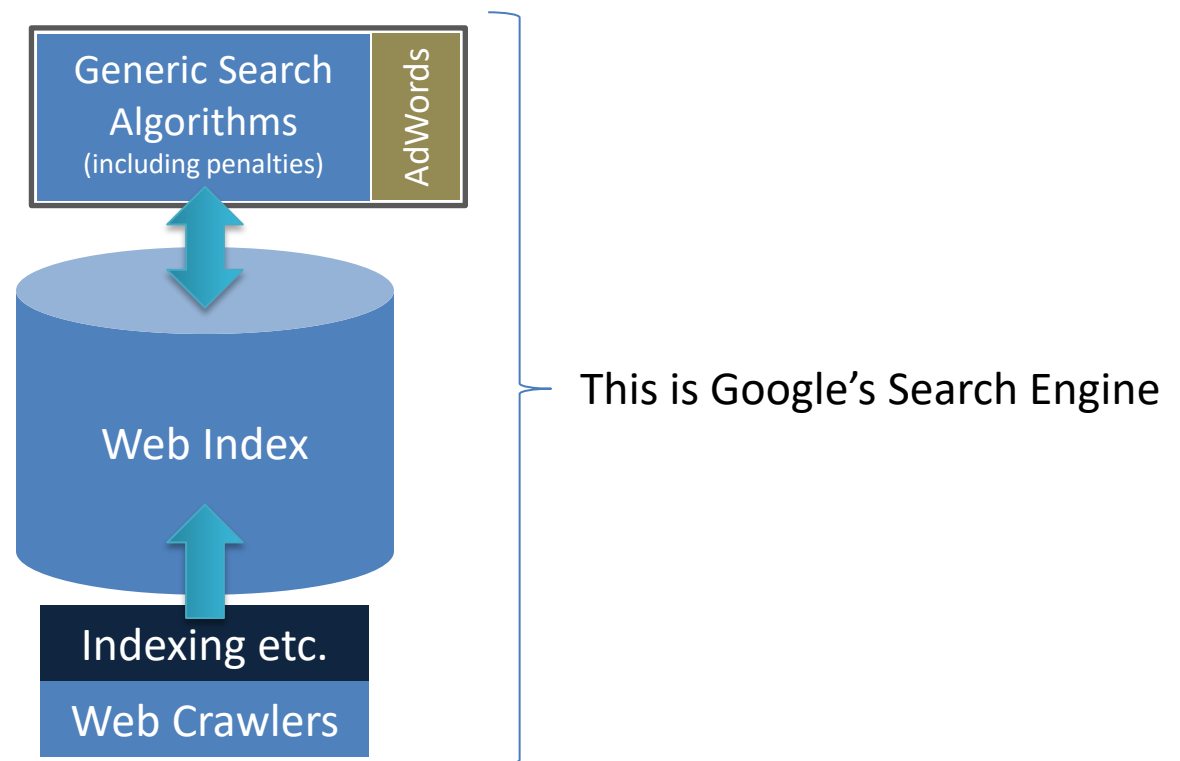
Regarding the Lawfulness of Google's Compliance Mechanism:

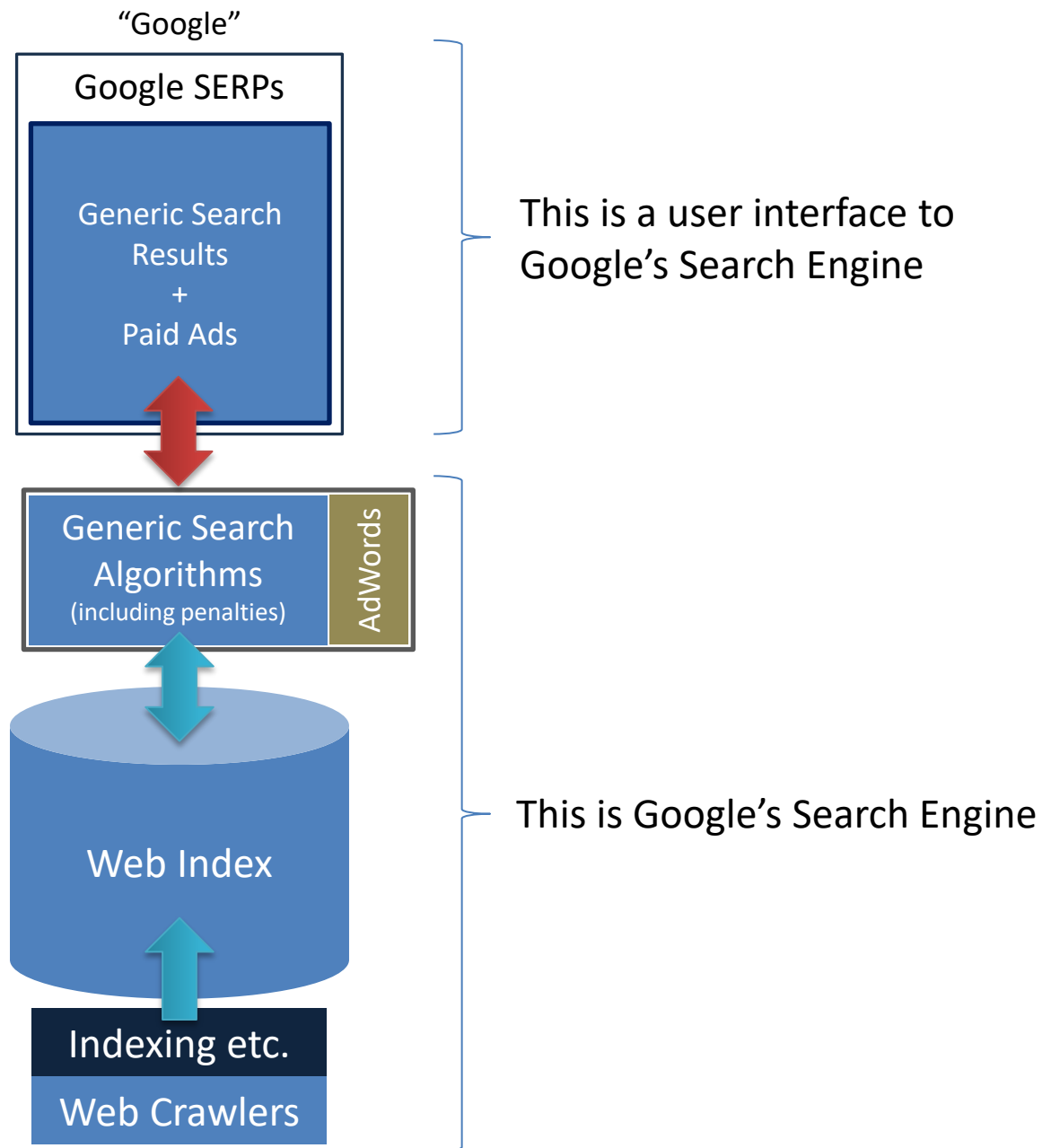
- The primary question to be addressed is not whether the CM-SU is still **a part of Google's CSS***; rather
- The most important question is whether the CM-SU continues to be a **“means by which Google favours its own CSS”**?

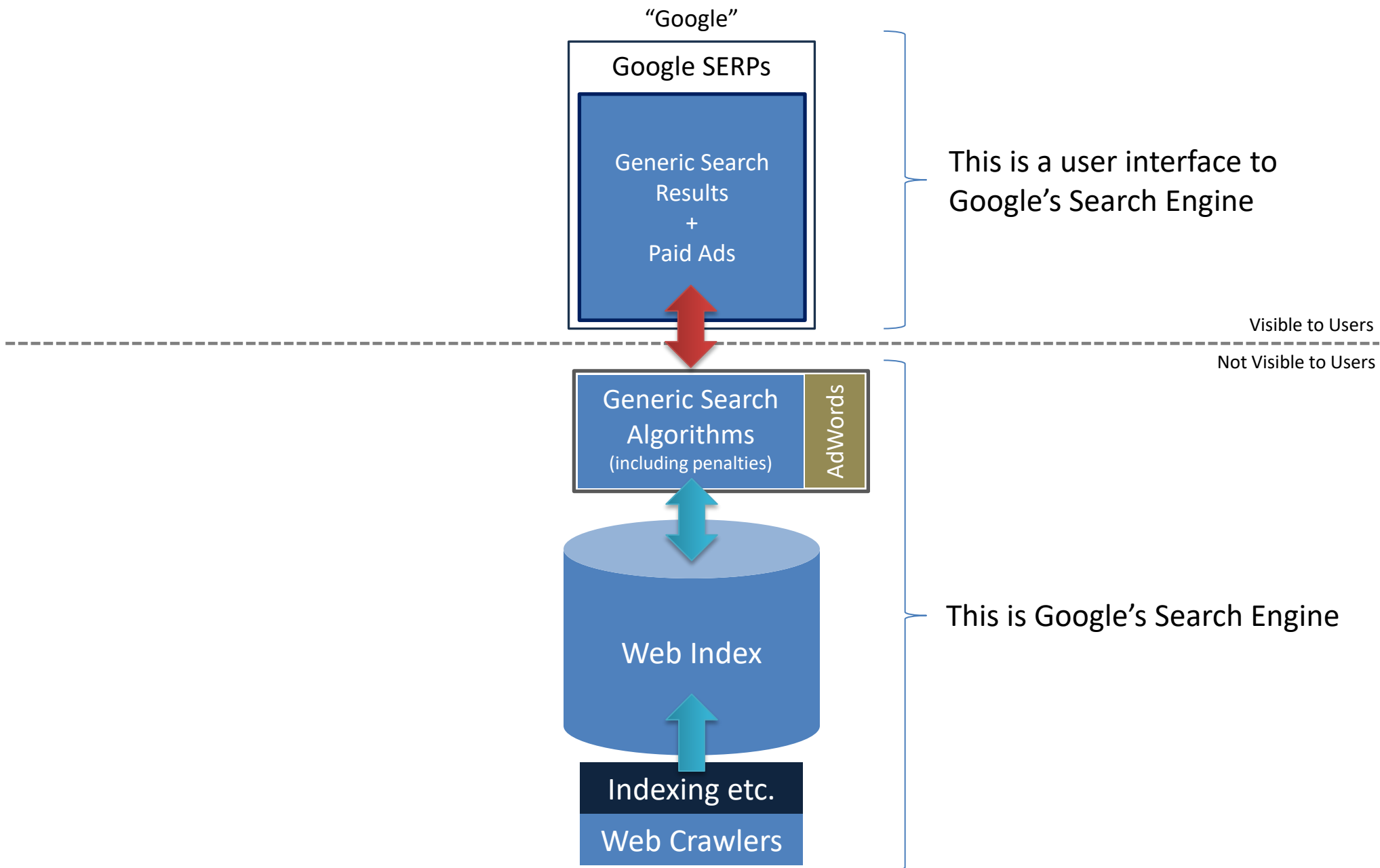
* Which, for the avoidance of doubt, it is.

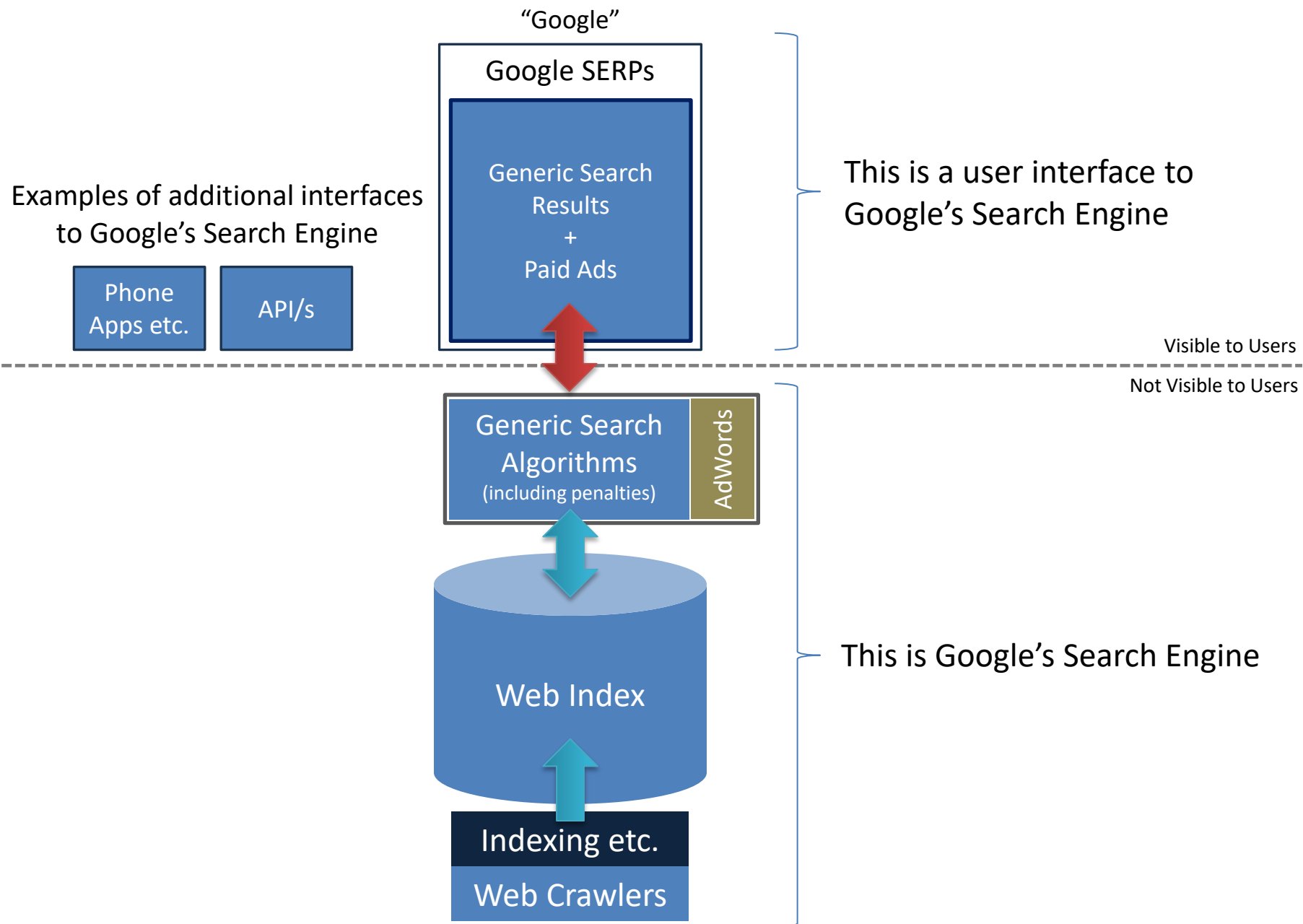
What Constitutes “Google’s CSS”?

And how are Product Universals, Shopping Units,
and CM-SUs a “part of” it

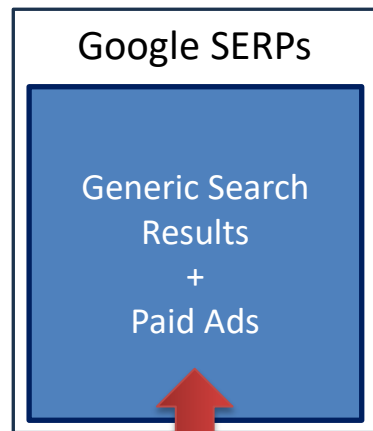






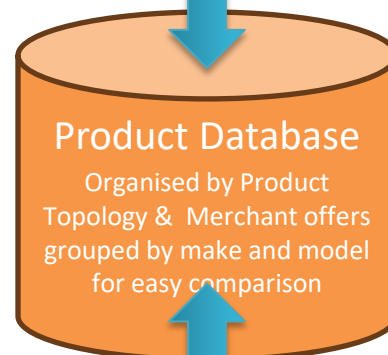
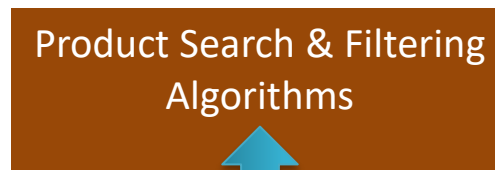
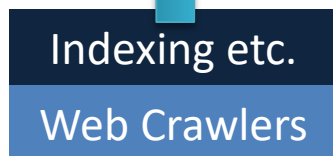
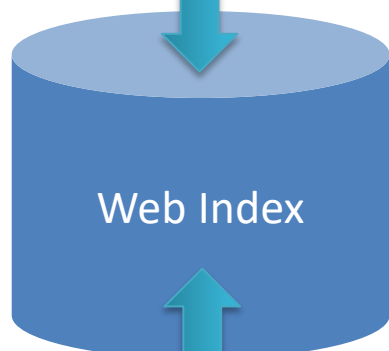
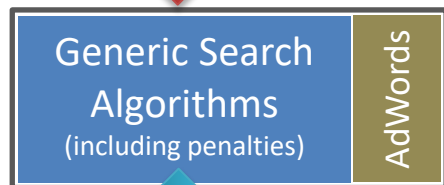


“Google”



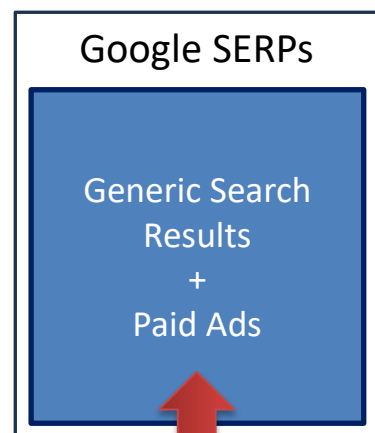
Visible to Users

Not Visible to Users



This is Google's CSS

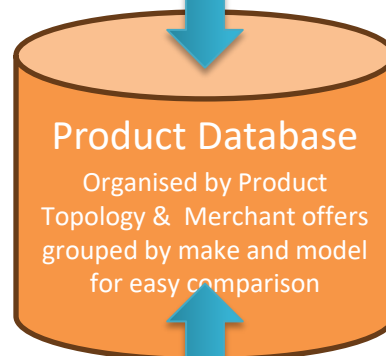
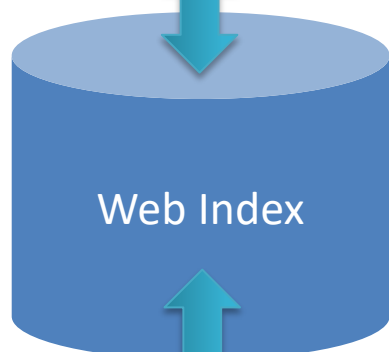
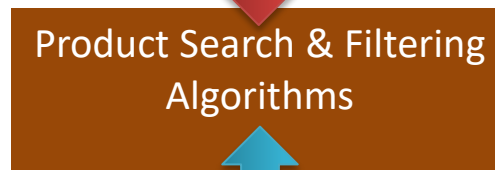
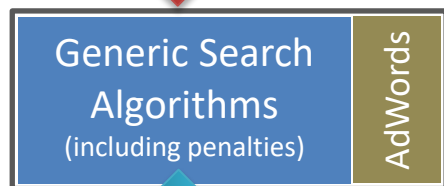
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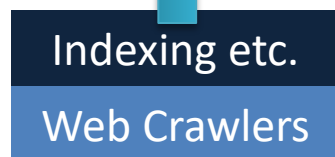
This is a user interface to Google's CSS

Visible to Users

Not Visible to Users



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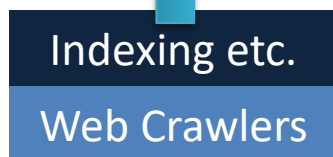
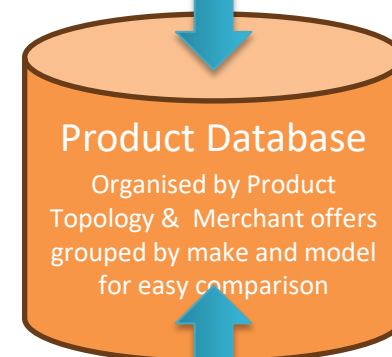
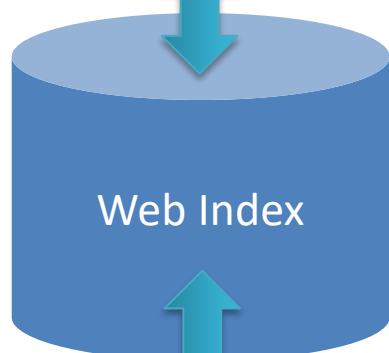
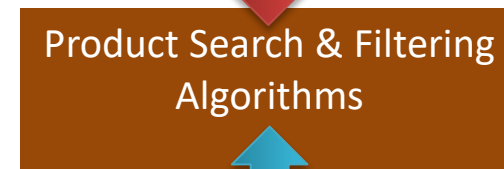
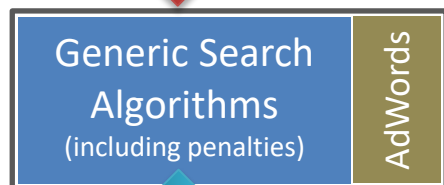
"Google"

What Google could have done
and could easily do today...



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Not Visible to Users



"Google"

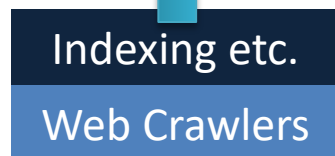
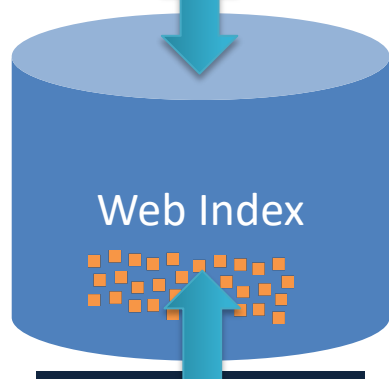
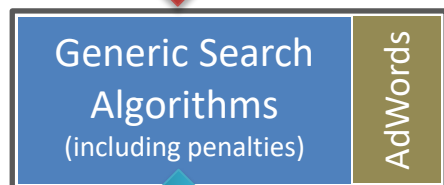


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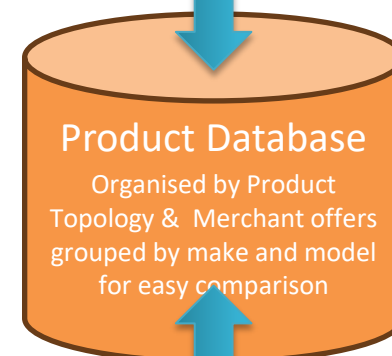
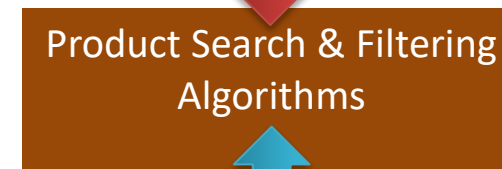


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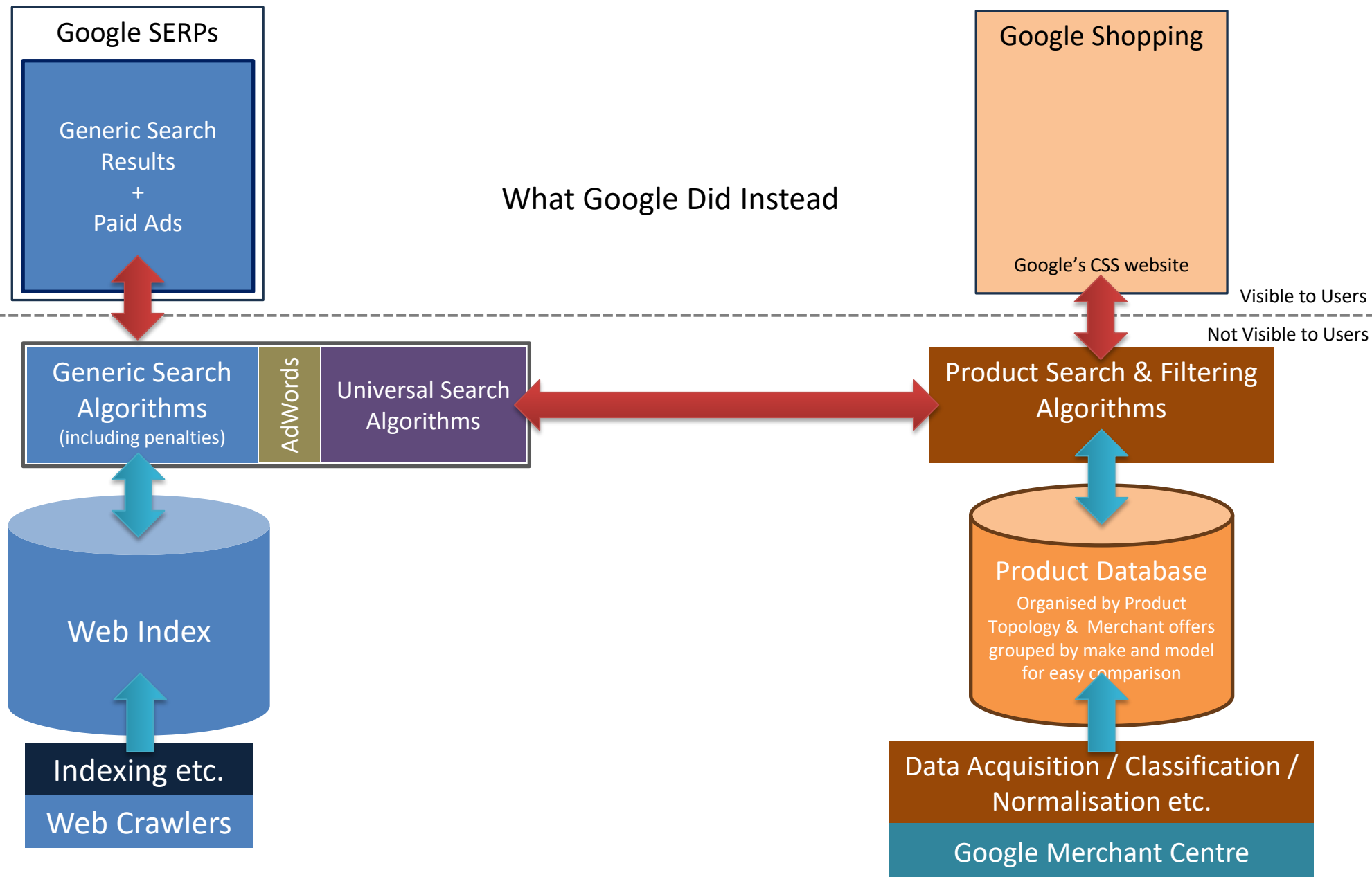


Crawl, index, and rank its own
CSS in the same way it does
everyone else's



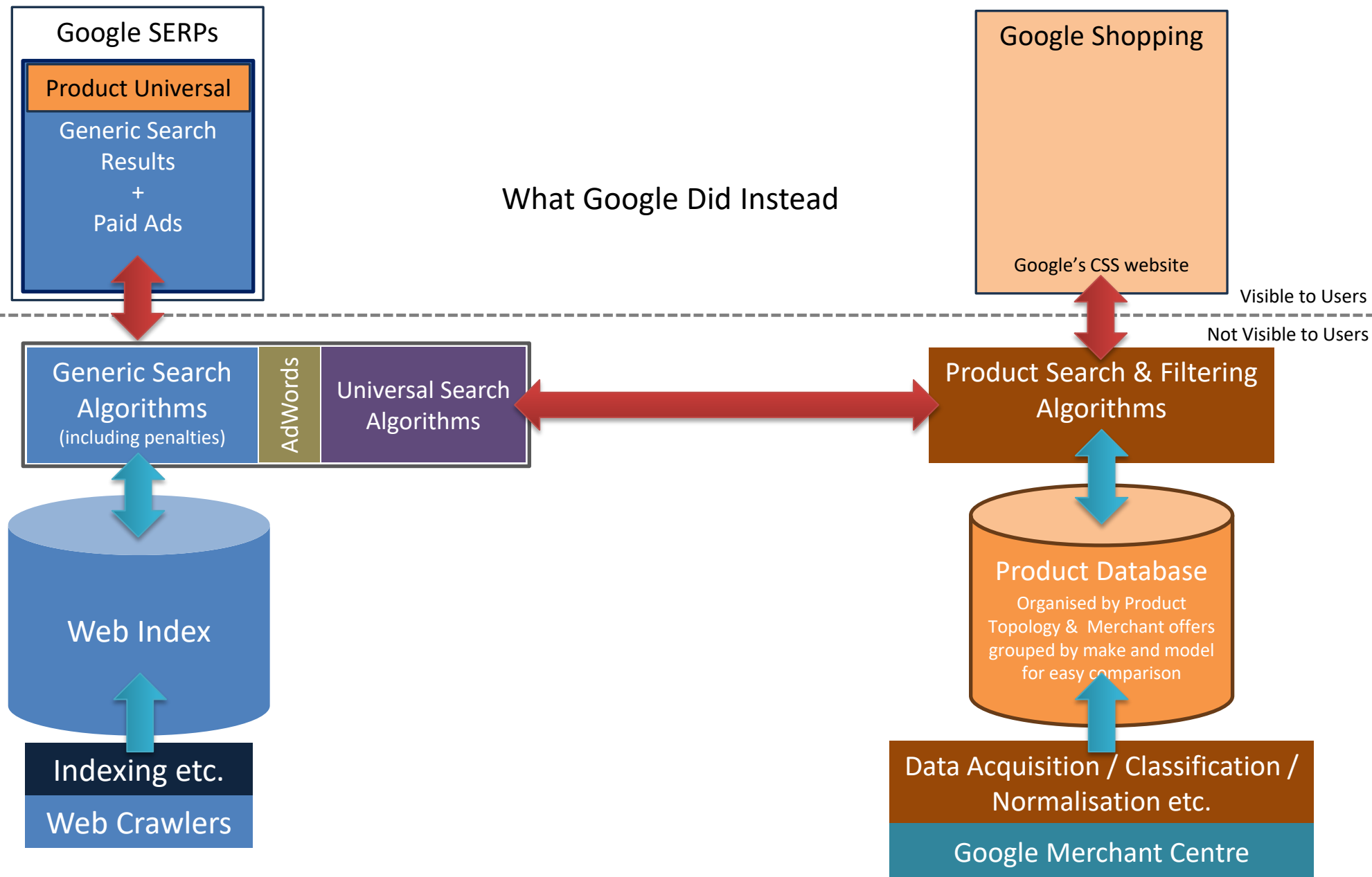
"Google"

What Google Did Instead



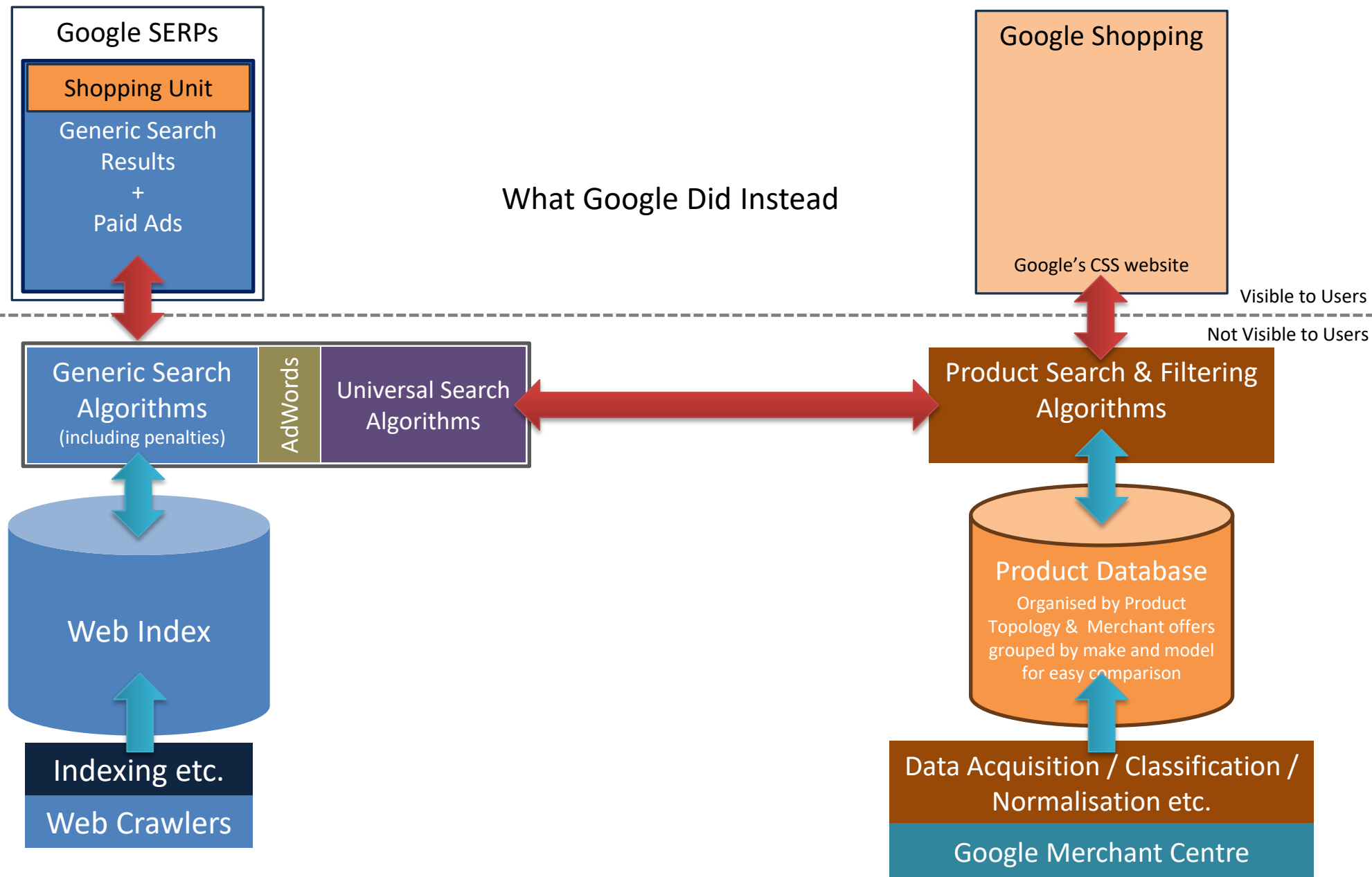
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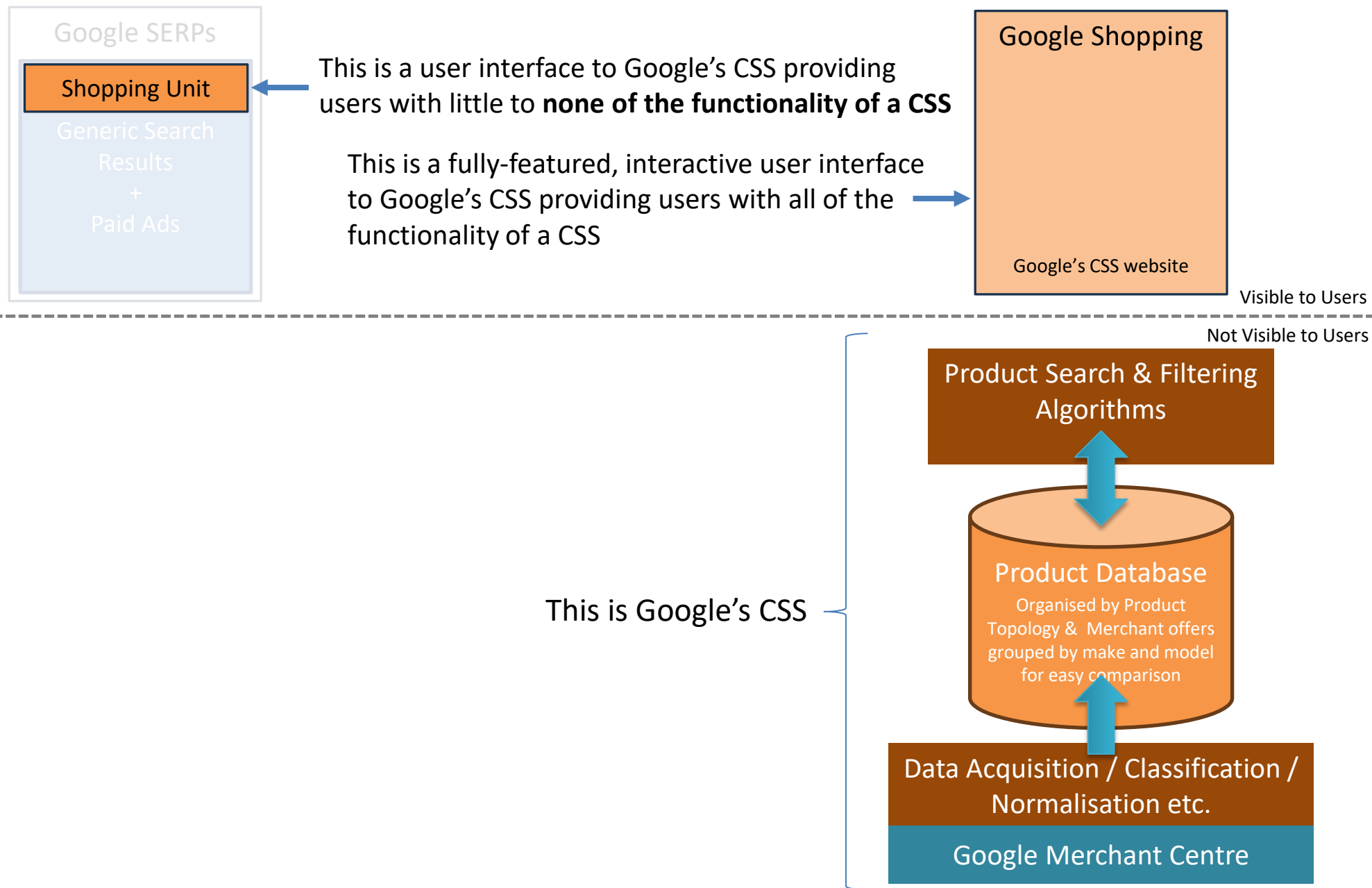
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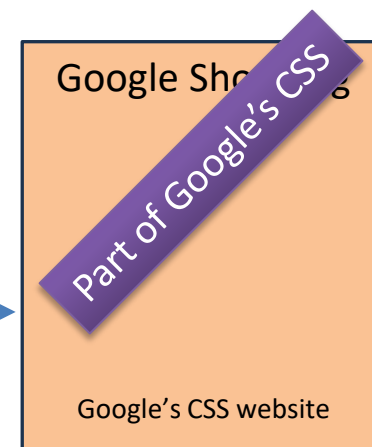






This is a user interface to Google's CSS providing users with little to **none of the functionality of a CSS**

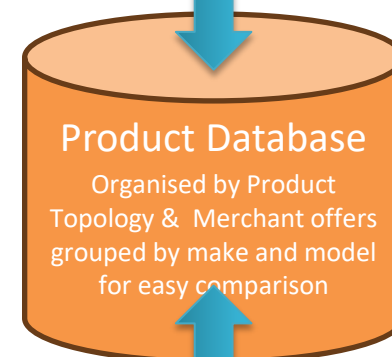
This is a fully-featured, interactive user interface to Google's CSS providing users with all of the functionality of a CSS



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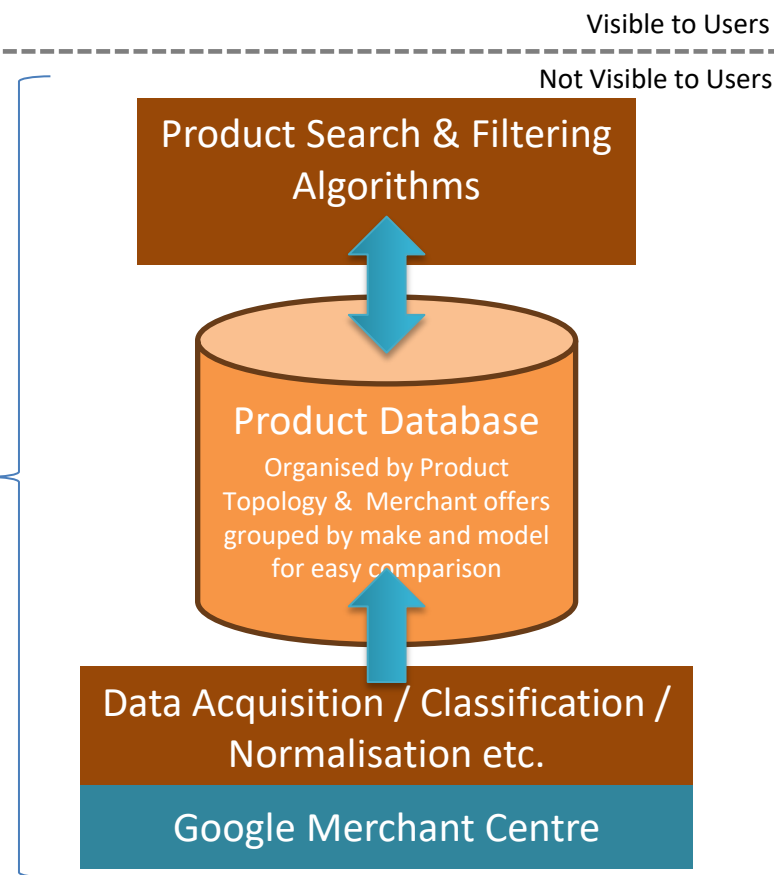


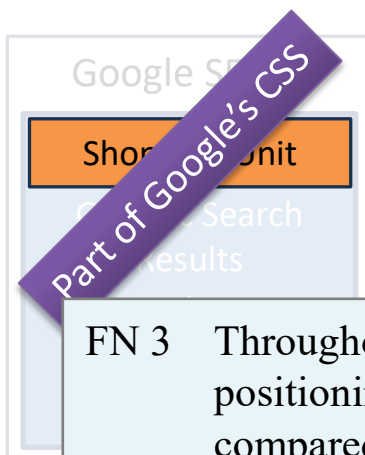


As mentioned earlier, the Commission added this “part of” logic after Google pointed out that it sometimes launched Shopping Units in countries where it did not (yet) have the critical mass of merchants necessary to warrant or sustain a standalone CSS website.

As result, in these countries, for at least an interim period, the Shopping Unit was the only “part of” Google’s CSS that was visible to users.

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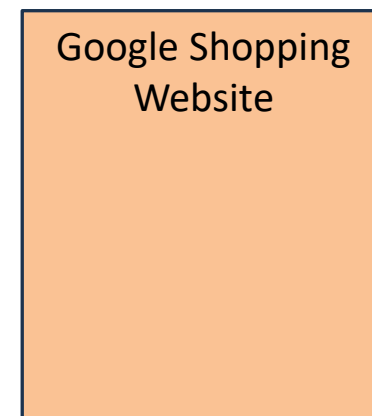
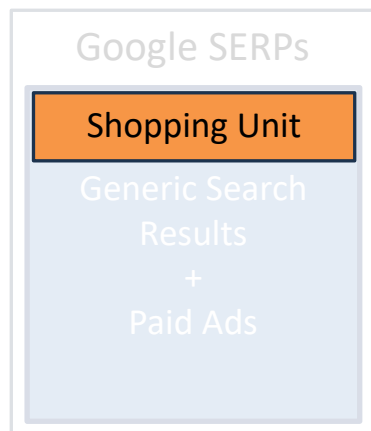


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Is the Post-Decision Period CM-SU
Materially Different from the
Decision-Period SU?



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Not Visible to Users

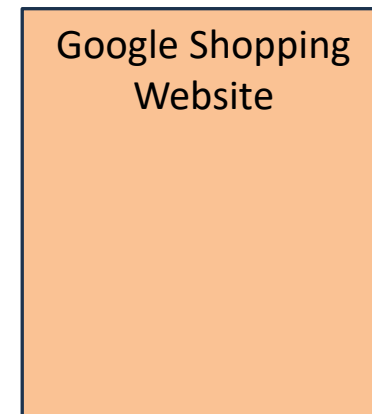
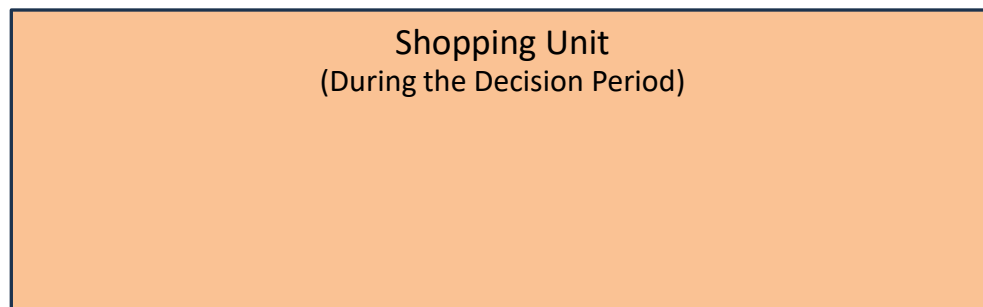
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Product Search & Filtering Algorithms

Product Database

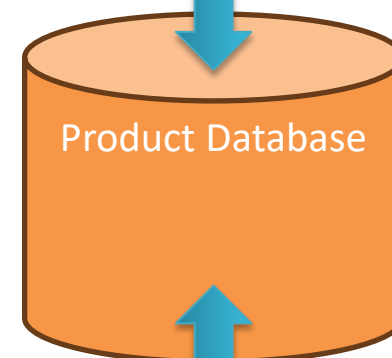
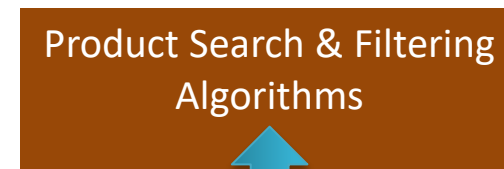
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



Visible to Users

Not Visible to Users



Shopping Unit
(During the Decision Period)

Google Shopping Website

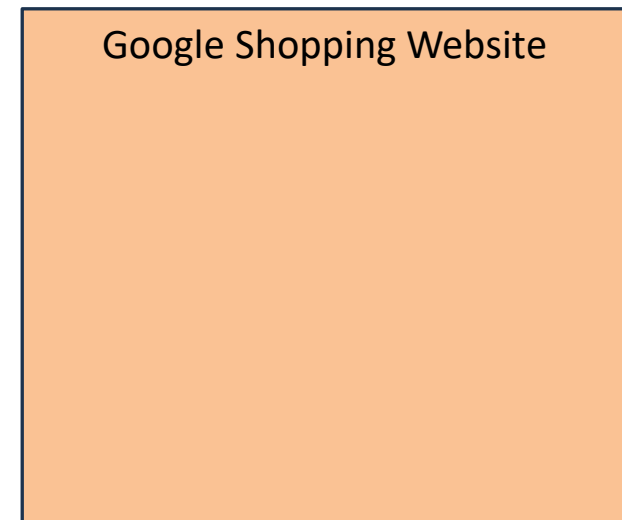
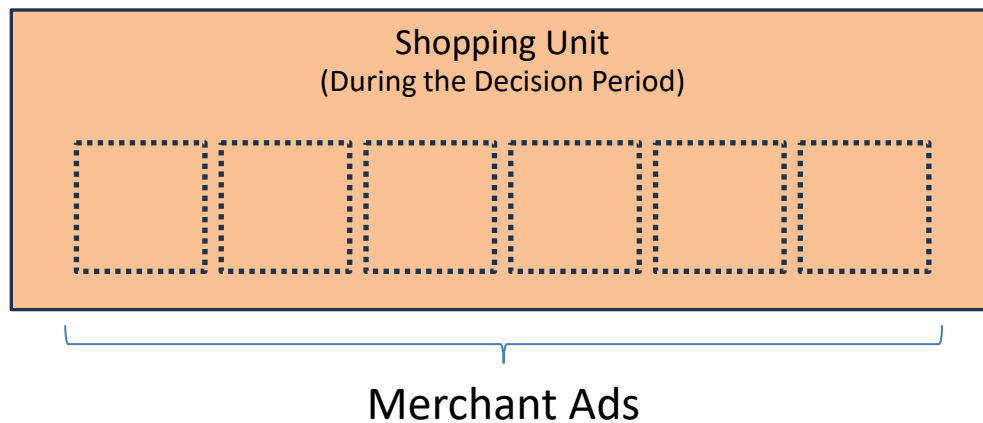
Visible to Users

Product Search & Filtering Algorithms

Product Database

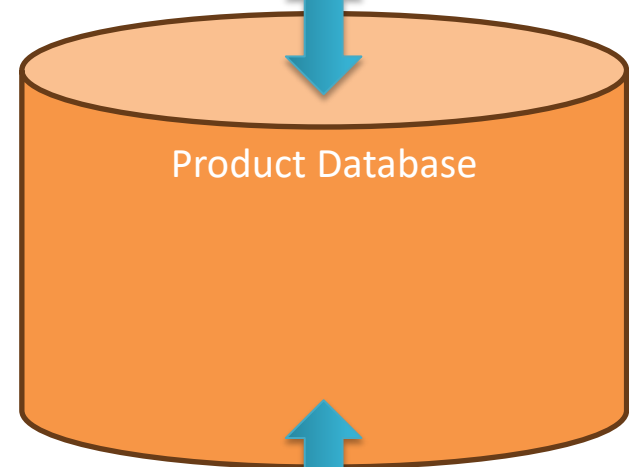
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



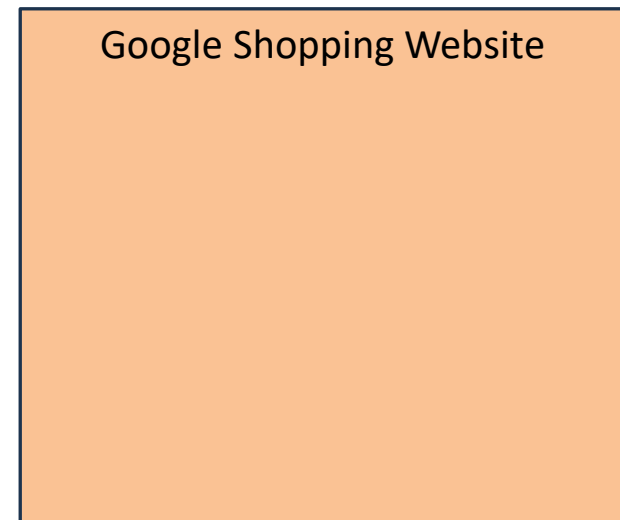
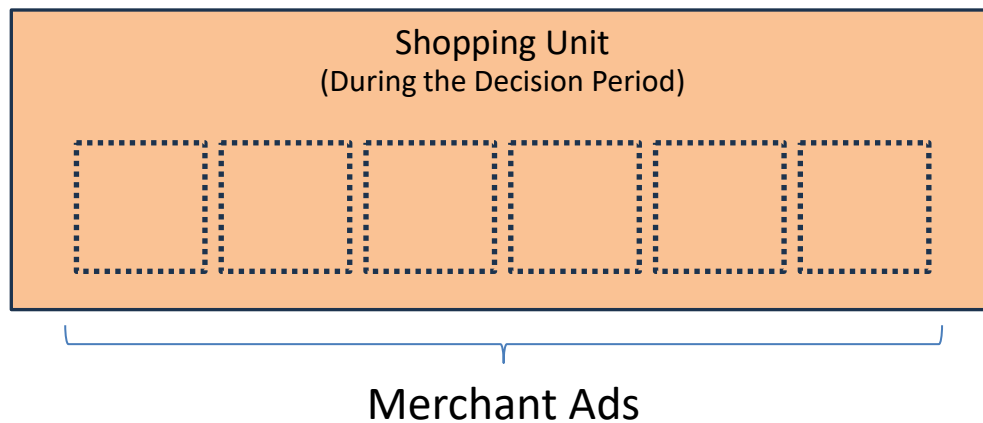
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Product Search & Filtering Algorithms



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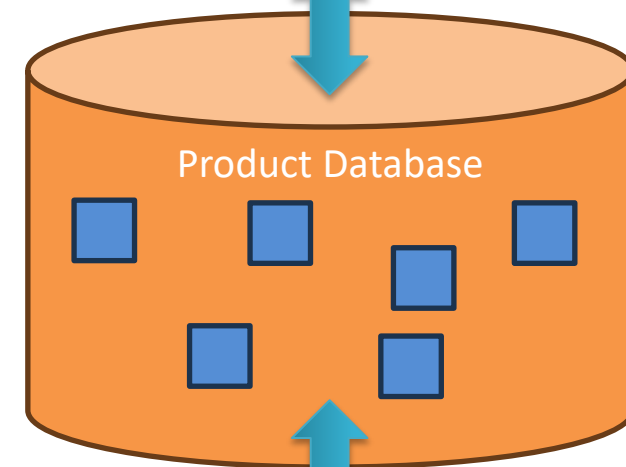
Google Merchant Centre



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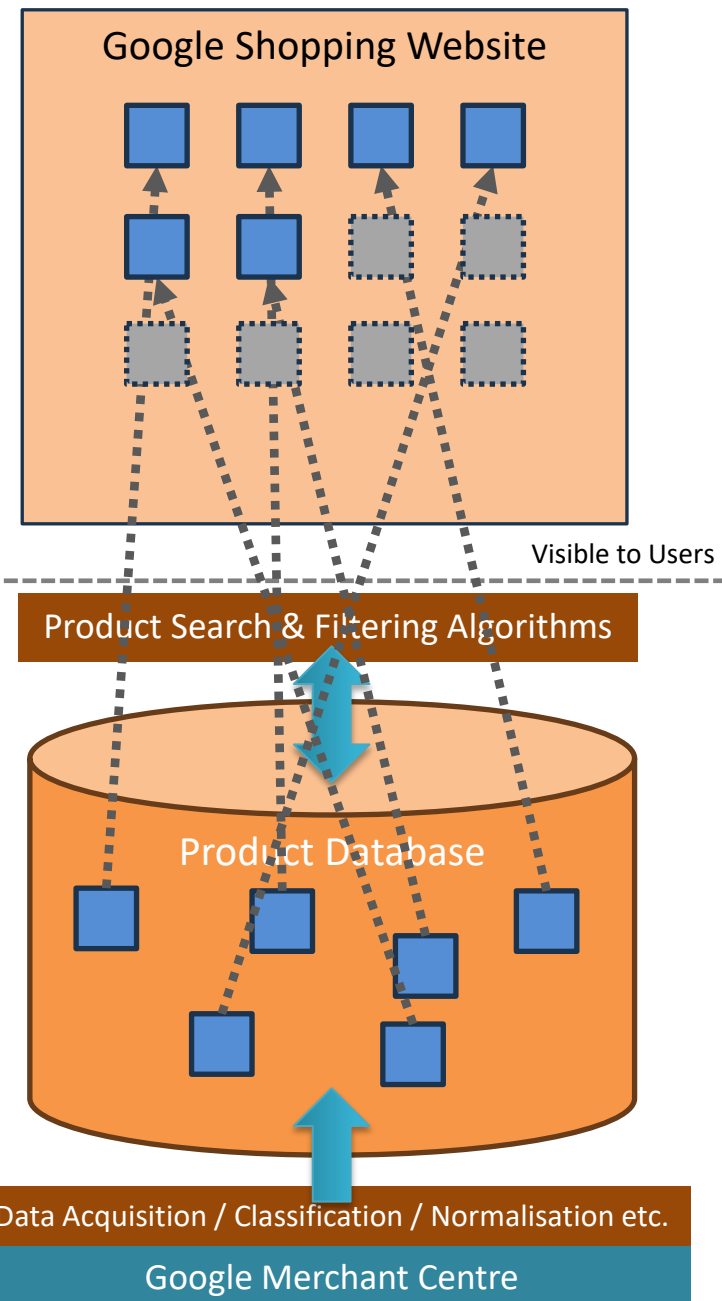
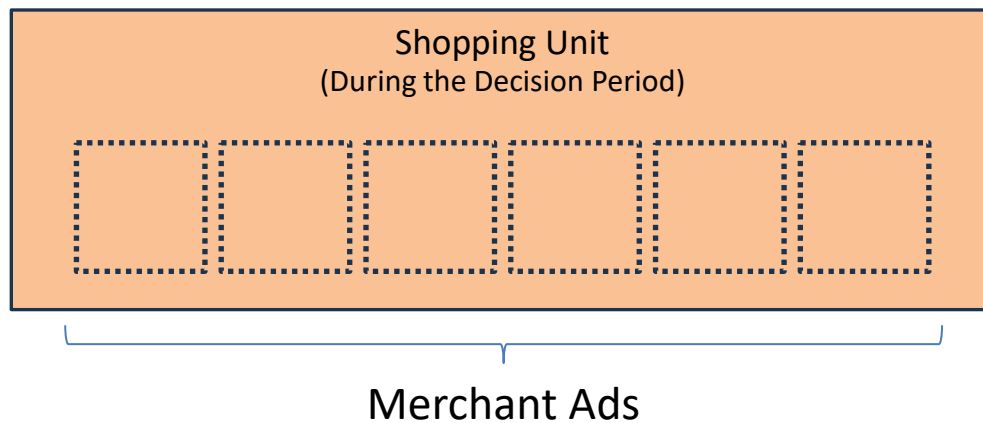
 Merchant Ads from Google's CSS

Product Search & Filtering Algorithms

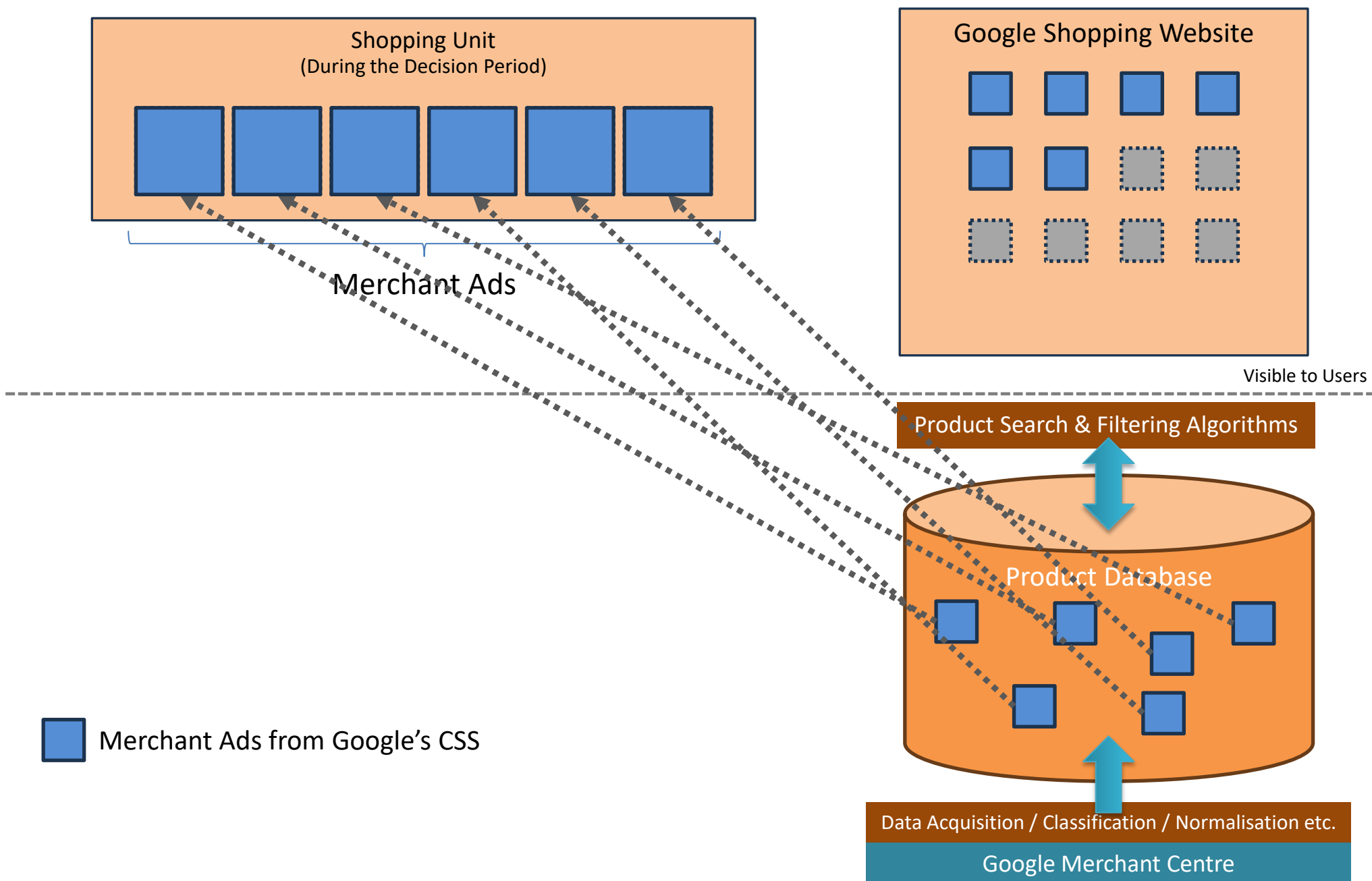


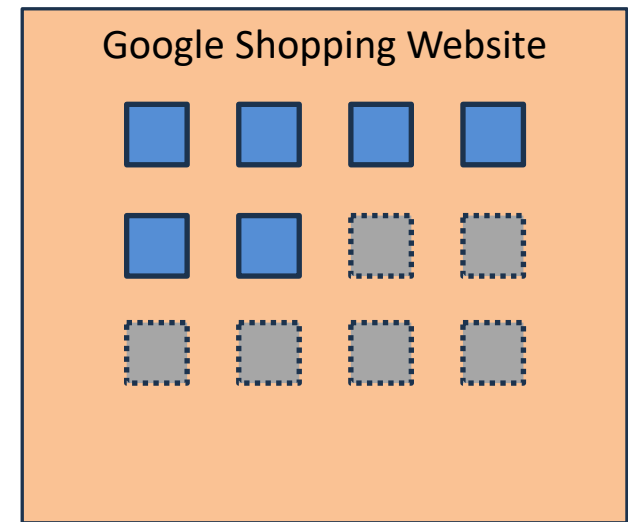
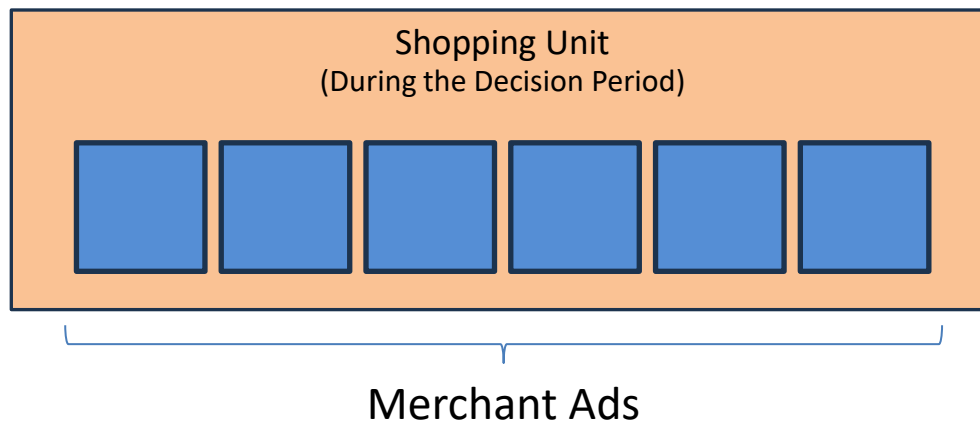
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



 Merchant Ads from Google's CSS

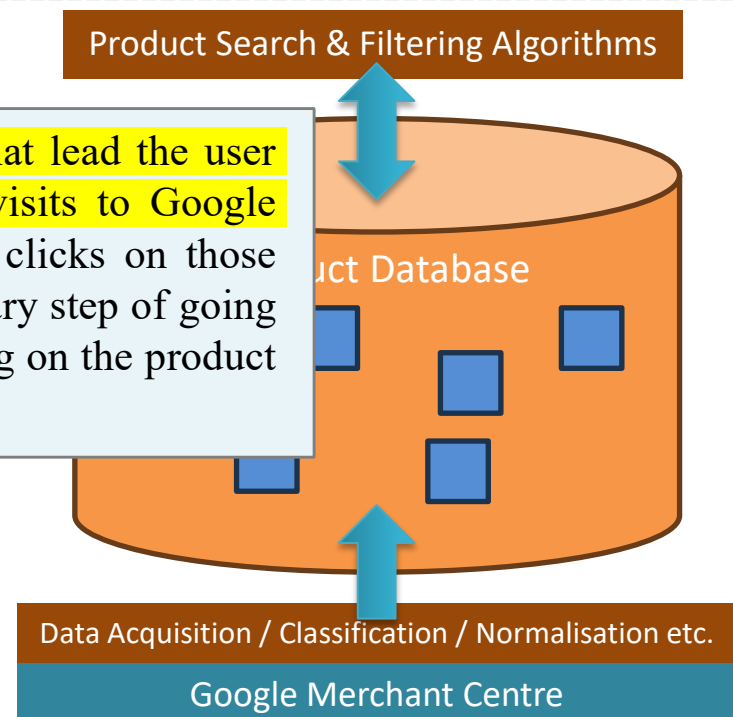


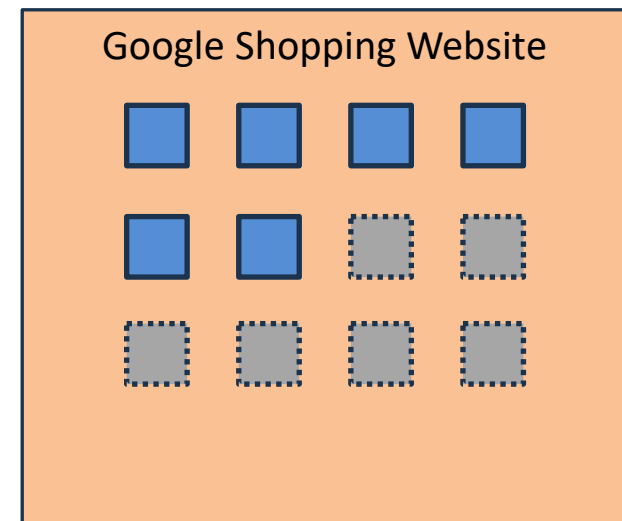
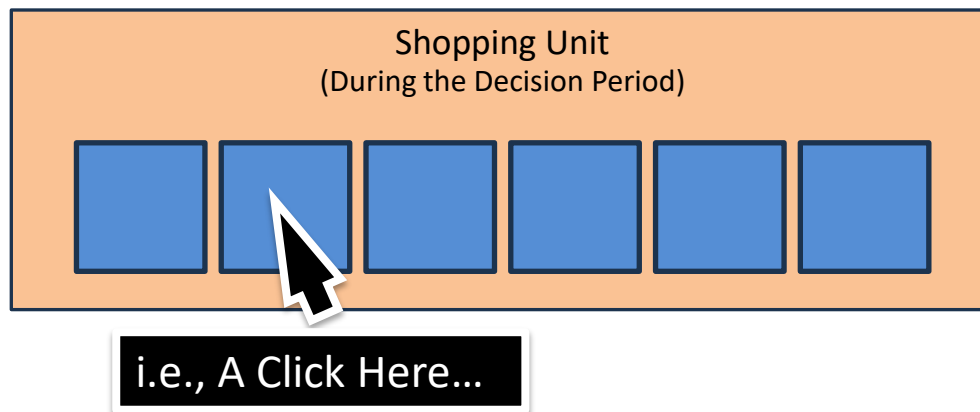


According to Recital 630...

(630) In the first place, clicks on links within the Shopping Units that lead the user directly to a webpage of a merchant should be counted as visits to Google Shopping because Google's CSS benefits economically from clicks on those links in the same manner as if the user had taken the intermediary step of going through the standalone Google Shopping website before clicking on the product of that merchant partner.

 Merchant Ads from Google's CSS



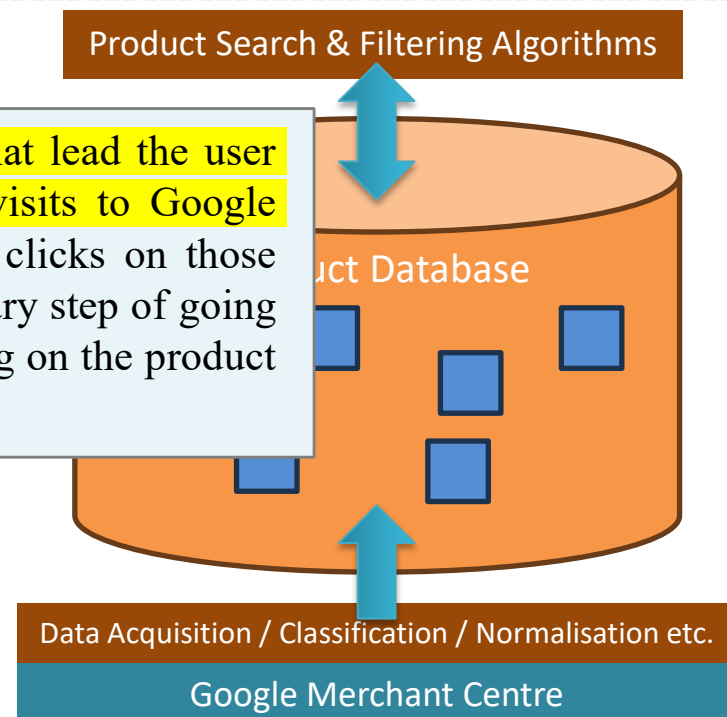


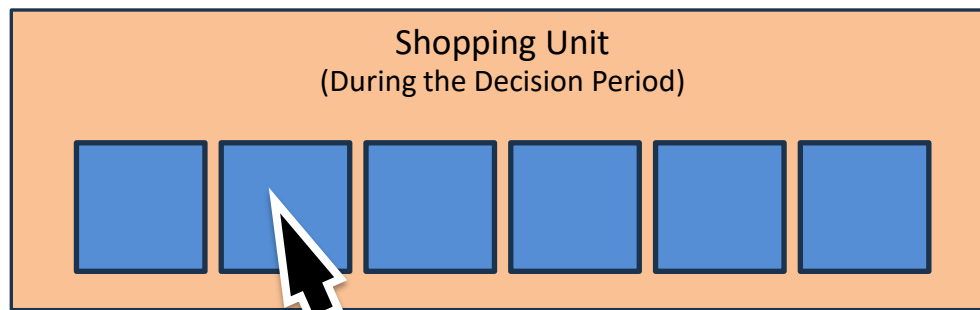
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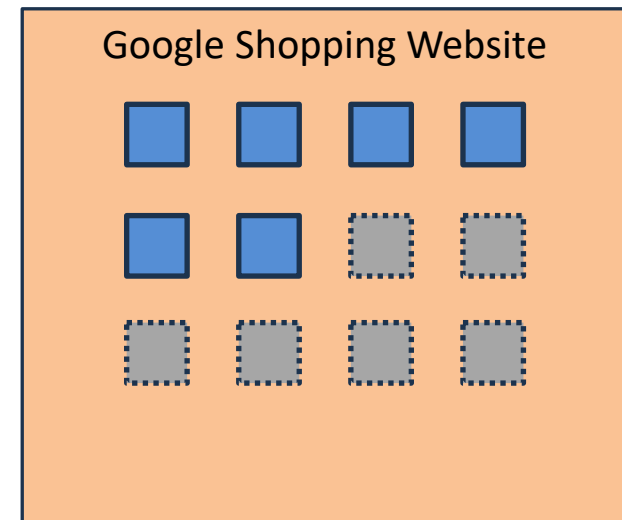
 Merchant Ads from Google's CSS





i.e., A Click Here...

Should be counted as...



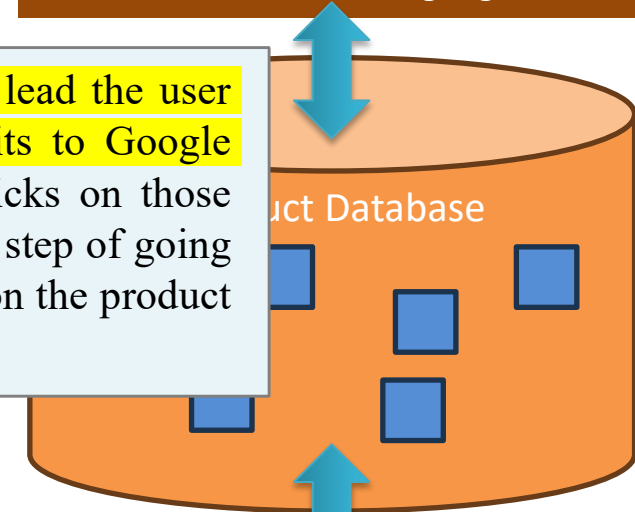
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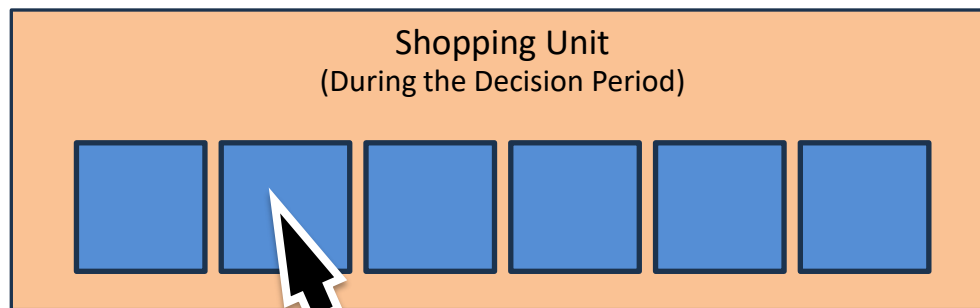
 Merchant Ads from Google's CSS

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



i.e., A Click Here...

Should be counted as...



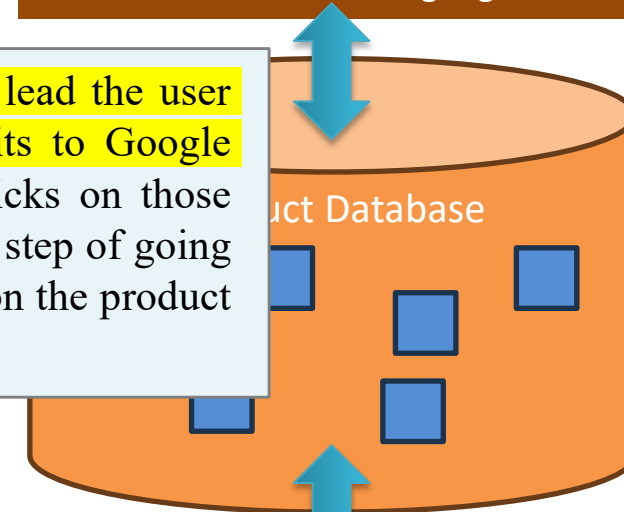
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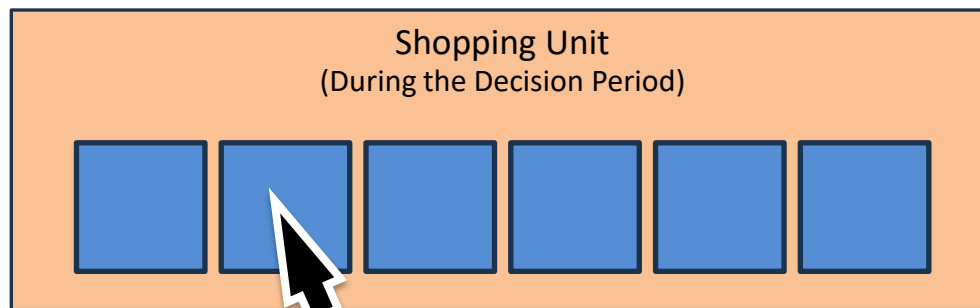
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Product Search & Filtering Algorithms



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Should be counted as...



Visible to Users

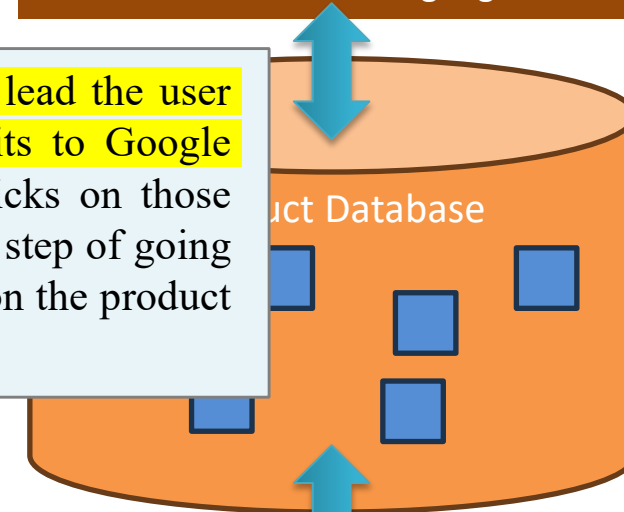
According to Recital 630...

(630) In the first place, clicks on links within the Shopping Units that lead the user directly to a webpage of Shopping because Google economically from clicks on those links in the same manner in the intermediary step of going through the standalone Google Shopping website before clicking on the product of that merchant partner.

Why?...

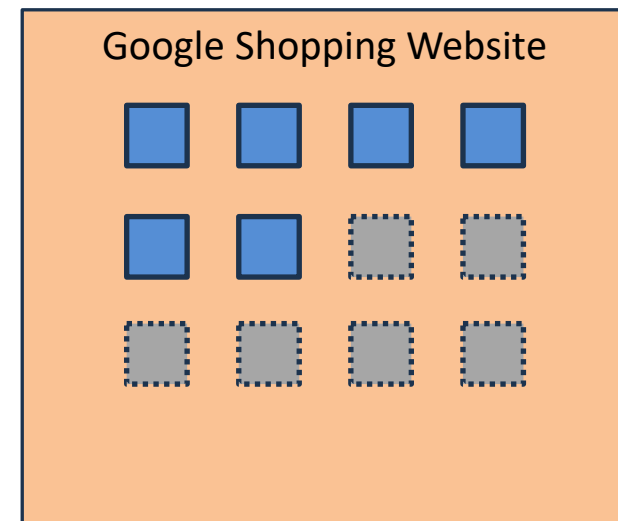
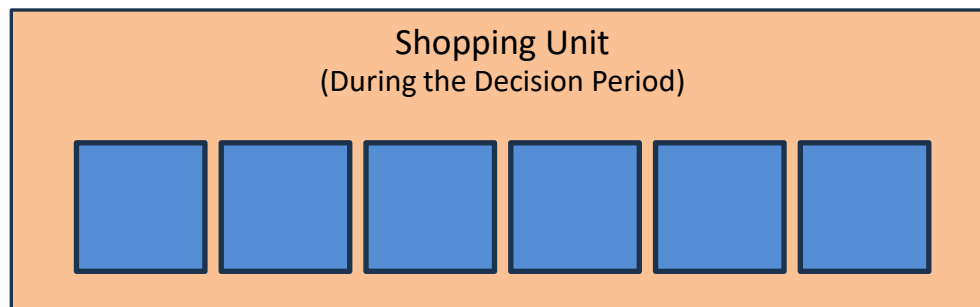
■ Merchant Ads from Google's CSS

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



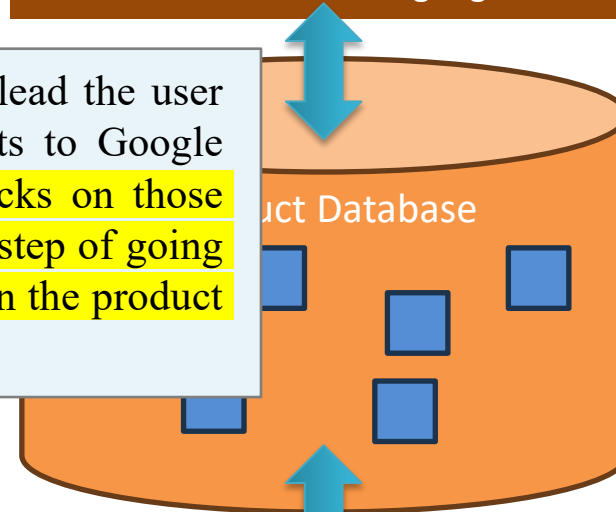
Visible to Users

According to Recital 630...

(630) In the first place, clicks on links within the Shopping Units that lead the user directly to a webpage of a merchant should be counted as visits to Google Shopping **because Google's CSS benefits economically from clicks on those links in the same manner as if the user had taken the intermediary step of going through the standalone Google Shopping website before clicking on the product of that merchant partner.**

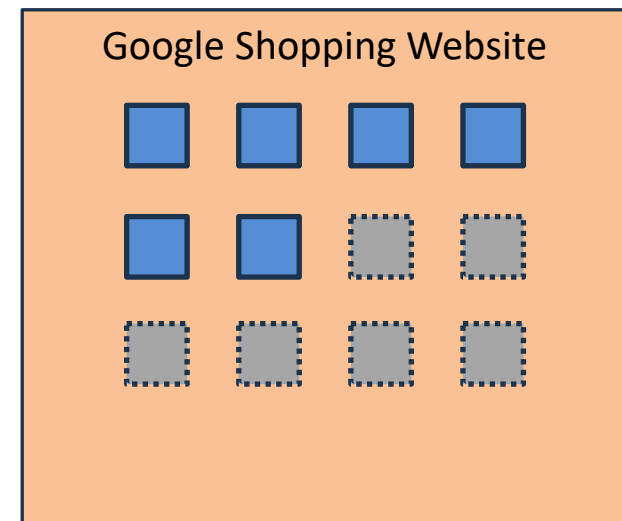
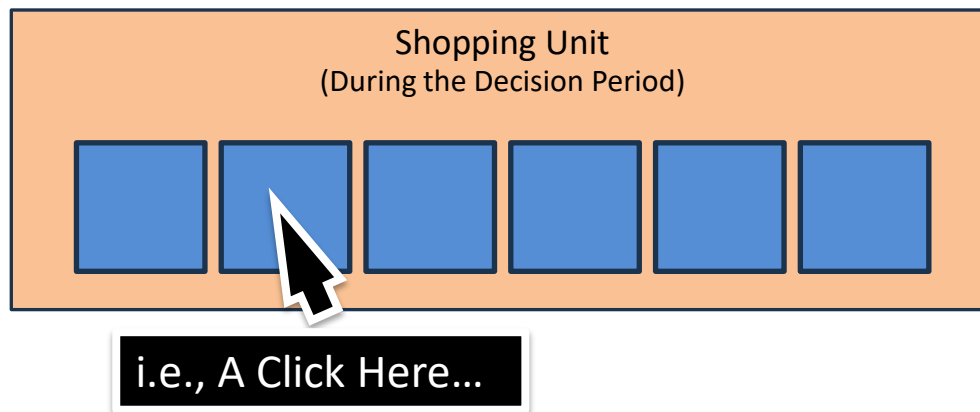
 Merchant Ads from Google's CSS

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre

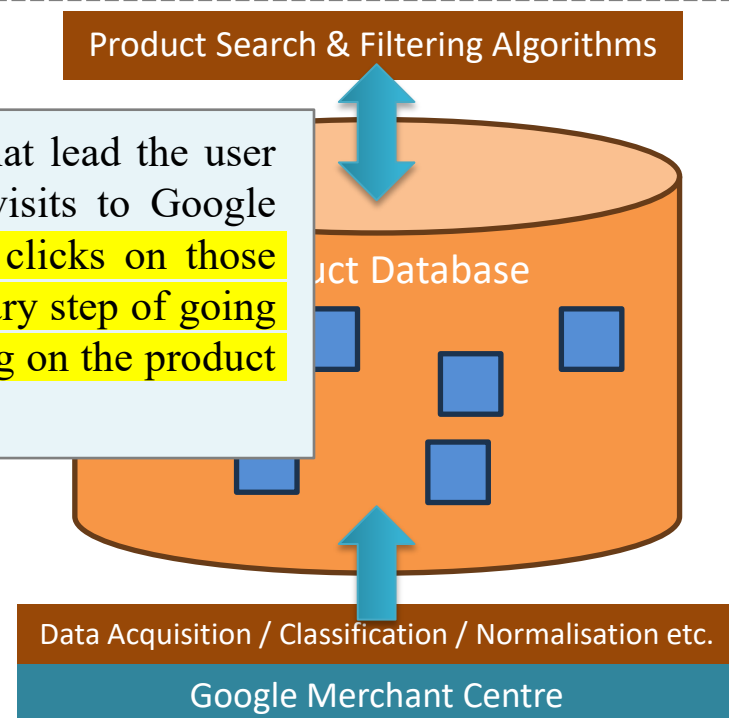


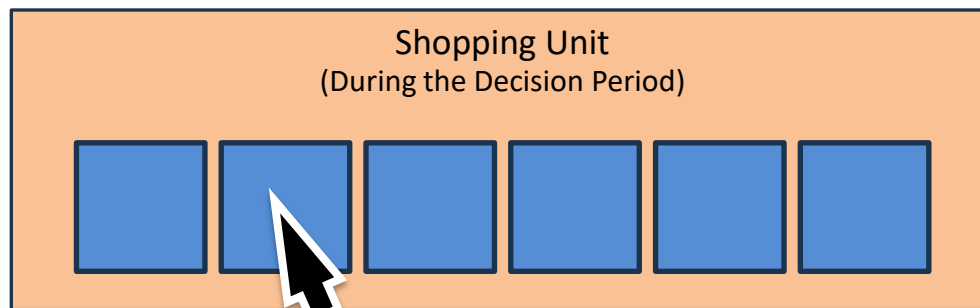
Visible to Users

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(630) In the first place, clicks on links within the Shopping Units that lead the user directly to a webpage of a merchant should be counted as visits to Google Shopping **because Google's CSS benefits economically from clicks on those links in the same manner as if the user had taken the intermediary step of going through the standalone Google Shopping website before clicking on the product of that merchant partner.**

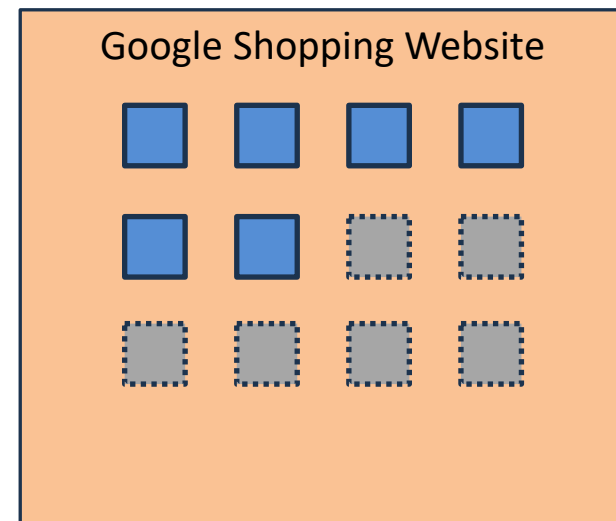
 Merchant Ads from Google's CSS





i.e., A Click Here...

Has Exactly the Same Economic Benefit for Google...



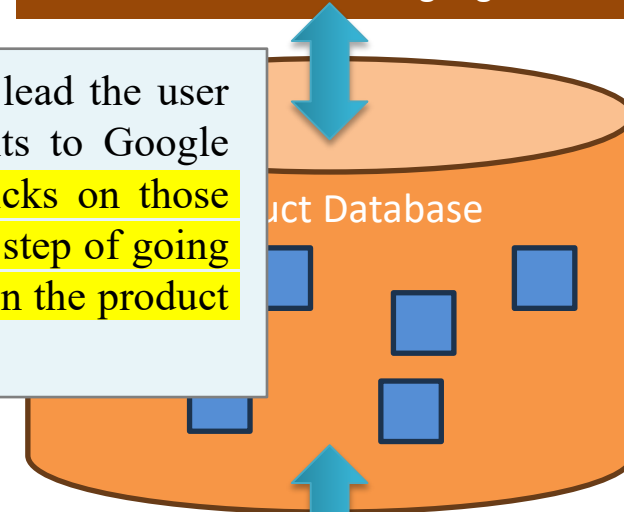
Visible to Users

According to Recital 630...

(630) In the first place, clicks on links within the Shopping Units that lead the user directly to a webpage of a merchant should be counted as visits to Google Shopping **because Google's CSS benefits economically from clicks on those links in the same manner as if the user had taken the intermediary step of going through the standalone Google Shopping website before clicking on the product of that merchant partner.**

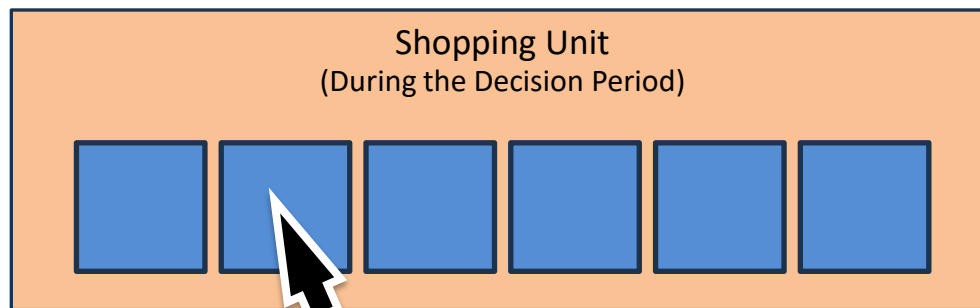
 Merchant Ads from Google's CSS

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



i.e., A Click Here...

Has Exactly the Same Economic Benefit for Google...



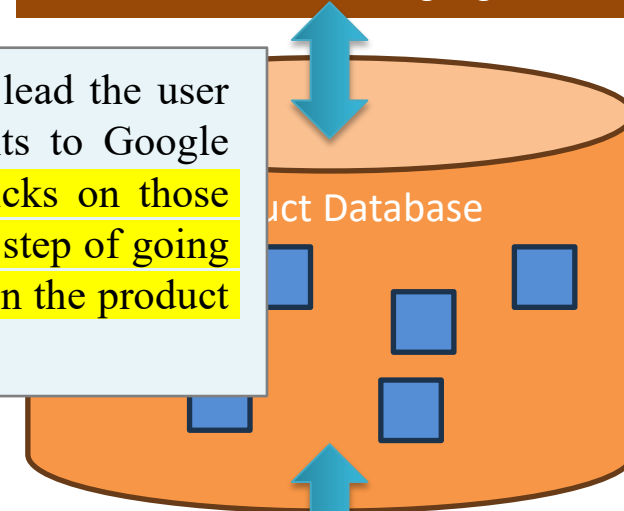
Visible to Users

According to Recital 630...

(630) In the first place, clicks on links within the Shopping Units that lead the user directly to a webpage of a merchant should be counted as visits to Google Shopping **because Google's CSS benefits economically from clicks on those links in the same manner as if the user had taken the intermediary step of going through the standalone Google Shopping website before clicking on the product of that merchant partner.**

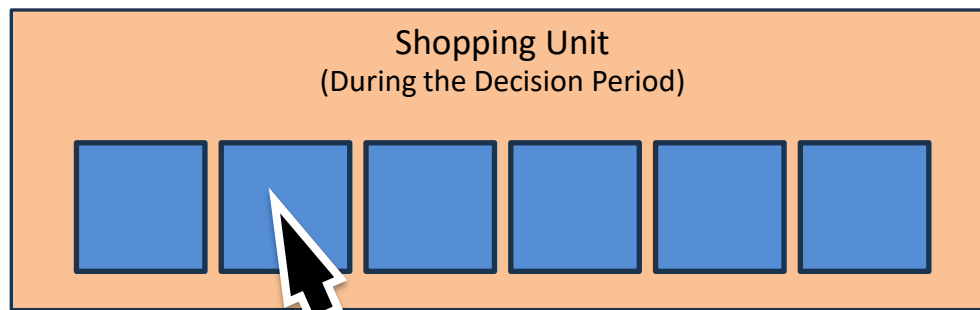
 Merchant Ads from Google's CSS

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



i.e., A Click Here...

Has Exactly the Same Economic Benefit for Google...



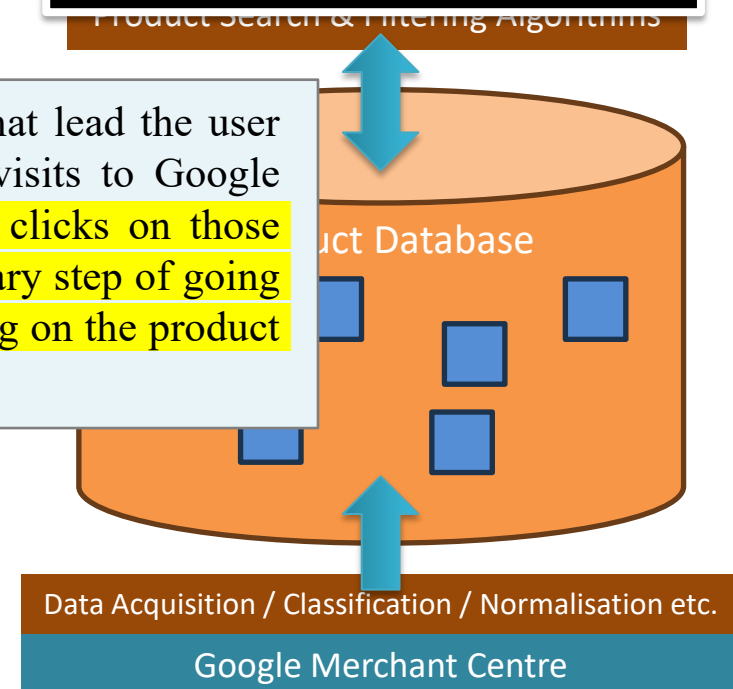
They are the same ads from the same Google CSS database.

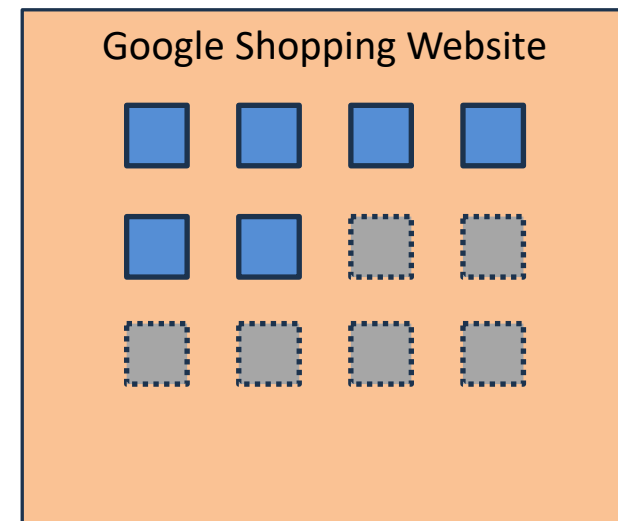
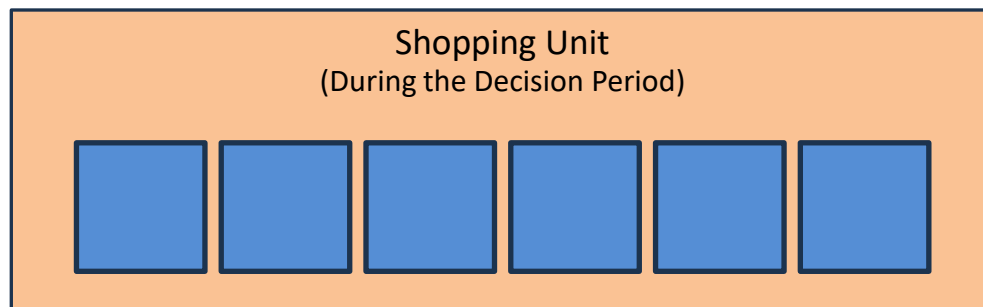
Users

According to Recital 630...

(630) In the first place, clicks on links within the Shopping Units that lead the user directly to a webpage of a merchant should be counted as visits to Google Shopping **because Google's CSS benefits economically from clicks on those links in the same manner as if the user had taken the intermediary step of going through the standalone Google Shopping website before clicking on the product of that merchant partner.**

 Merchant Ads from Google's CSS

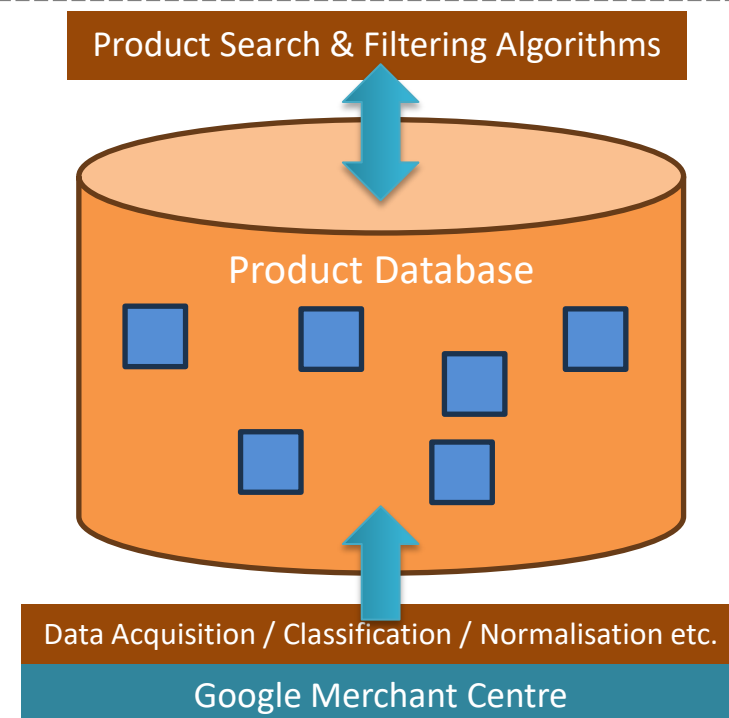


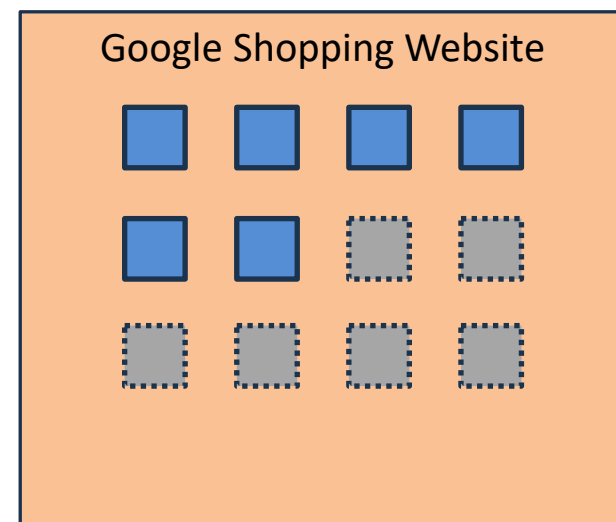
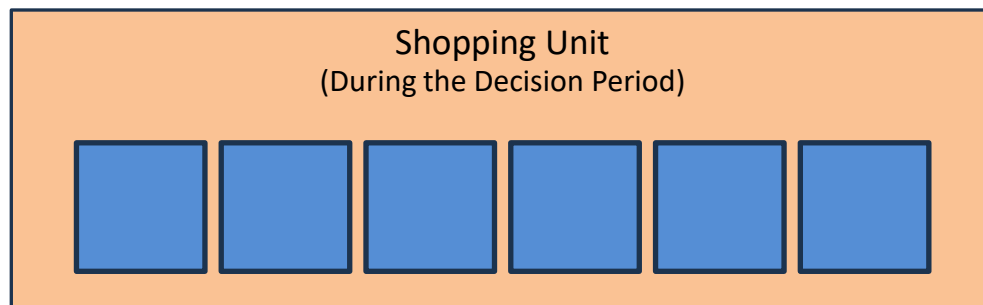


Visible to Users

What about merchant ads placed in the SU by rival CSSs?
(which, according to Google, they were allowed to do and sometimes did)

-  Merchant Ads from Google's CSS
-  Merchant Ads from Competing CSS



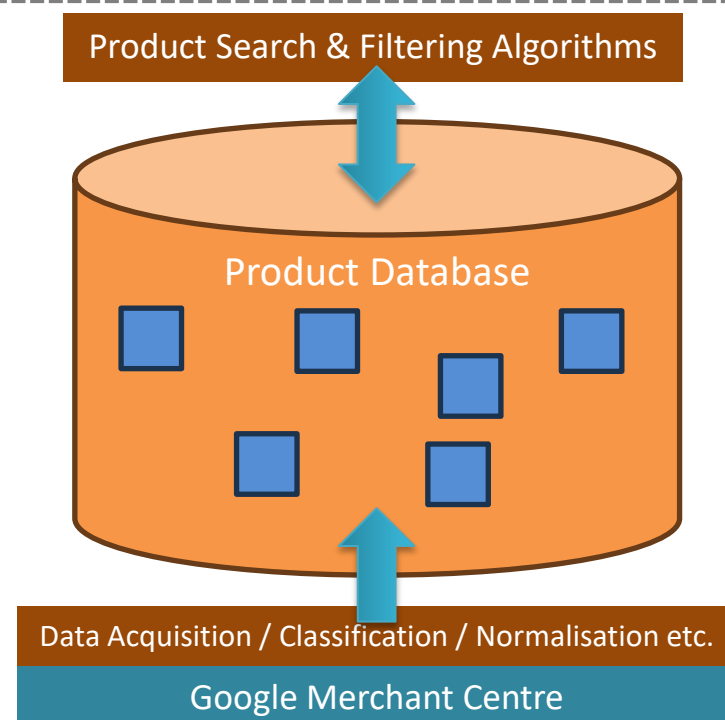


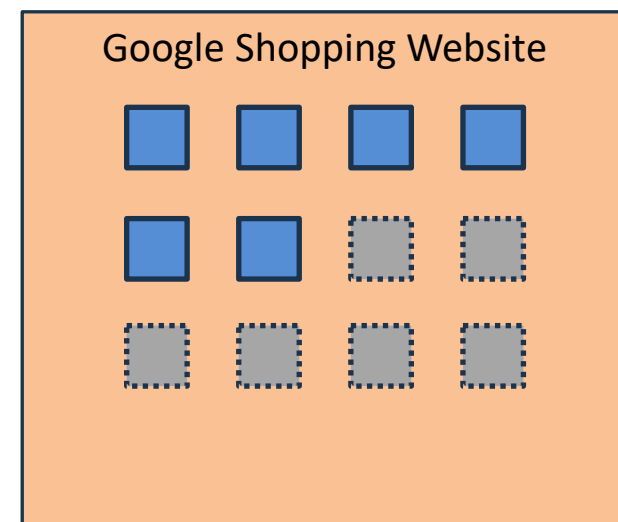
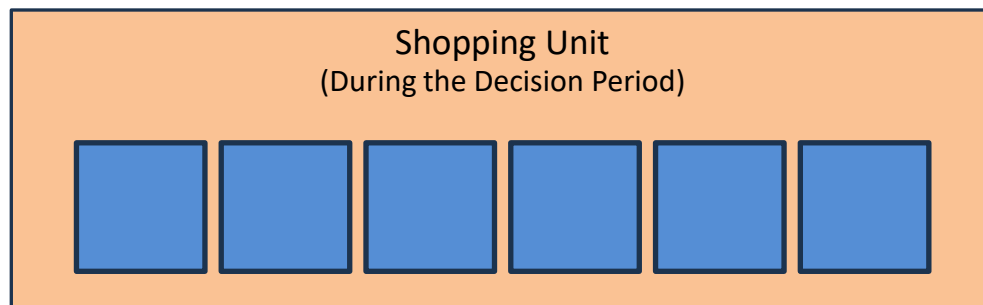
Visible to Users

What about merchant ads placed in the SU by rival CSSs?
(which, according to Google, they were allowed to do and sometimes did)

NB: This is still the Decision Period

-  Merchant Ads from Google's CSS
-  Merchant Ads from Competing CSS



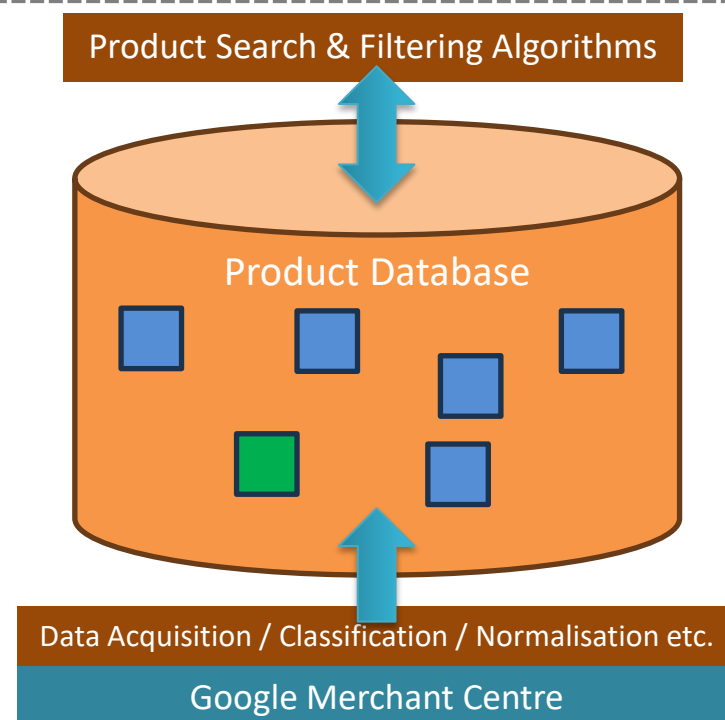


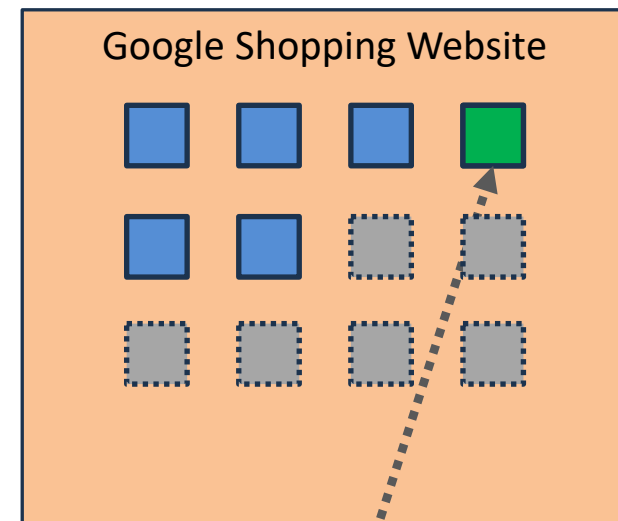
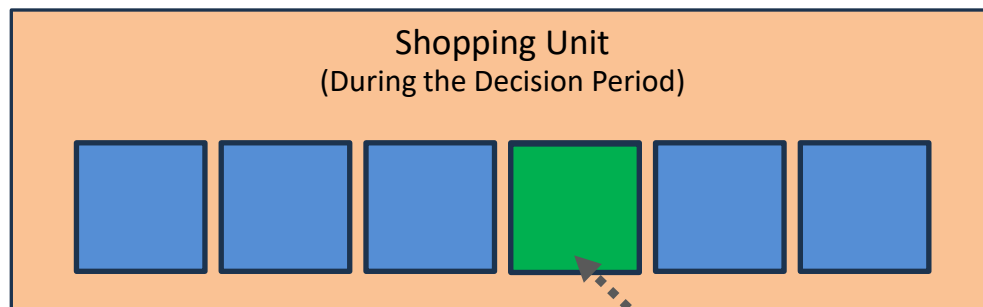
Visible to Users

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NB: This is still the Decision Period

-  Merchant Ads from Google's CSS
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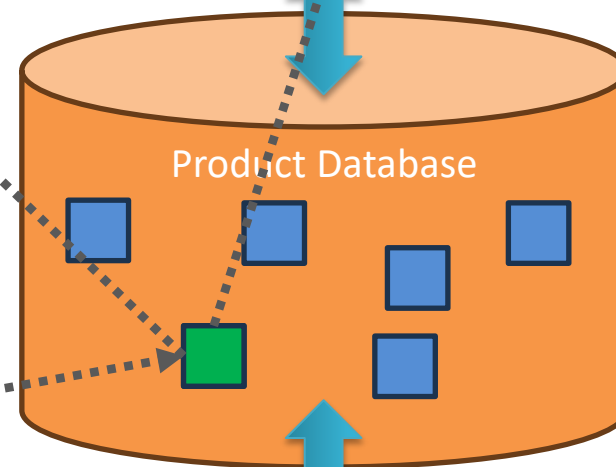
Visible to Users

What about merchant ads placed in the SU by rival CSSs?
(which, according to Google, they were allowed to do and sometimes did)

NB: This is still the Decision Period

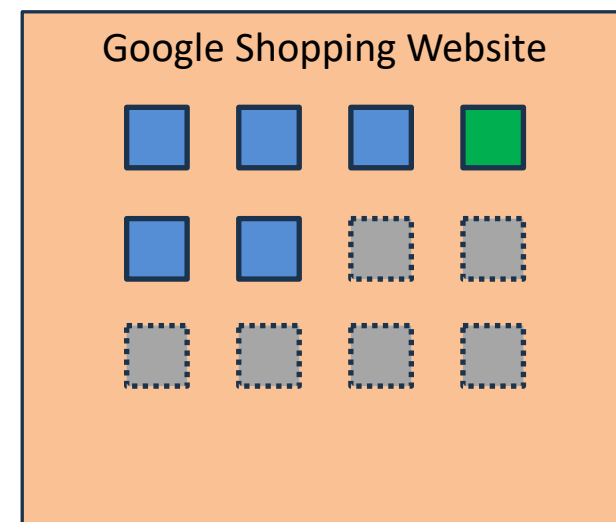
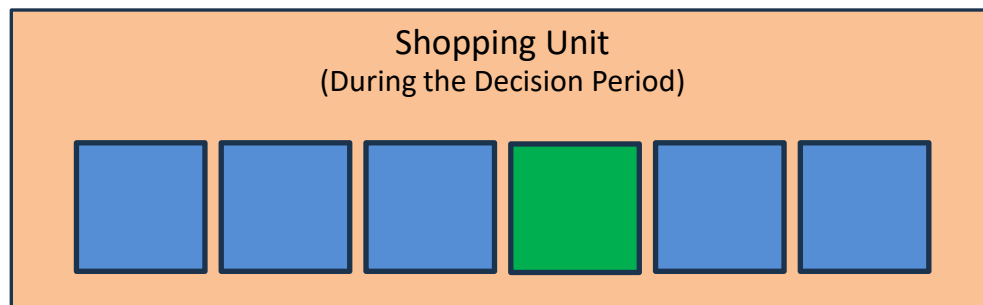
-  Merchant Ads from Google's CSS
-  Merchant Ads from Competing CSS

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



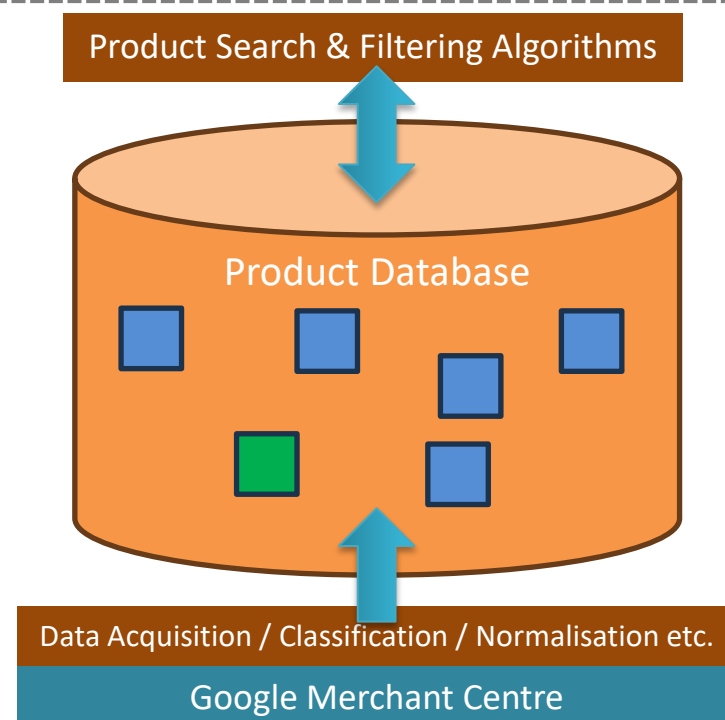
Visible to Users

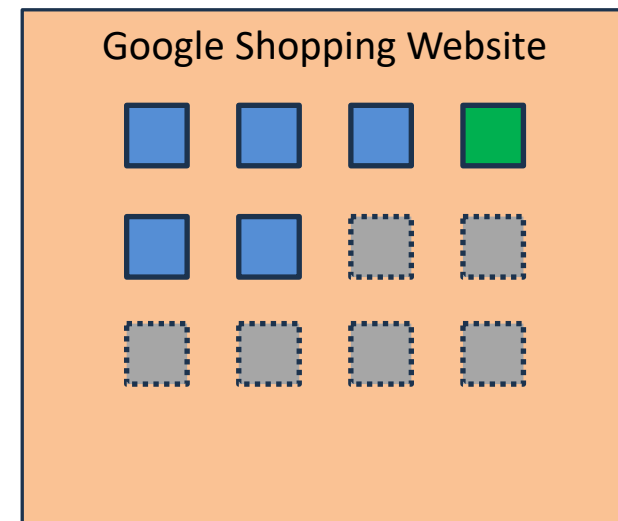
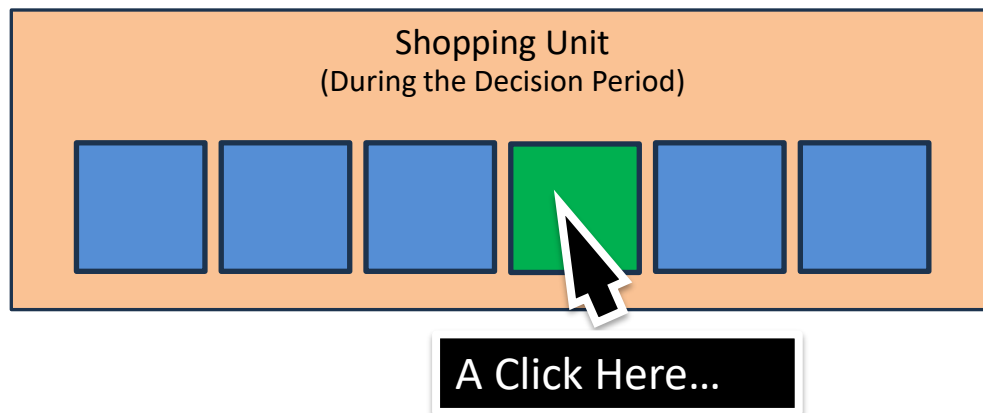
What about merchant ads placed in the SU by rival CSSs?
(which, according to Google, they were allowed to do and sometimes did)

Clearly, recital 630 still applies. Because...

NB: This is still the Decision Period

-  Merchant Ads from Google's CSS
-  Merchant Ads from Competing CSS





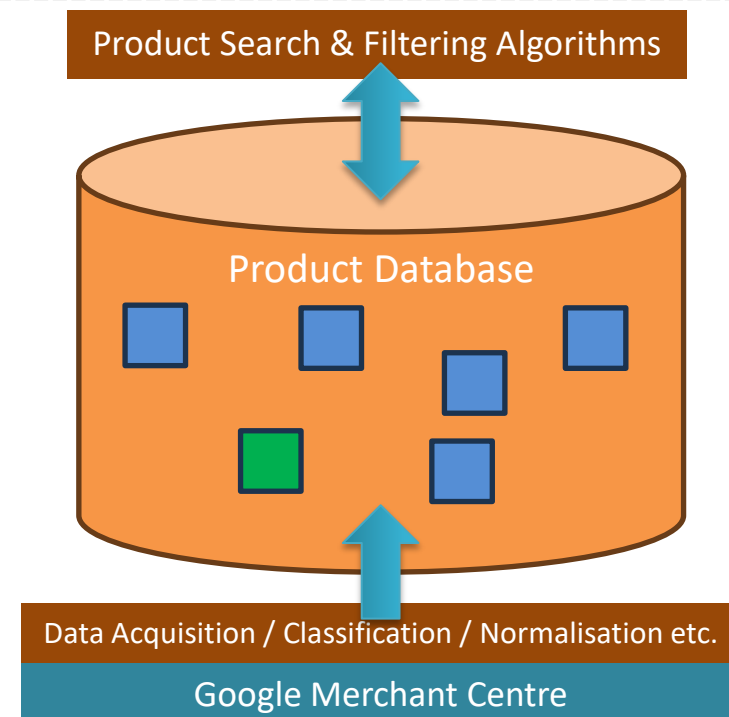
Visible to Users

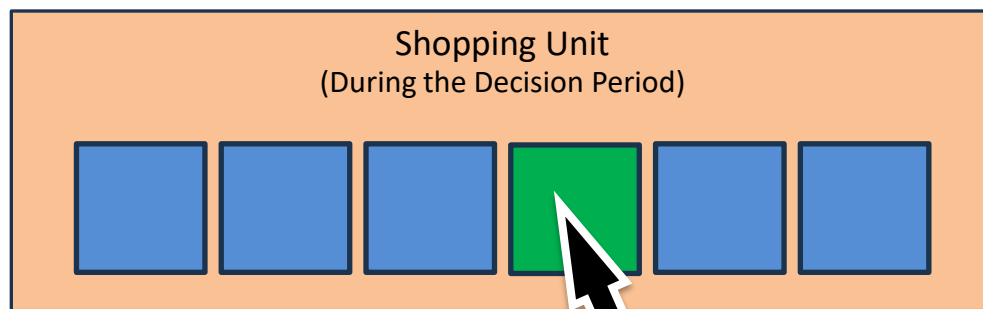
What about merchant ads placed in the SU by rival CSSs?
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Clearly, recital 630 still applies. Because...

NB: This is still the Decision Period

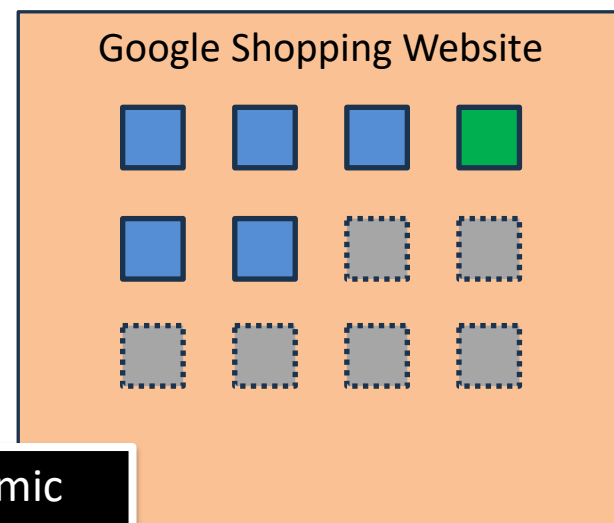
-  Merchant Ads from Google's CSS
-  Merchant Ads from Competing CSS





A Click Here...

Has Exactly the Same Economic Benefit for Google...



Visible to Users

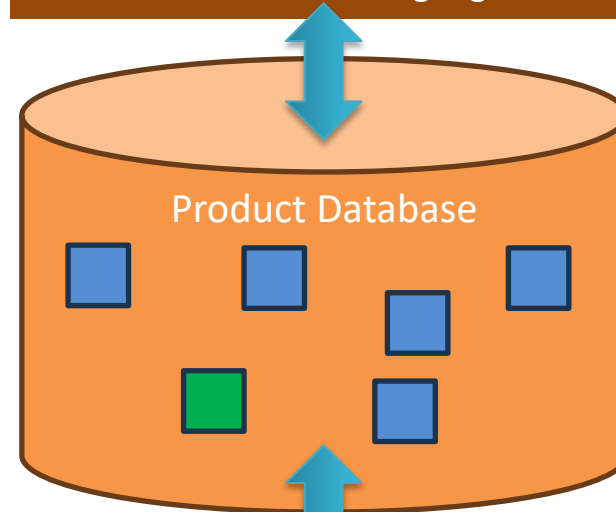
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Clearly, recital 630 still applies. Because...

NB: This is still the Decision Period

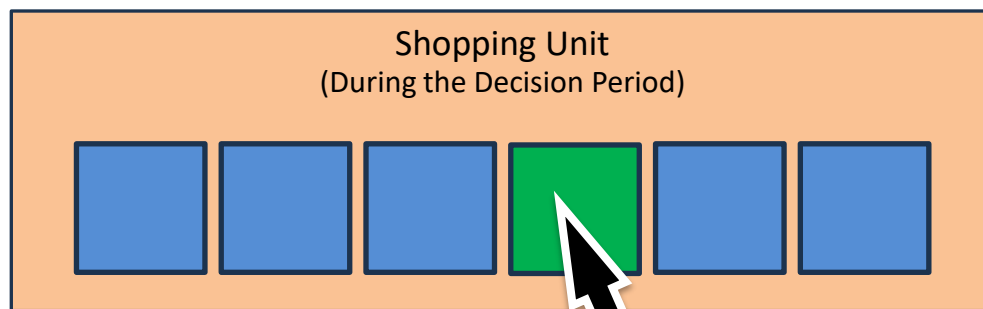
-  Merchant Ads from Google's CSS
-  Merchant Ads from Competing CSS

Product Search & Filtering Algorithms



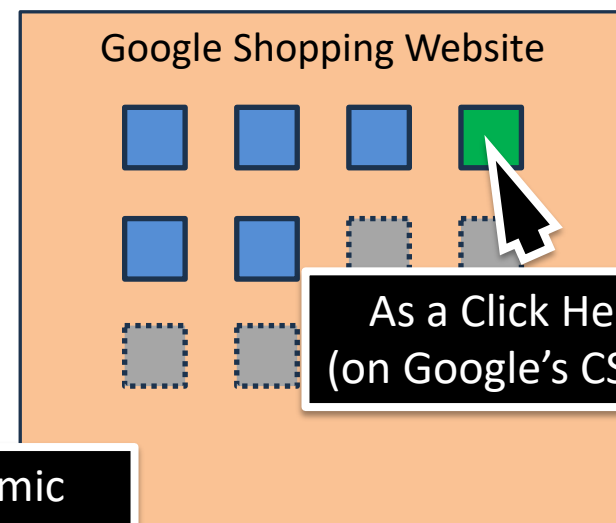
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



A Click Here...

Has Exactly the Same Economic Benefit for Google...



As a Click Here
(on Google's CSS)...

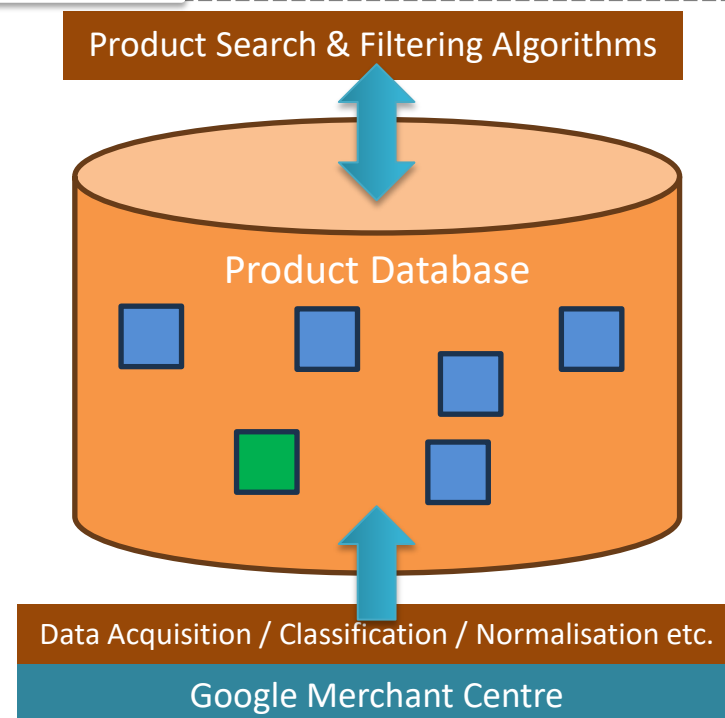
Visible to Users

What about merchant ads placed in the SU by rival CSSs?
(which, according to Google, they were allowed to do and sometimes did)

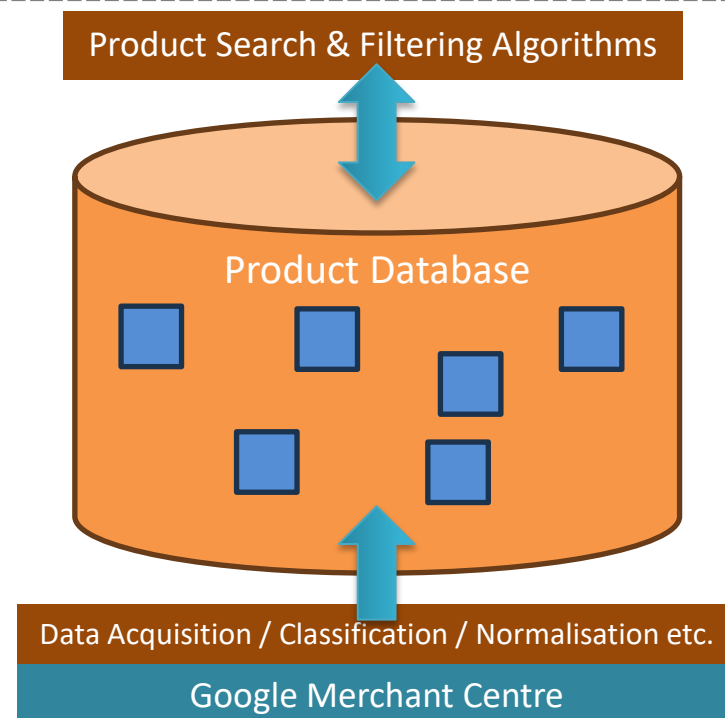
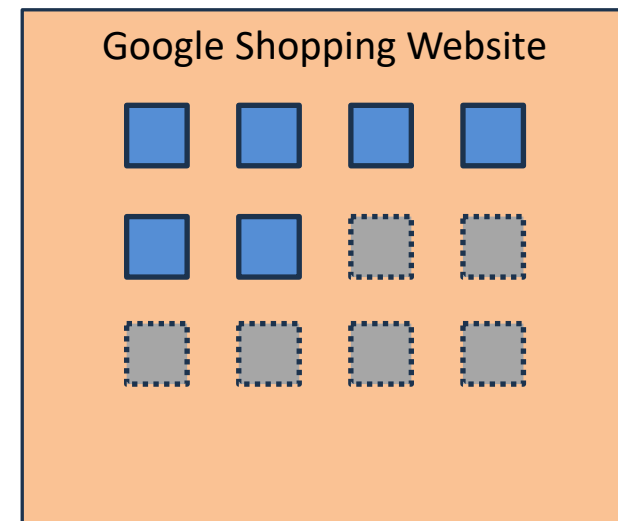
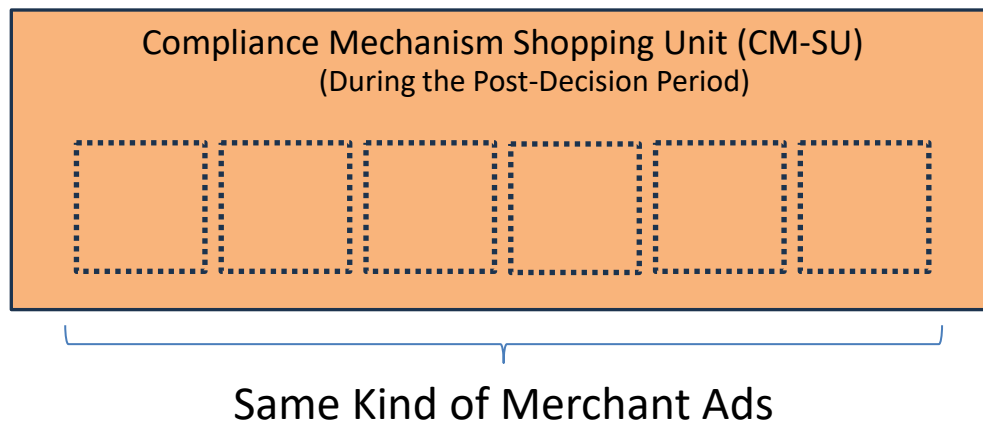
Clearly, recital 630 still applies. Because...

NB: This is still the Decision Period

-  Merchant Ads from Google's CSS
-  Merchant Ads from Competing CSS

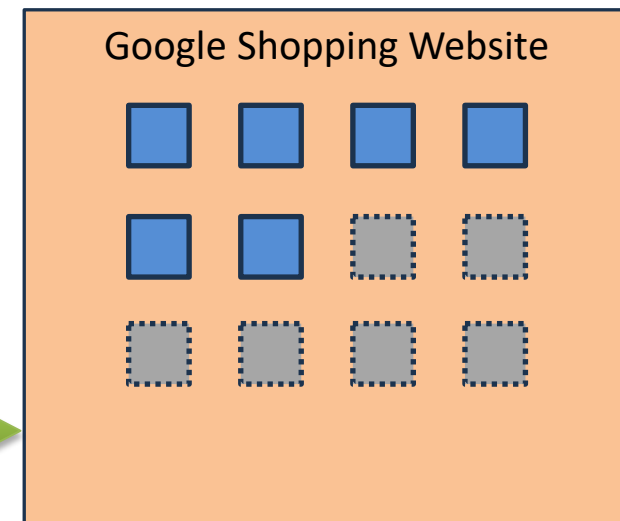


What is Different about the Compliance Mechanism?



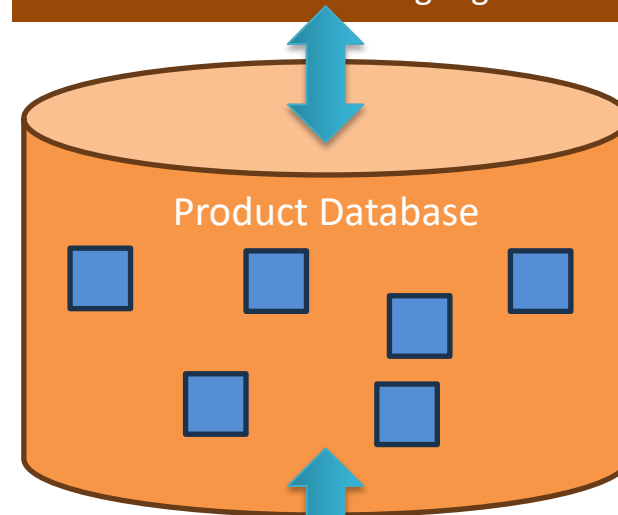


Same CSS Website →



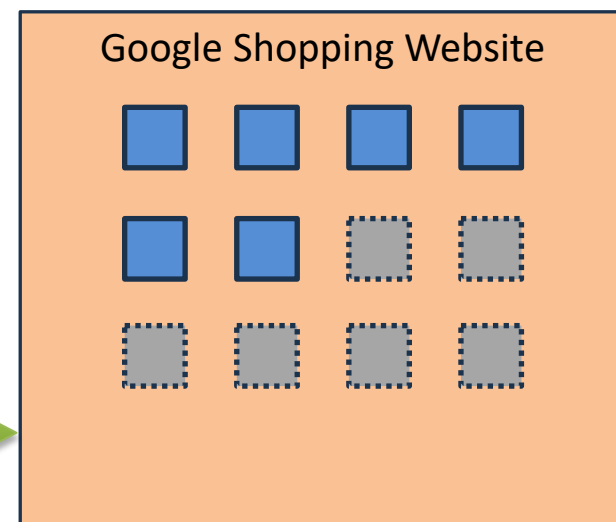
Visible to Users

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



Same CSS Website →

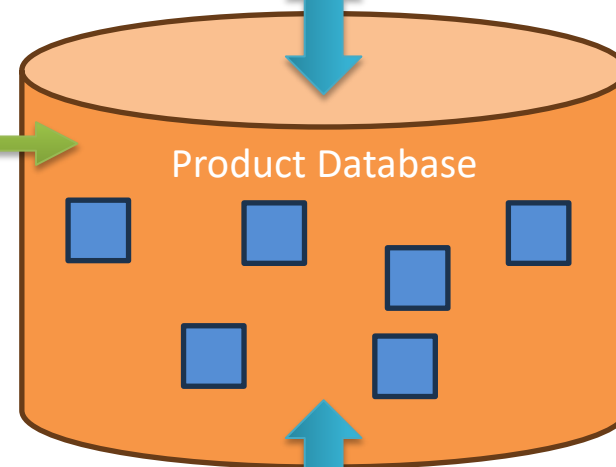
Visible to Users

But with some adjustments to allow for the substantial duplication that follows from allowing multiple CSSs/Ad Agencies to upload their own copy of the same merchant offers for the same products...

And to record the originating CSS for each merchant offer for fully managed merchants, or the “associated CSS” for self-service merchants.

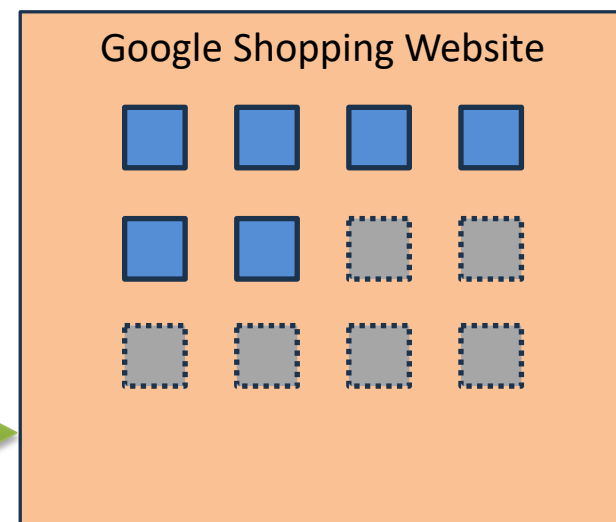
Product Search & Filtering Algorithms

Same CSS Database →



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



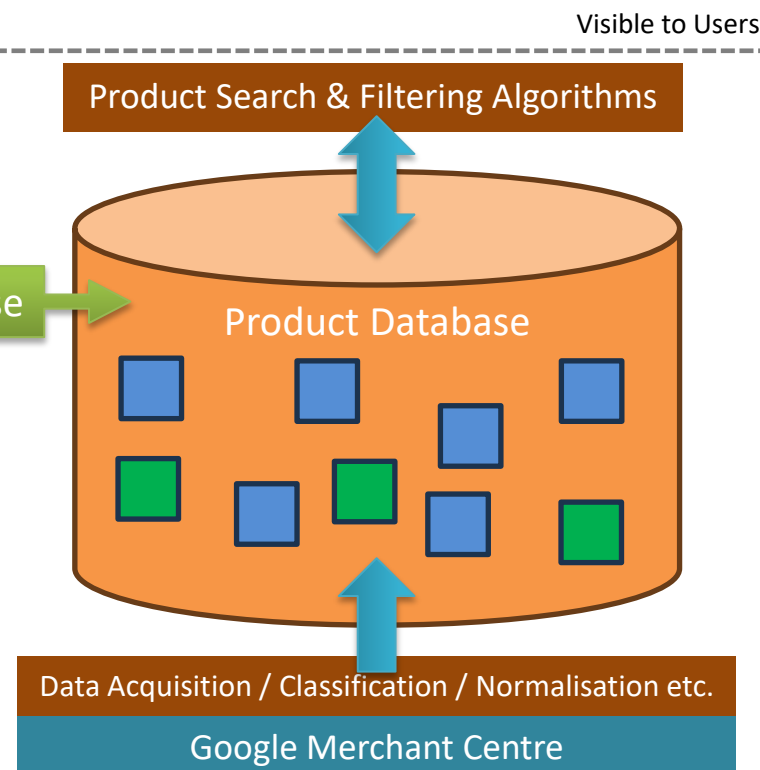
Same CSS Website →

But with some adjustments to allow for the substantial duplication that follows from allowing multiple CSSs/Ad Agencies to upload their own copy of the same merchant offers for the same products...

And to record the originating CSS for each merchant offer for fully managed merchants, or the “associated CSS” for self-service merchants.

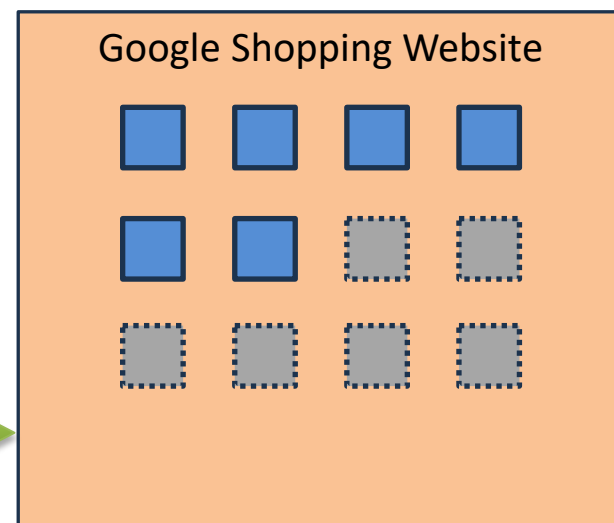
-  Merchant Ads from Google’s CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)

Same CSS Database →





Same CSS Website →



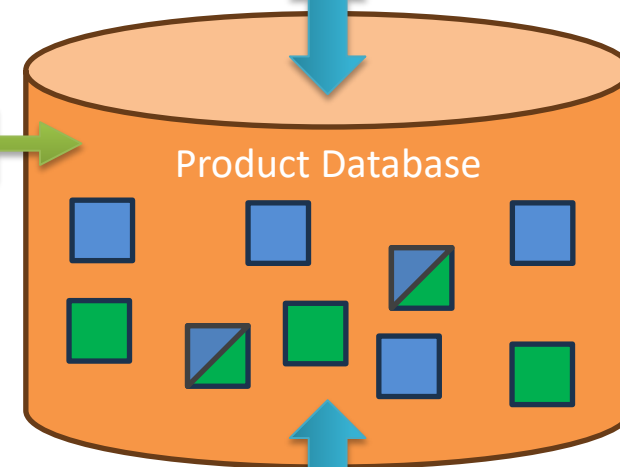
Visible to Users

But with some adjustments to allow for the substantial duplication that follows from allowing multiple CSSs/Ad Agencies to upload their own copy of the same merchant offers for the same products...

And to record the originating CSS for each merchant offer for fully managed merchants, or the “associated CSS” for self-service merchants.

Same CSS Database →

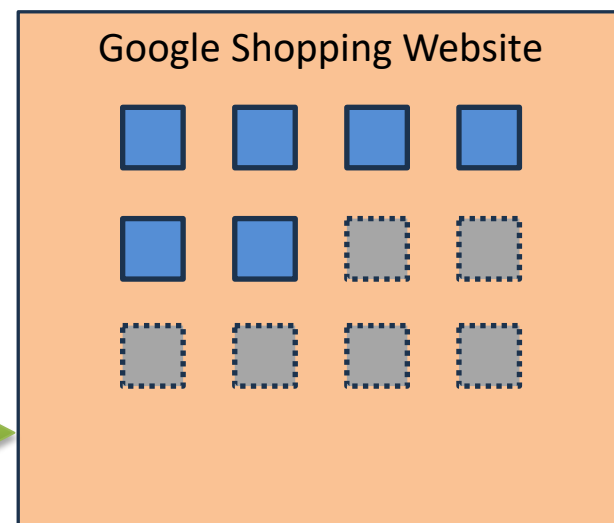
Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre

-  Merchant Ads from Google’s CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)
-  Merchant Ads “Associated” with a Competing CSS (Self-Service)



Same CSS Website →

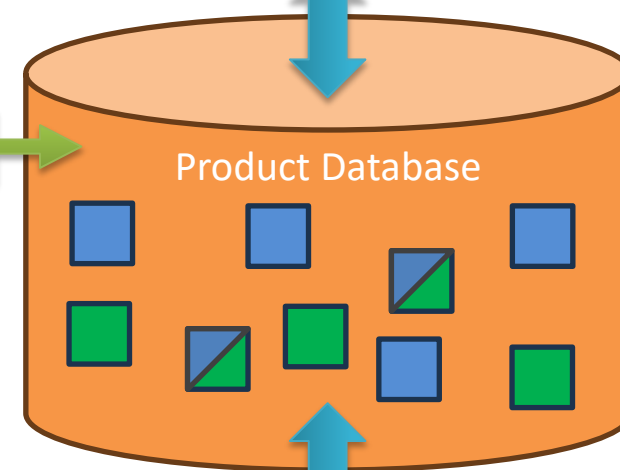
Visible to Users

But with some adjustments to allow for the substantial duplication that follows from allowing multiple CSSs/Ad Agencies to upload their own copy of the same merchant offers for the same products...

And to record the originating CSS for each merchant offer for fully managed merchants, or the “associated CSS” for self-service merchants.

Same CSS Database →

Product Search & Filtering Algorithms



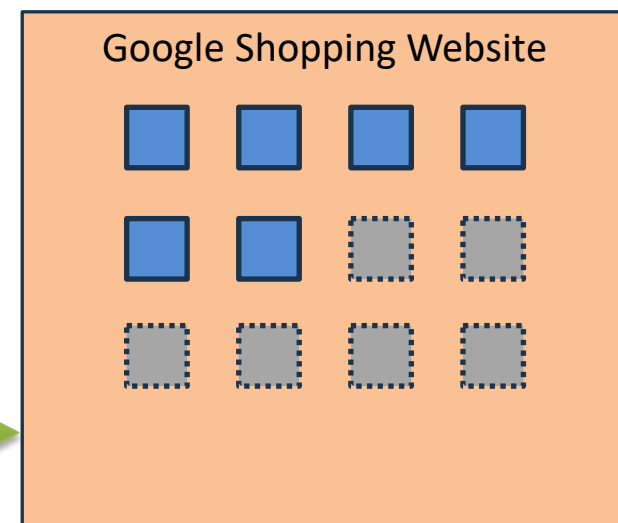
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre

-  Merchant Ads from Google’s CSS (GSE)
 -  Merchant Ads from Competing CSS (Fully Managed)
 -  Merchant Ads “Associated” with a Competing CSS (Self-Service)
- + numerous hybrid varieties and options!



Same CSS Website →



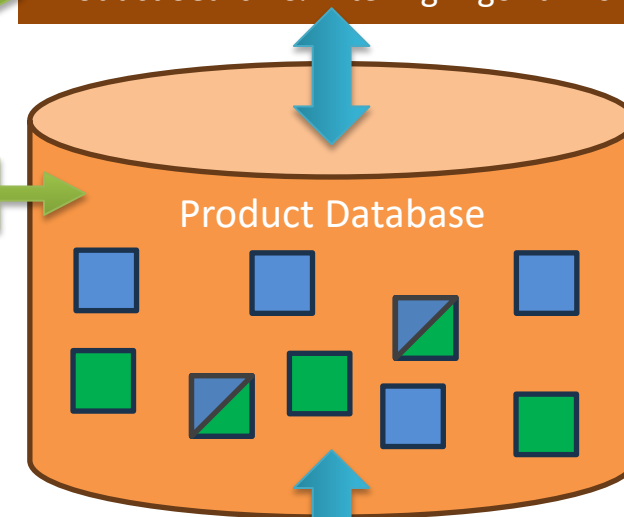
Visible to Users

But with some adjustments to ensure that merchant offers originating from rival CSSs do not automatically appear within the Google CSS website; and

Same →

Product Search & Filtering Algorithms

Same CSS Database →

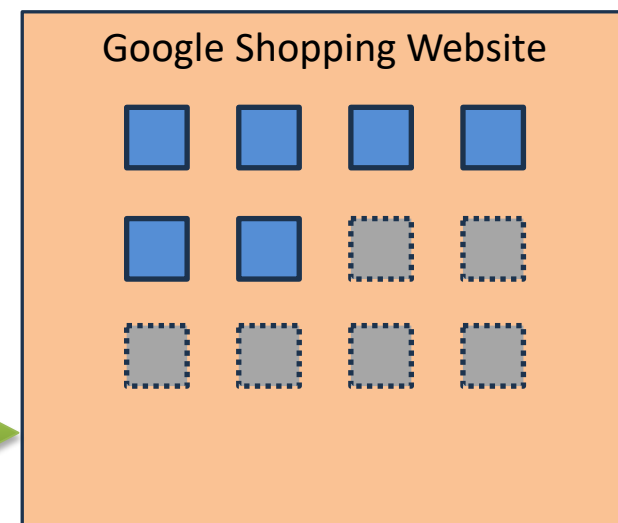


Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



Same CSS Website →



Visible to Users

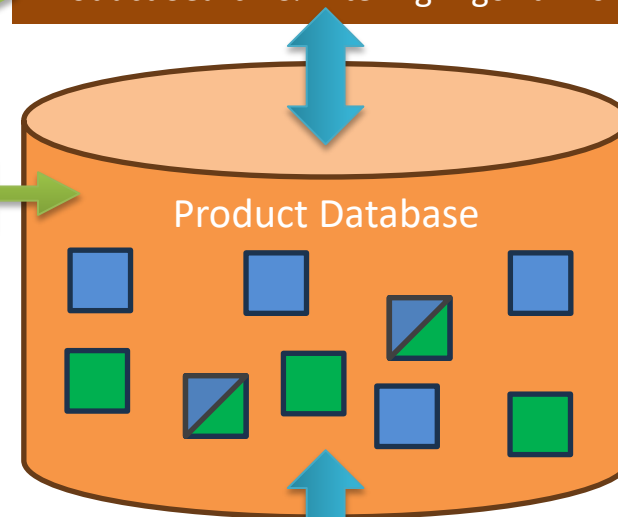
But with some adjustments to ensure that merchant offers originating from rival CSSs do not automatically appear within the Google CSS website; and

To dedupe merchant offers so that the CM-SU doesn't end up featuring multiple copies of the same merchant offer for the same product

Same →

Product Search & Filtering Algorithms

CSS Database →

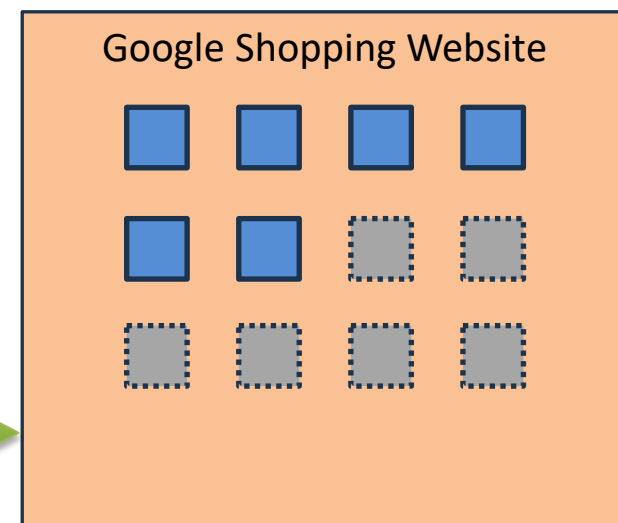


Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



Same CSS Website →



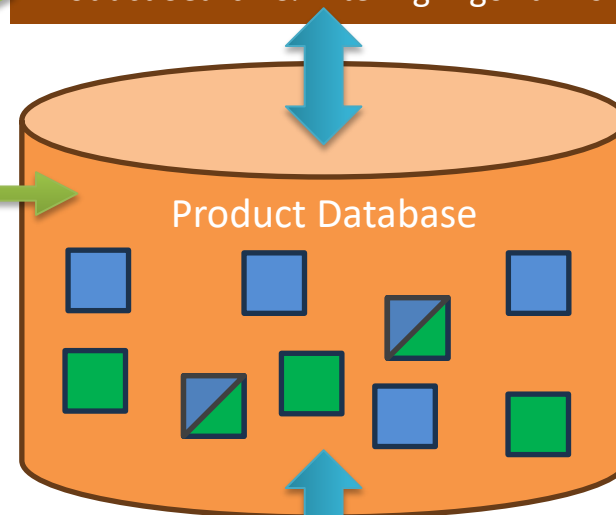
Visible to Users

But with some adjustments to ensure that merchant offers within Google's product database are appropriately segregated and labelled according to their originating or "associated" CSS...

Same →

Product Search & Filtering Algorithms

Same CSS Database →



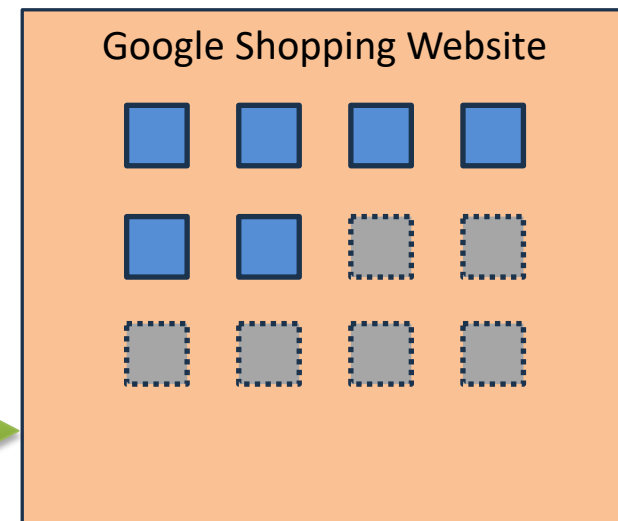
Same →

Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



Same CSS Website →



Visible to Users

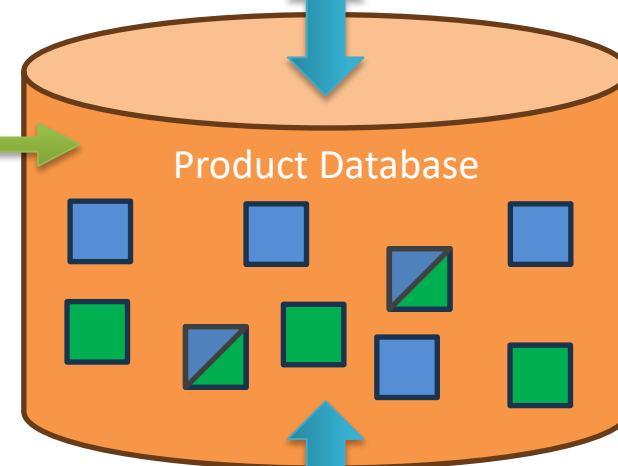
But with some adjustments to ensure that merchant offers within Google's product database are appropriately segregated and labelled according to their originating or "associated" CSS...

And to employ various quotas and de-duping to prevent its product database from becoming problematically large and cumbersome, given the numerous identical copies of the same ad (that is inherent to the design).

Same →

Product Search & Filtering Algorithms

Same CSS Database →



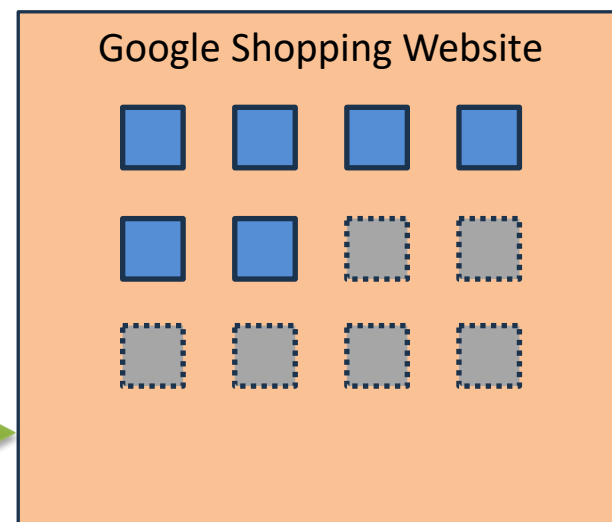
Same →

Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



Same CSS Website →



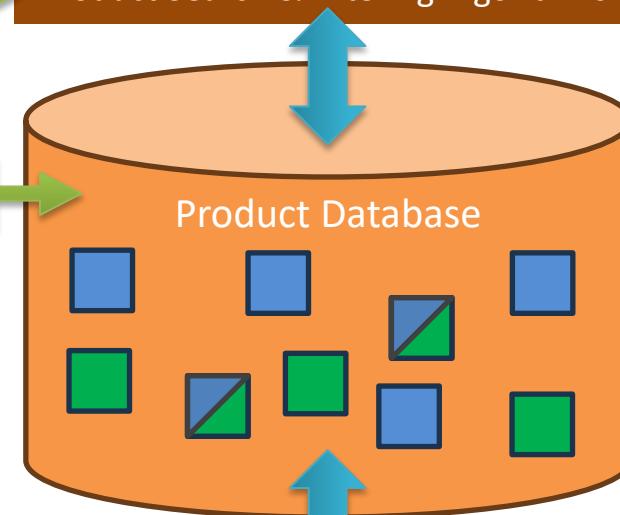
Visible to Users

Note that none of these alterations offer any benefits to Google's users. They have all been made in order to allow Google to continue to extract the same profits from CSS-related traffic that it enjoyed during the Decision period, while (it hopes) also masquerading as a remedy (which, of course, contravenes Decision recital 700d).

Same →

Product Search & Filtering Algorithms

Same CSS Database →



Same →

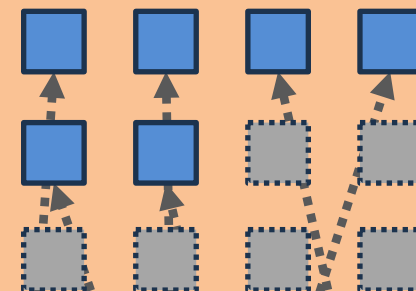
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre

Compliance Mechanism Shopping Unit (CM-SU) (During the Post-Decision Period)



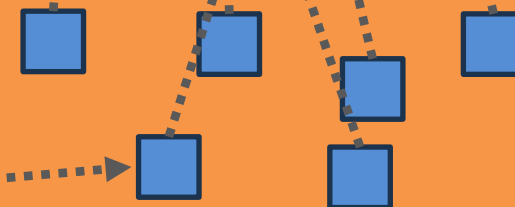
Google Shopping Website



Visible to Users

Product Search & Filtering Algorithms

Product Database



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



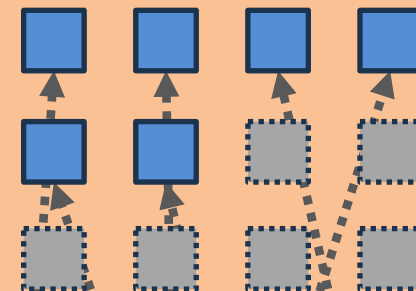
Merchant Ads from Google's CSS (GSE)



Compliance Mechanism Shopping Unit (CM-SU) (During the Post-Decision Period)



Google Shopping Website

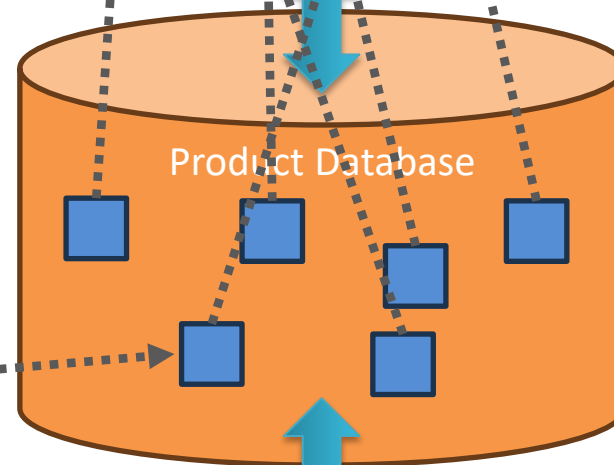


Visible to Users

Product Search & Filtering Algorithms

Difference 1: Google (GSE) now “bids” to place these ads in the CM-SU

Product Database



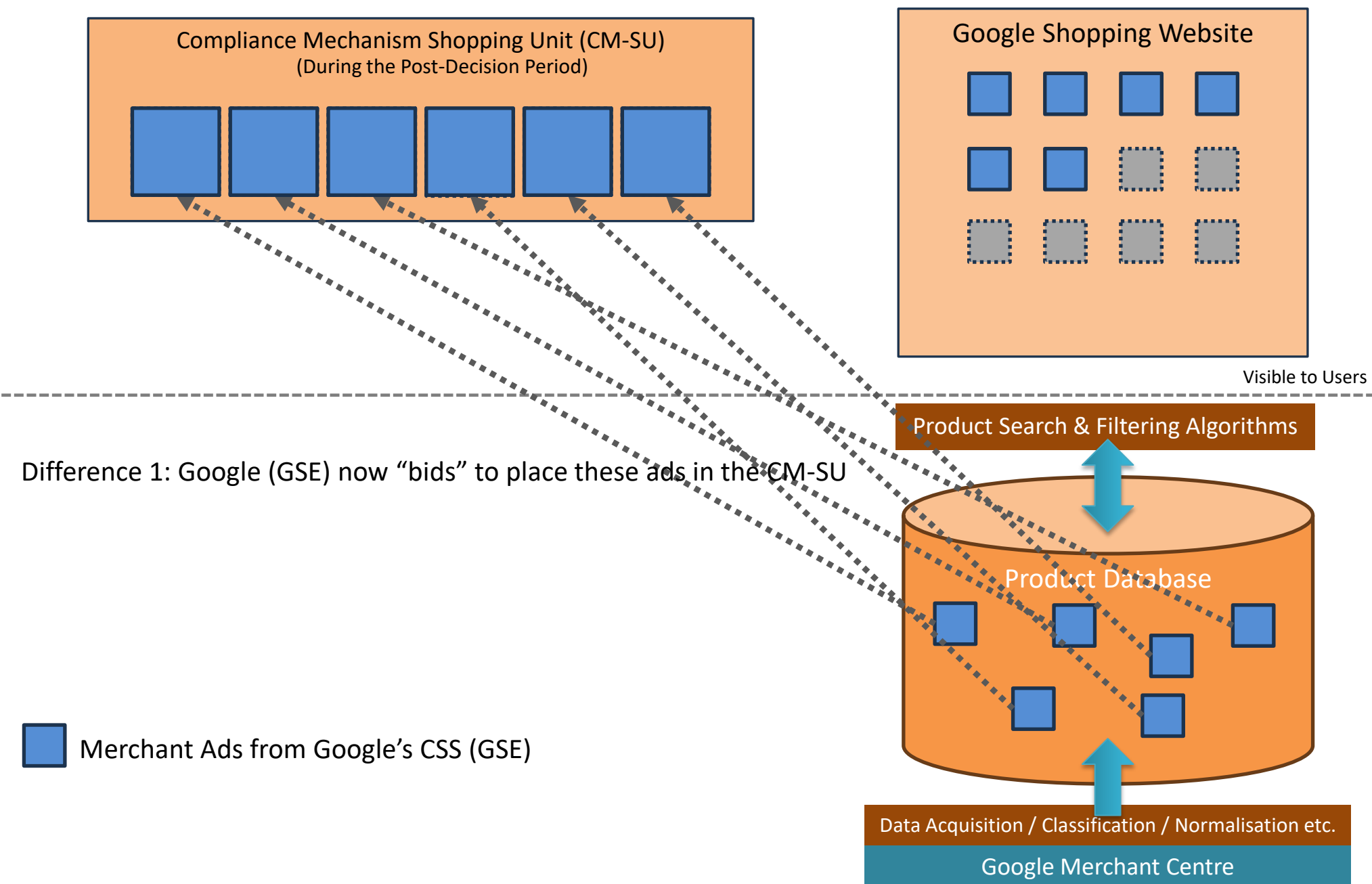
Data Acquisition / Classification / Normalisation etc.

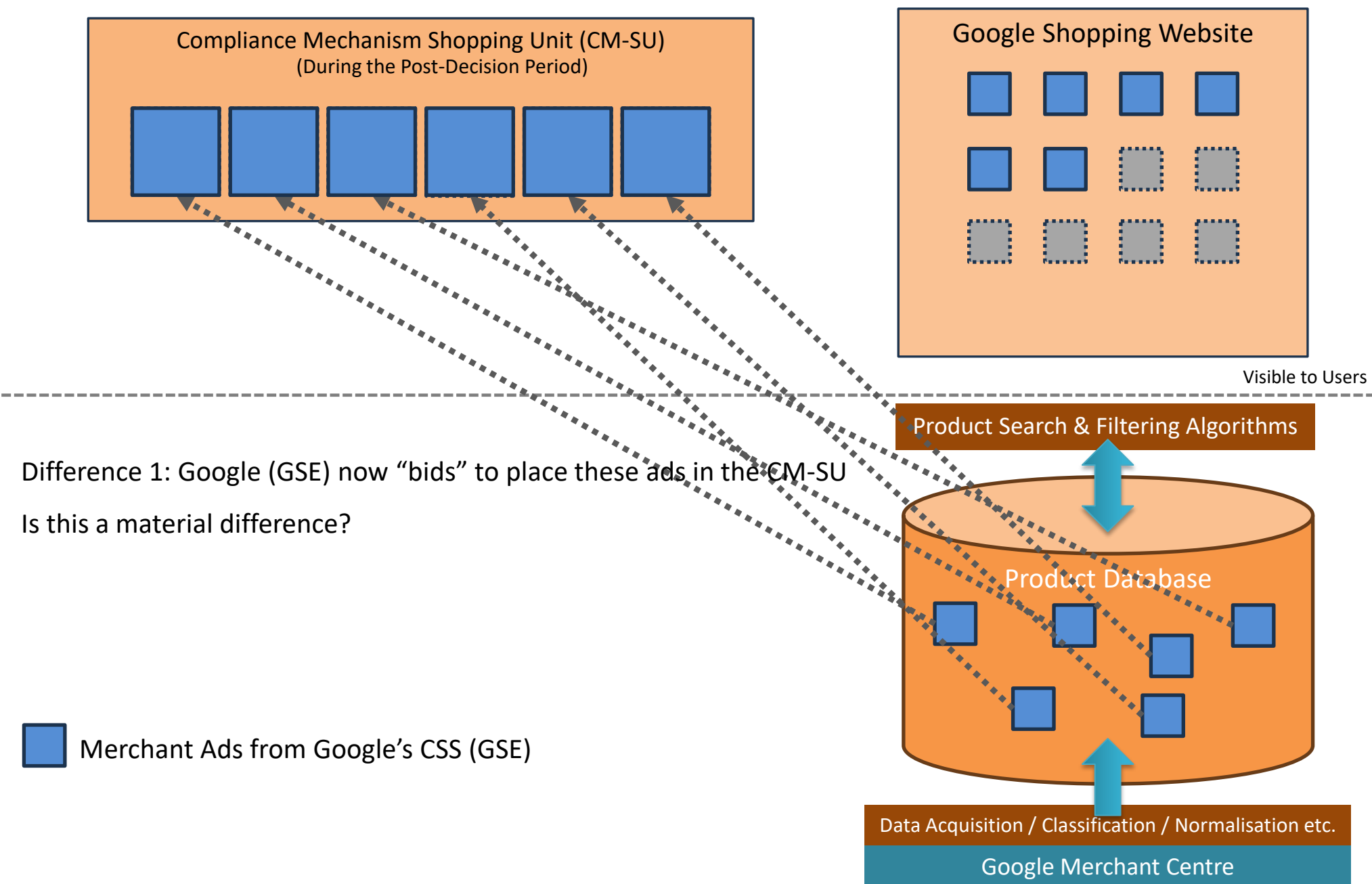
Google Merchant Centre

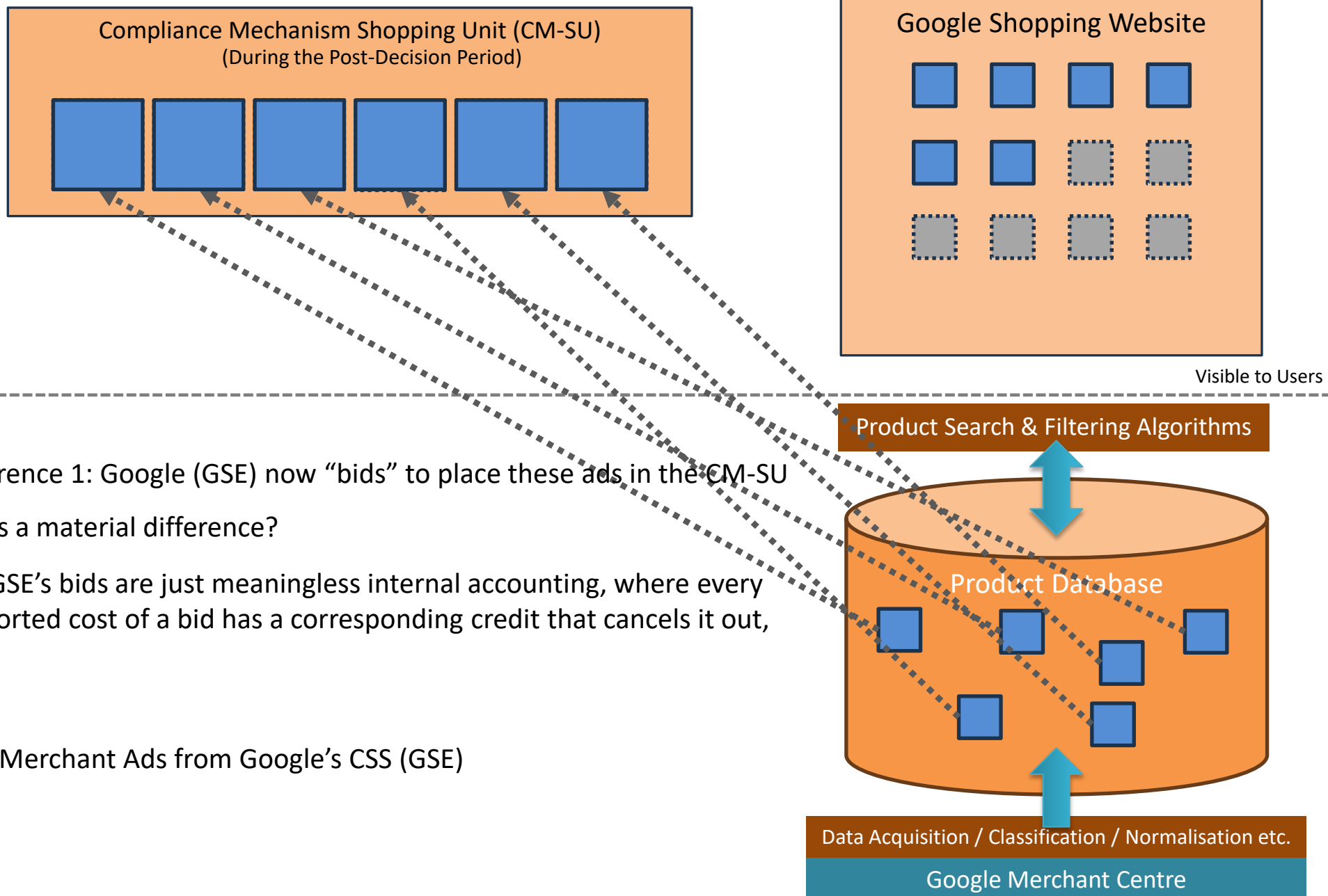


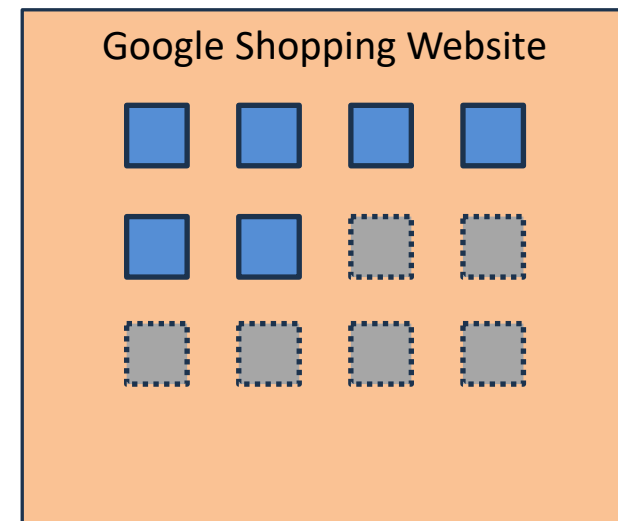
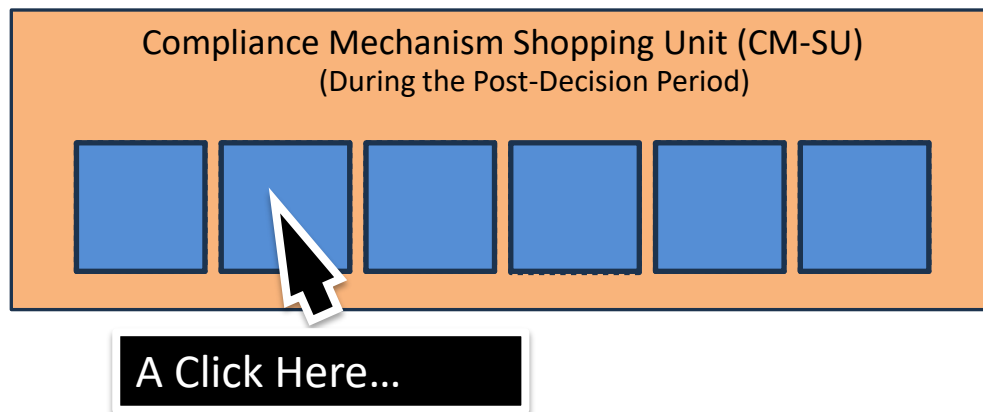
Merchant Ads from Google’s CSS (GSE)











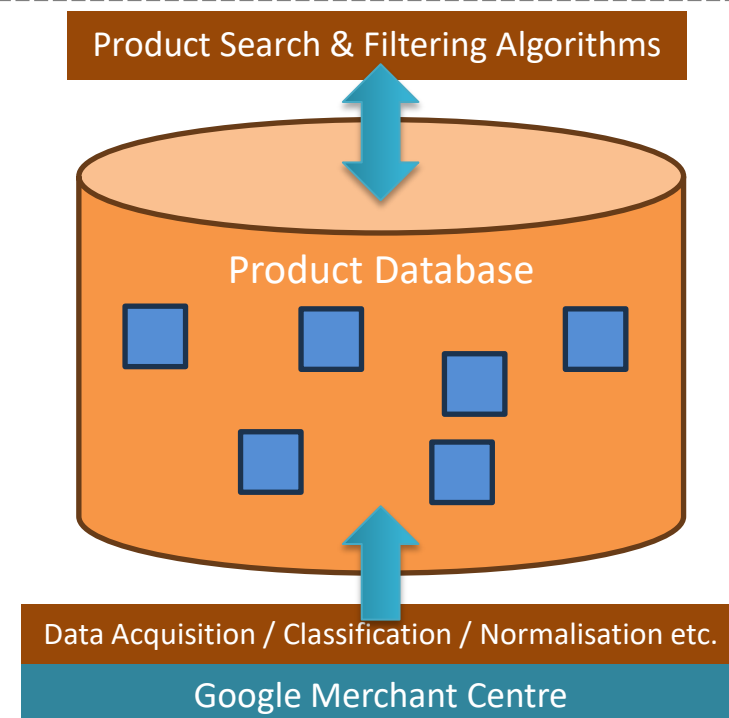
Visible to Users

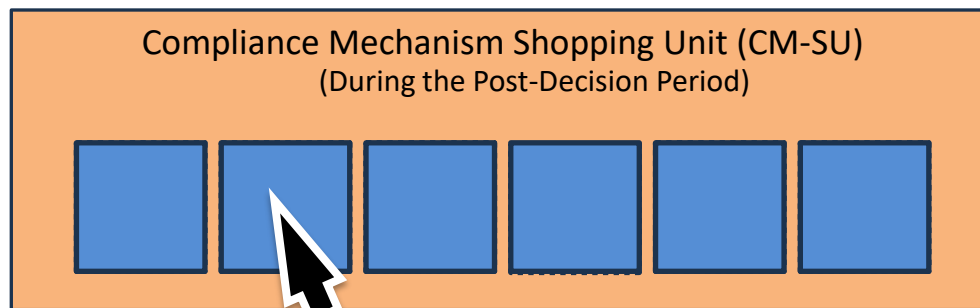
Difference 1: Google (GSE) now “bids” to place these ads in the CM-SU

Is this a material difference?

No. GSE’s bids are just meaningless internal accounting, where every purported cost of a bid has a corresponding credit that cancels it out, so...

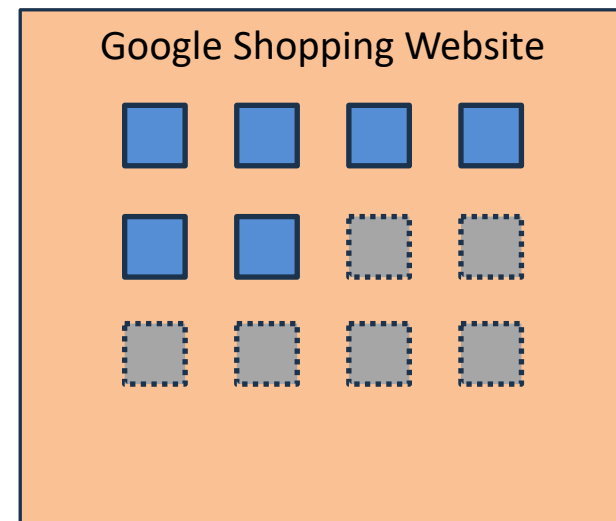
 Merchant Ads from Google’s CSS (GSE)





A Click Here...

Still Has Exactly the Same
Economic Benefit for Google...



Visible to Users

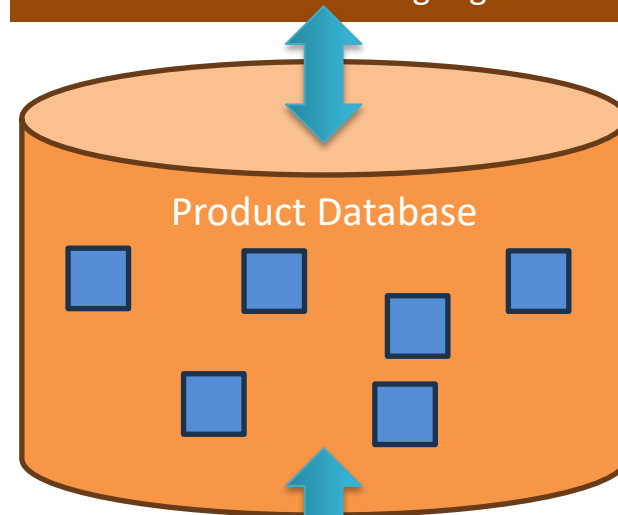
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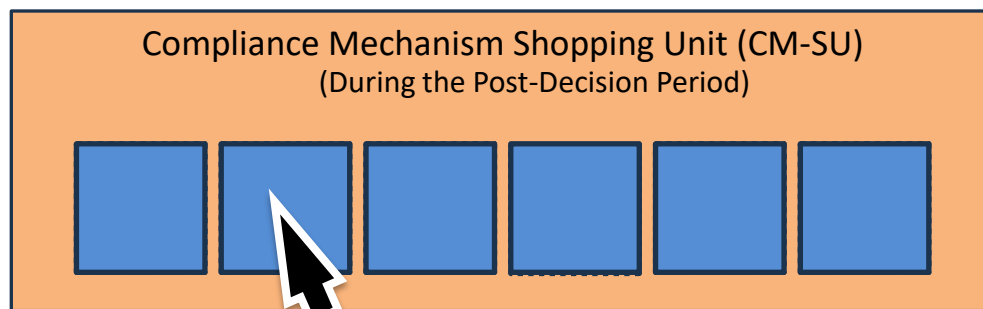
 Merchant Ads from Google’s CSS (GSE)

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



A Click Here...

Still Has Exactly the Same
Economic Benefit for Google...



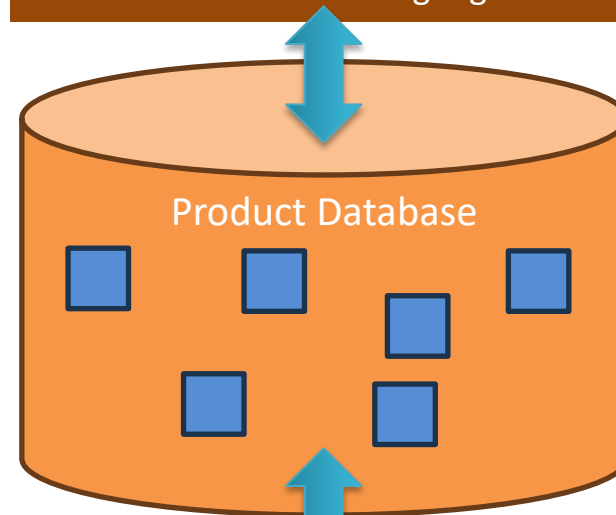
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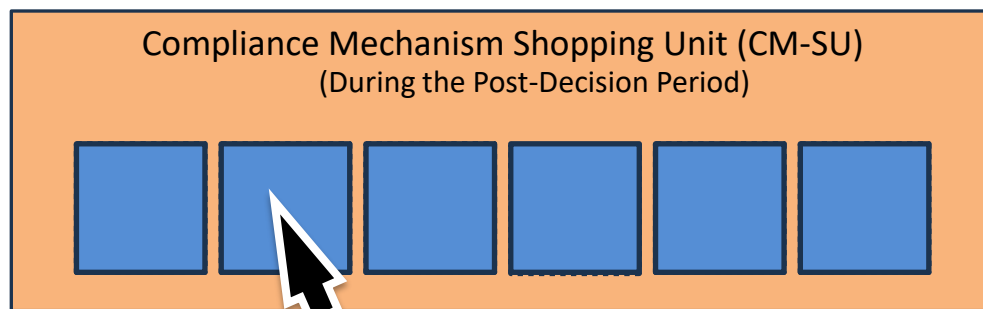
 Merchant Ads from Google's CSS (GSE)

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



A Click Here...

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Economic Benefit for Google...



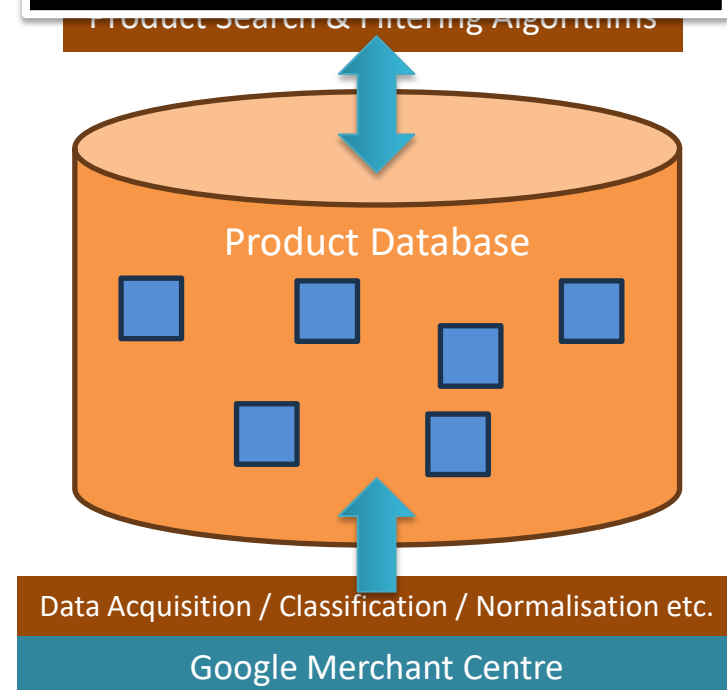
They are still the same ads from
the same Google CSS database.

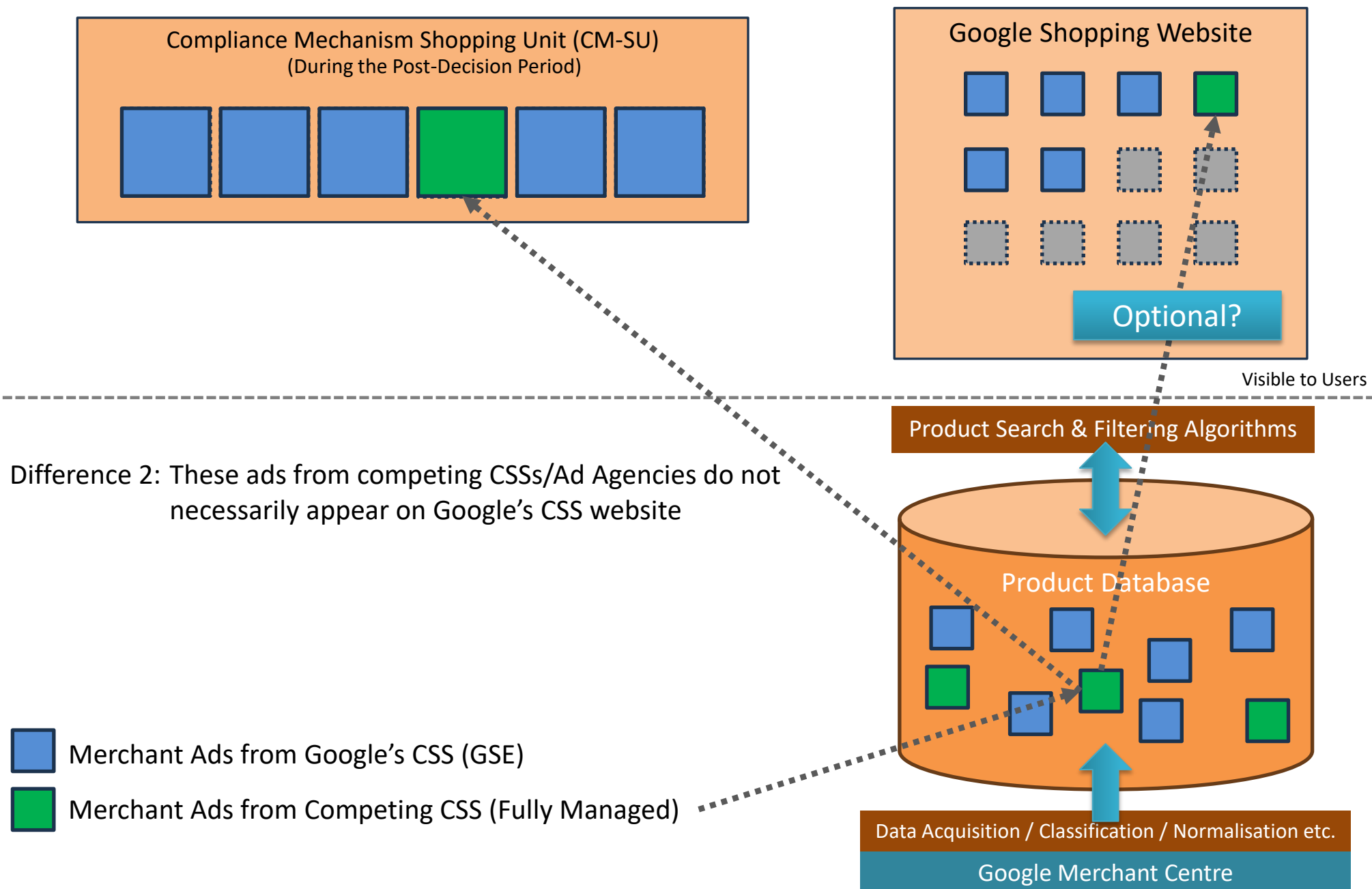
Difference 1: Google (GSE) now “bids” to place these ads in the CM-SU

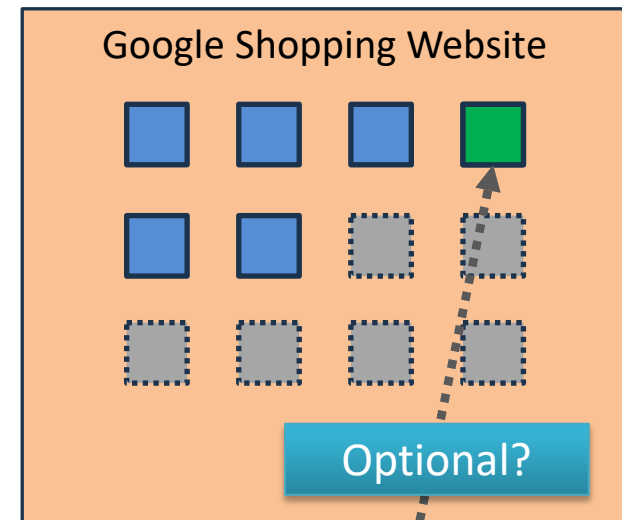
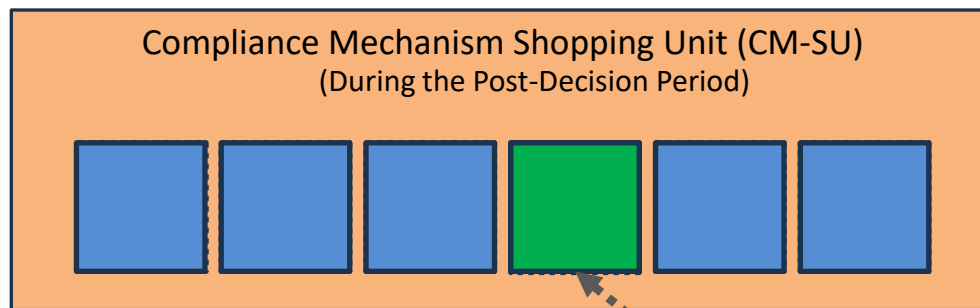
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 Merchant Ads from Google's CSS (GSE)





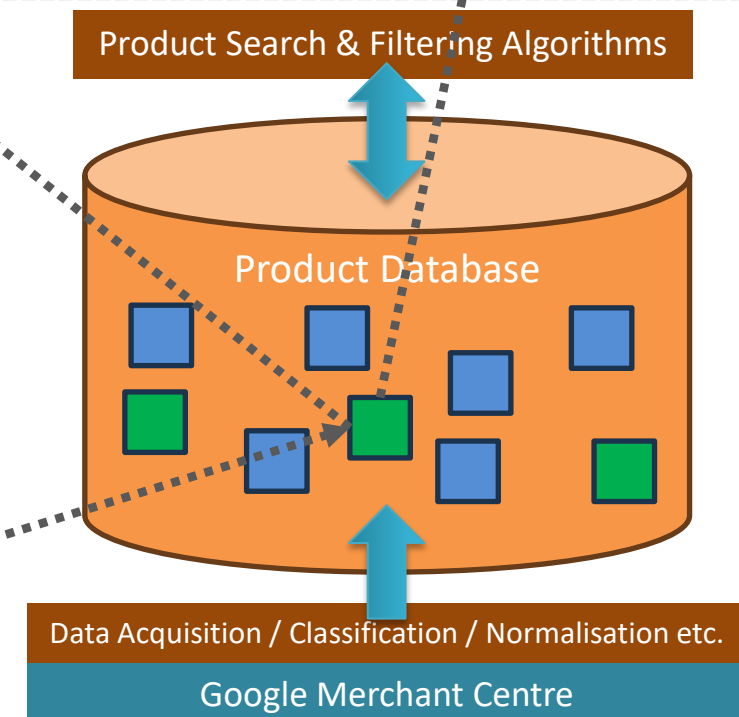


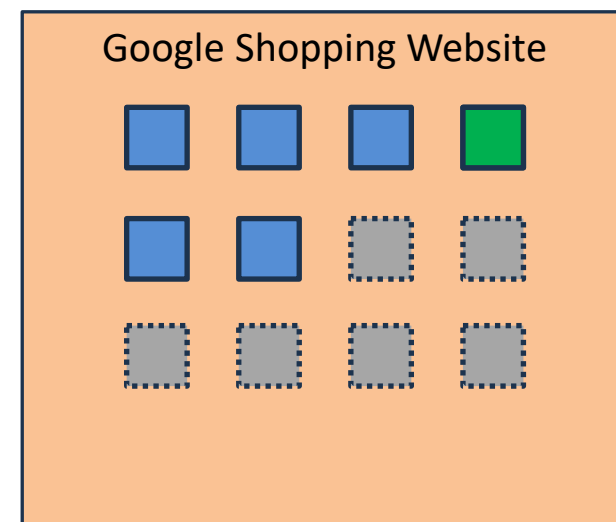
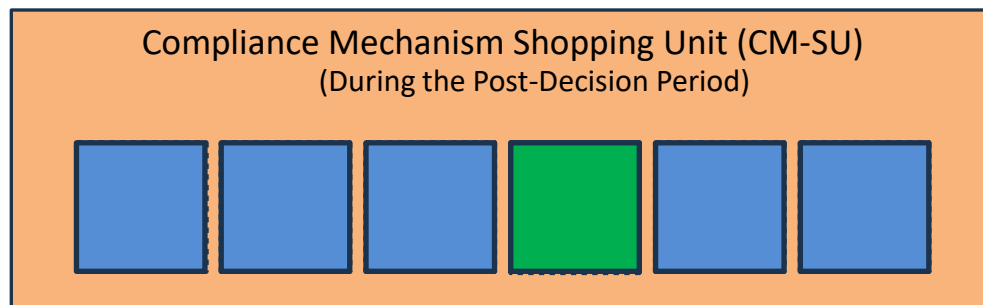
Visible to Users

Difference 2: These ads from competing CSSs/Ad Agencies do not necessarily appear on Google's CSS website

Is this a material difference?

-  Merchant Ads from Google's CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)





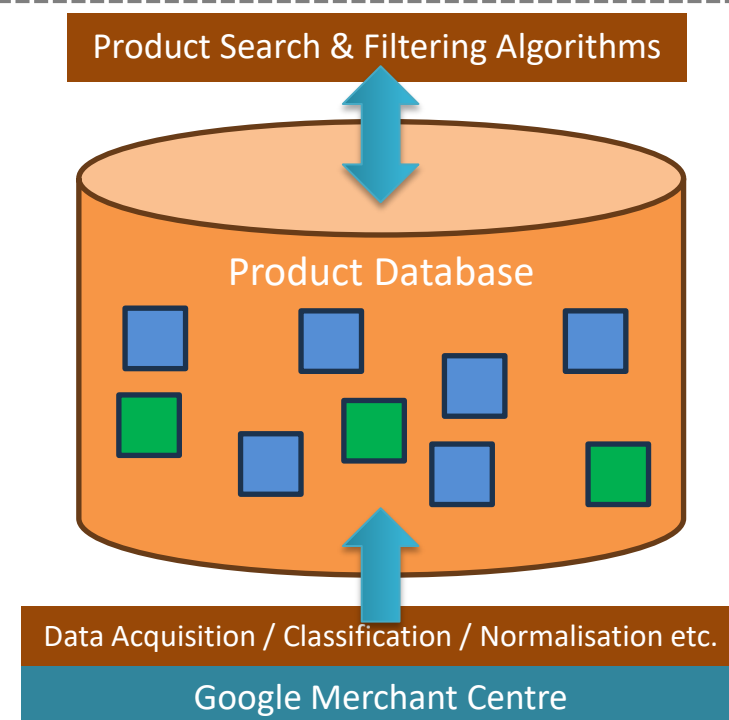
Visible to Users

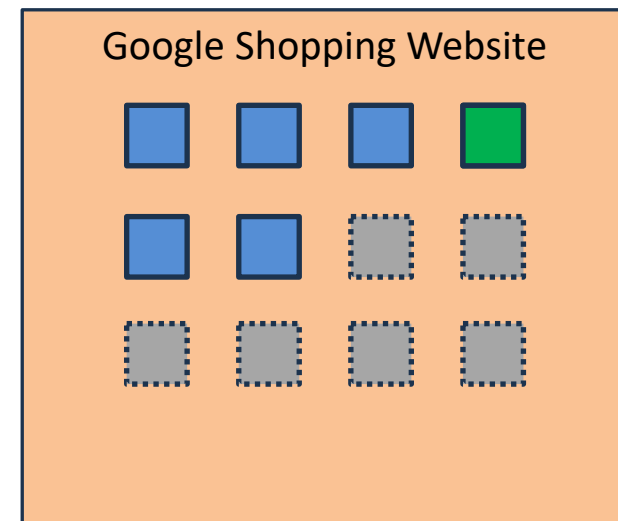
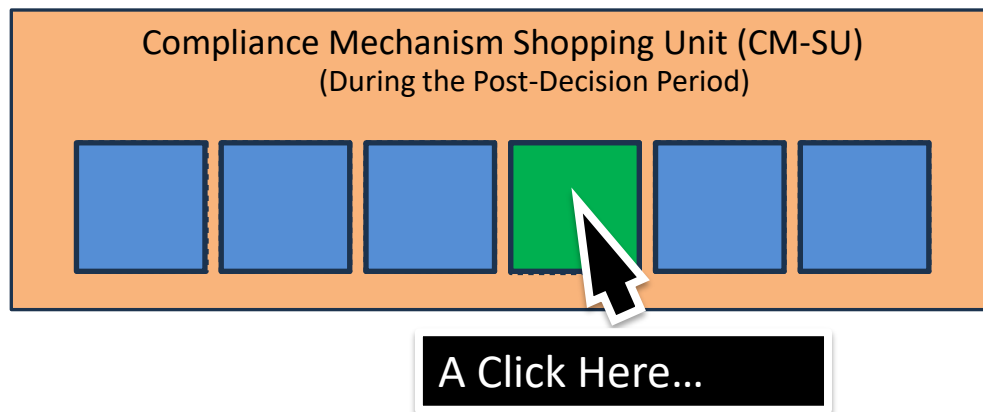
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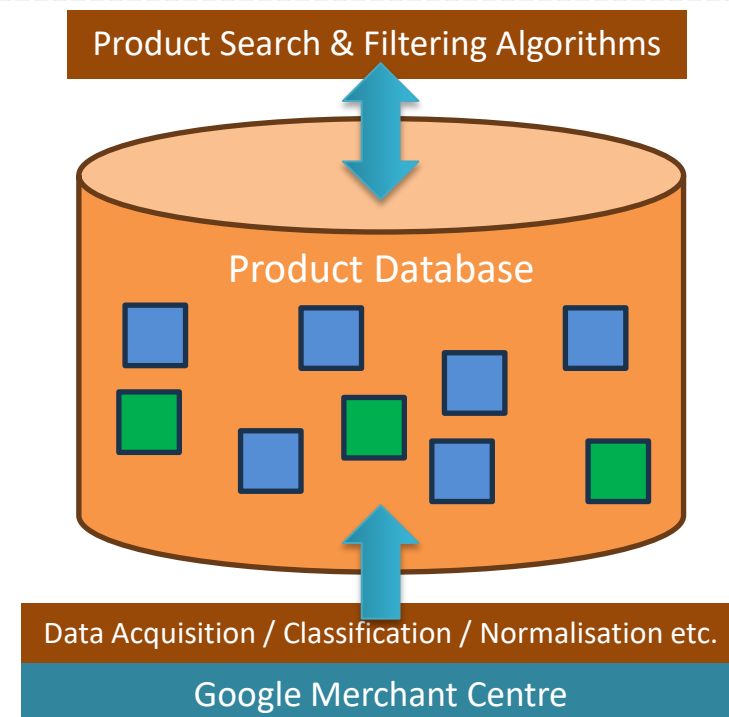
Visible to Users

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-  Merchant Ads from Competing CSS (Fully Managed)





A Click Here...

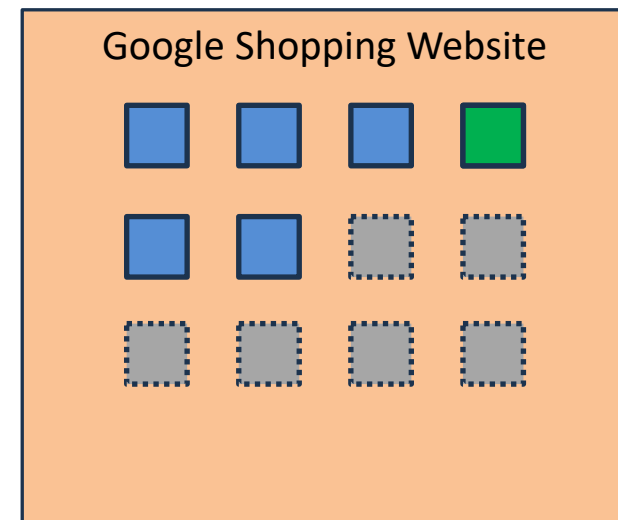
Still Has Exactly the Same
Economic Benefit for Google as it
had during the Decision Period...

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Is this a material difference?

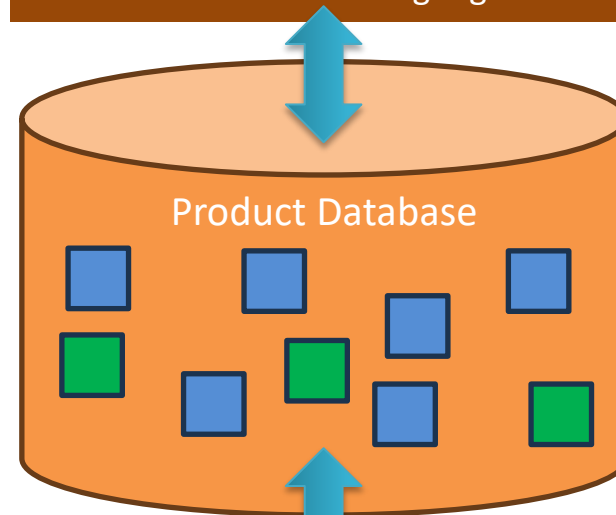
No.

-  Merchant Ads from Google's CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)



Visible to Users

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



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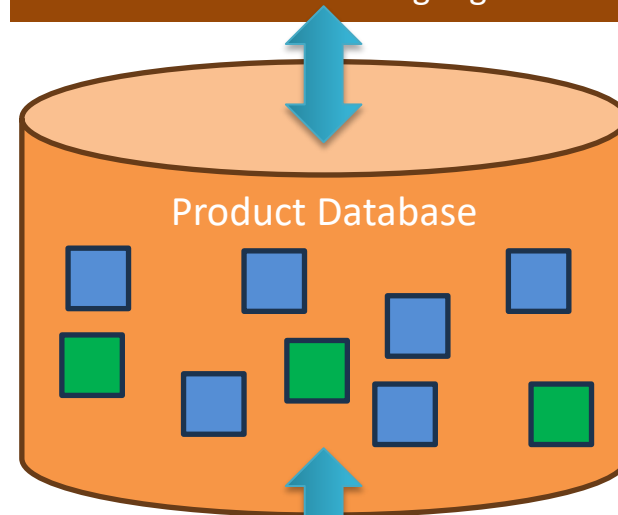
-  Merchant Ads from Google's CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)



And Decision recitals 422-423
tell us that we don't need this
ad to appear on a Google CSS
website for recital 630 to hold

Visible to Users

Product Search & Filtering Algorithms



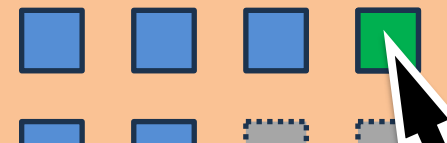
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre

Compliance Mechanism Shopping Unit (CM-SU) (During the Post-Decision Period)



Google Shopping Website



(422) In the ninth place, the conclusion that the positioning and display of the Shopping Unit is one means by which Google favours its CSS is not called into question by the fact that during an initial period, Google Shopping existed only in the form of the Shopping Unit without an associated standalone website in six of the thirteen EEA countries in which the Conduct takes place (Austria, Belgium, Denmark, Norway, Poland and Sweden).⁴⁸⁵ As indicated by the evidence in recitals (420)(g)-(420)(i), the fact that Google Shopping initially existed only in the form of the Shopping Unit in these six countries was a transitional phase, due to the fact that Google had only a limited number of merchant partners in these countries, which made it more difficult to offer a standalone website. Moreover, during that transitional period, users in those six EEA countries could visit the standalone websites in the other seven EEA countries (the Czech Republic, France, Germany, Italy, the Netherlands, Spain and the United Kingdom).

Diffe

Is thi

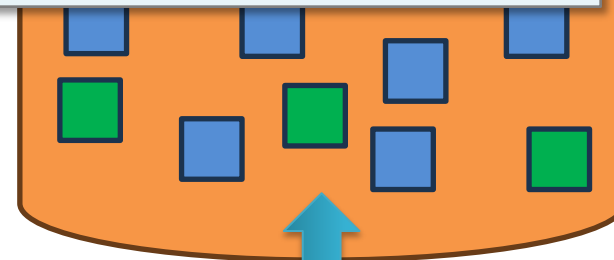
No.



Merchant Ads from Google's CSS (GSE)



Merchant Ads from Competing CSS (Fully Managed)



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre

423
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to Users

Compliance Mechanism Shopping Unit (CM-SU)
(During the Post-Decision Period)

Google Shopping Website

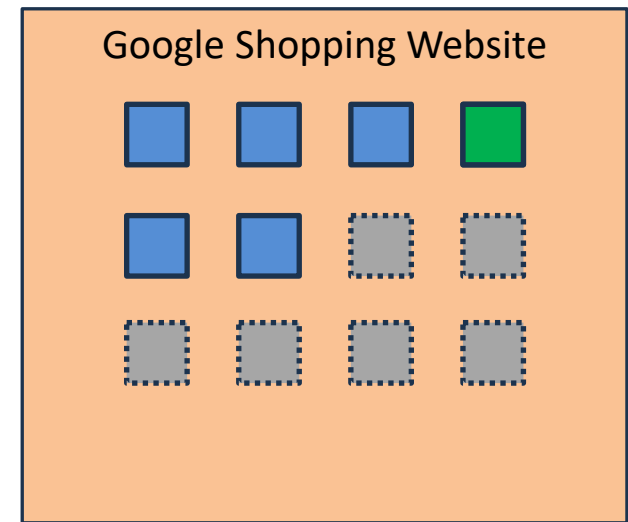
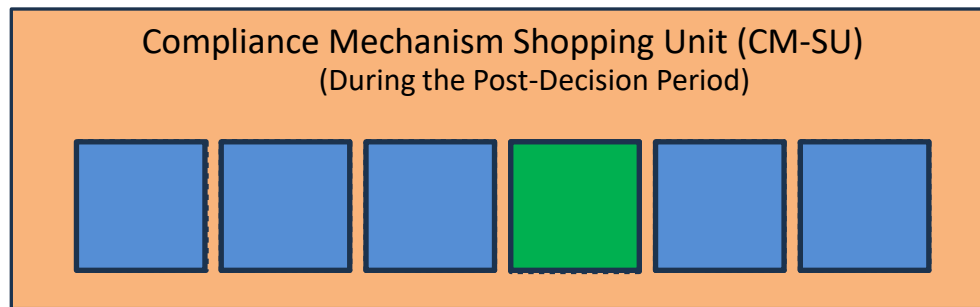
(422) In the ninth place, the conclusion that the positioning and display of the Shopping Unit is one means by which Google favours its CSS is not called into question by the fact that during an initial period, Google Shopping existed only in the form of the Shopping Unit without an associated standalone website in six of the thirteen EEA countries in which the Conduct takes place (Austria, Belgium, Denmark, Germany, the Netherlands and Sweden).⁴⁸⁵ As indicated by the evidence in recitals (420)(g)-(h), Google Shopping initially existed only in the form of the Shopping Unit in these six countries was a transitional phase, due to the fact that Google had only a limited number of merchant partners in these countries, which made it more difficult to offer a standalone website. Moreover, during that transitional period, users in those six EEA countries could visit the standalone websites in the other seven EEA countries (the Czech Republic, France, Germany, Italy, the Netherlands, Spain and the United Kingdom).

Slight Complexity

-  Merchant Ads from Google's CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)

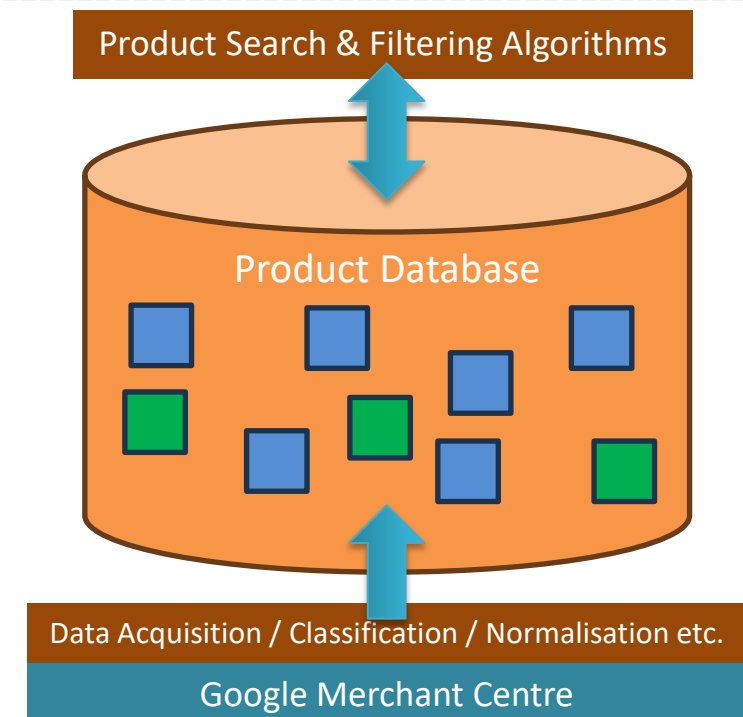
Data Acquisition / Classification / Normalisation etc.

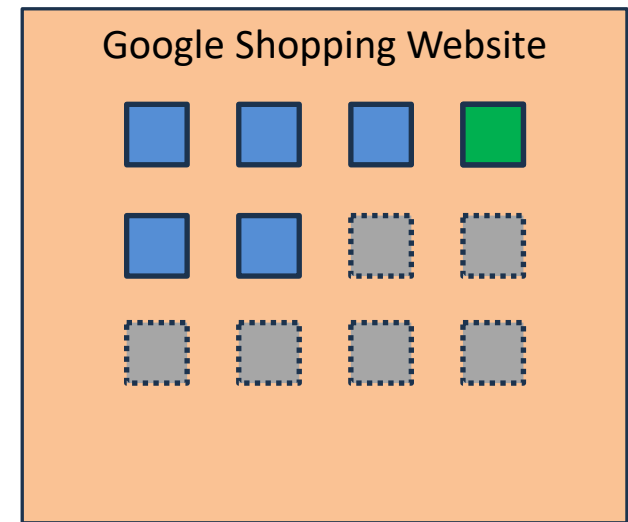
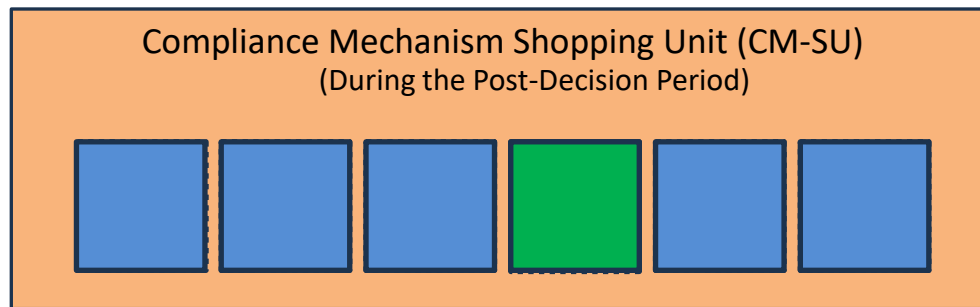
Google Merchant Centre



Visible to Users

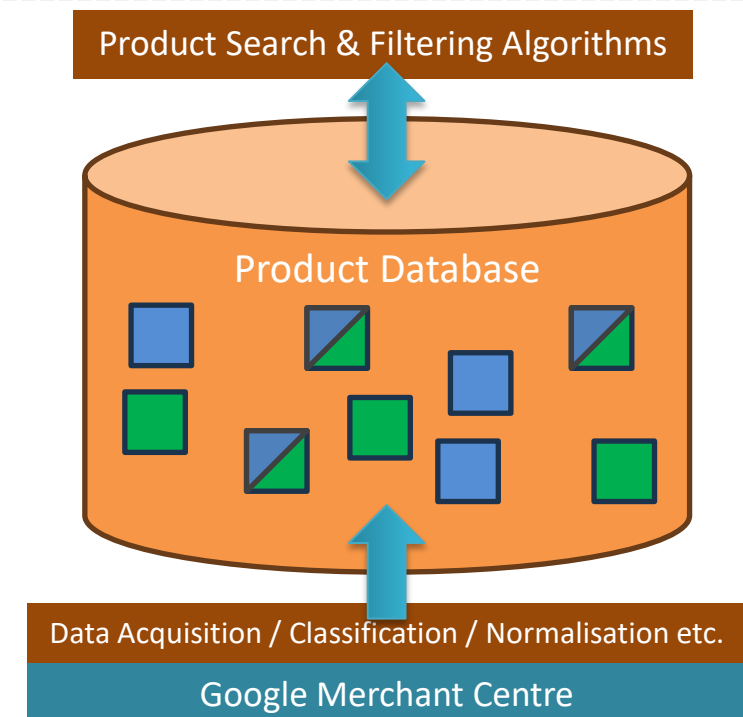
-  Merchant Ads from Google's CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)
-  Merchant Ads "Associated" with a Competing CSS (Self-Service)

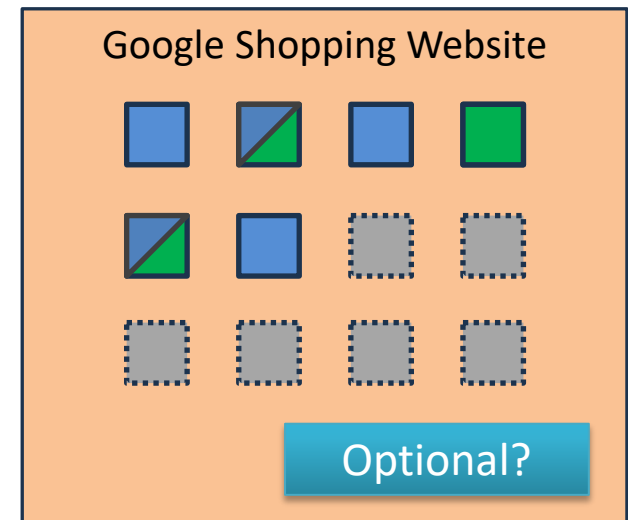
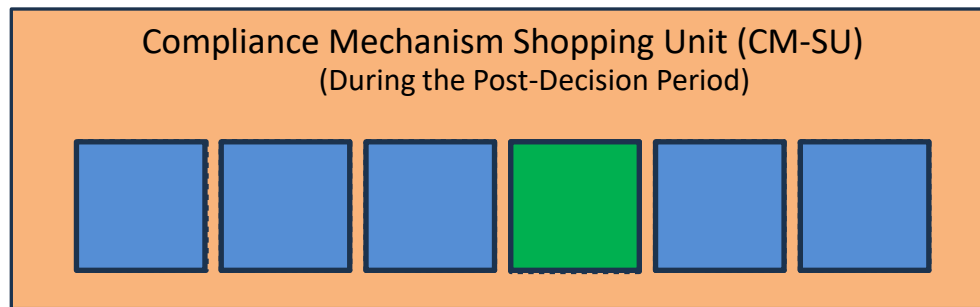




Visible to Users

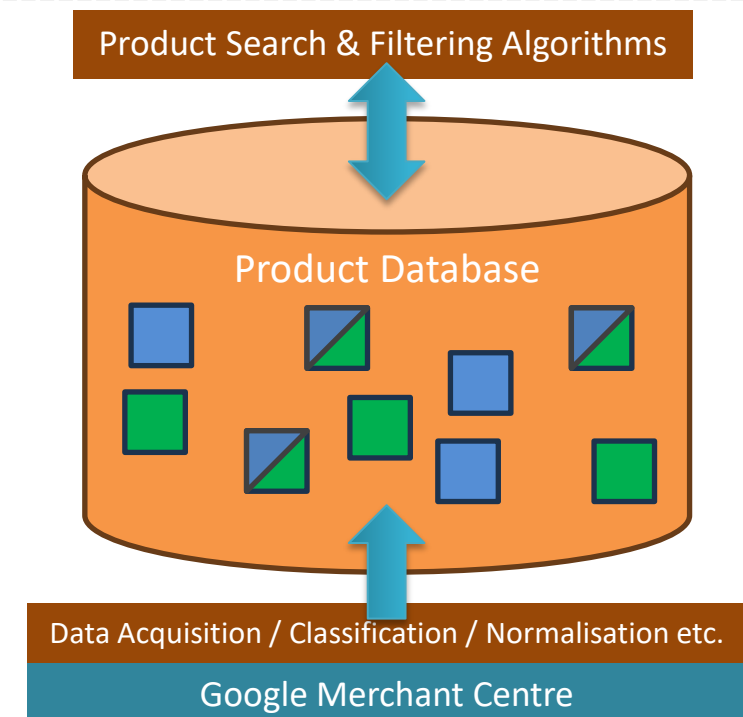
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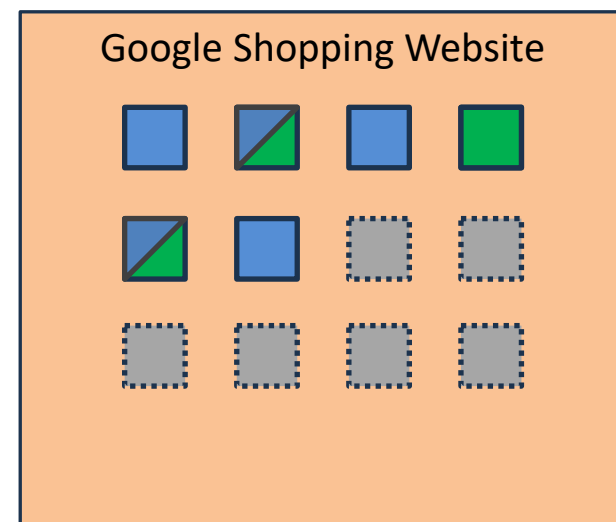
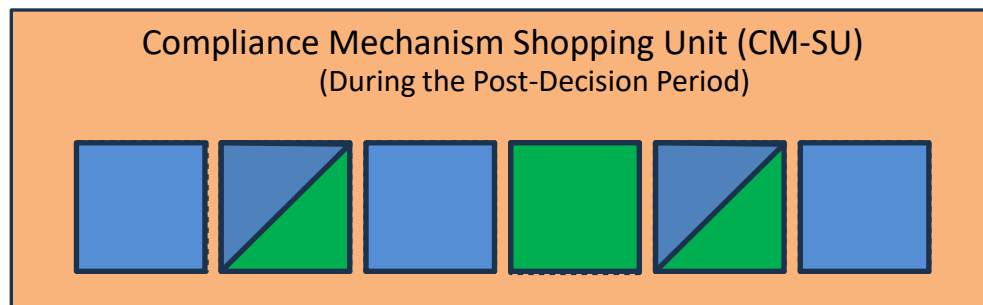




Visible to Users

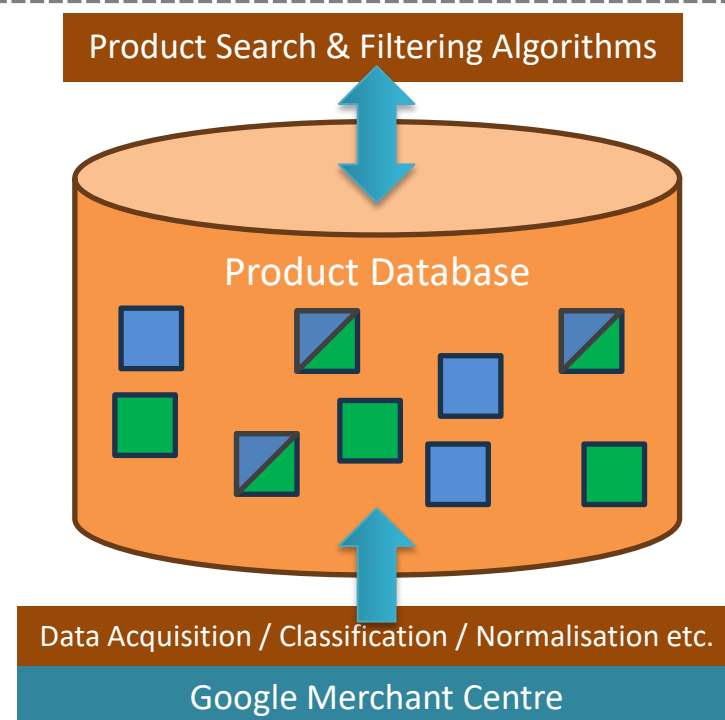
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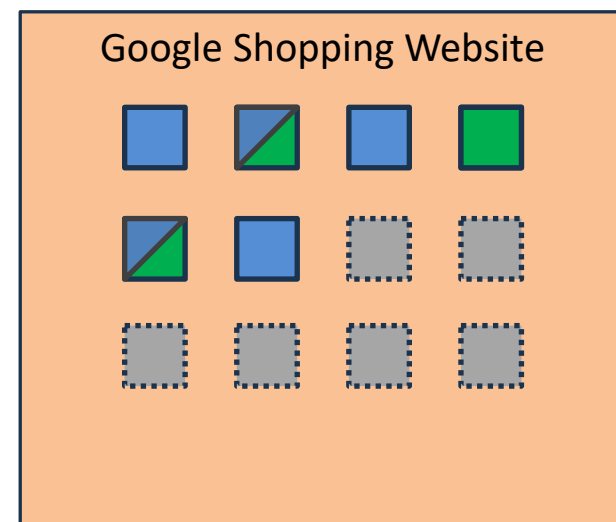
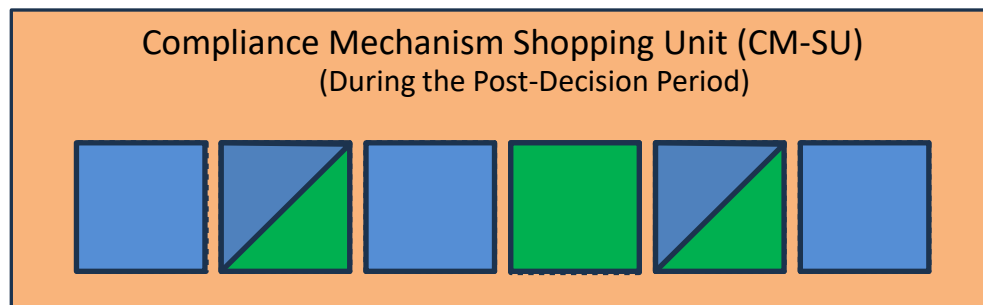




Visible to Users

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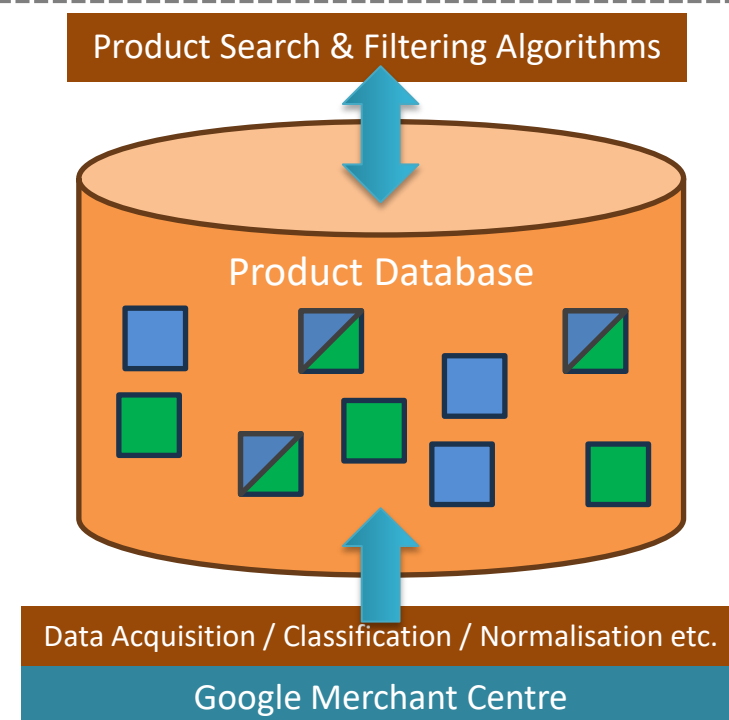


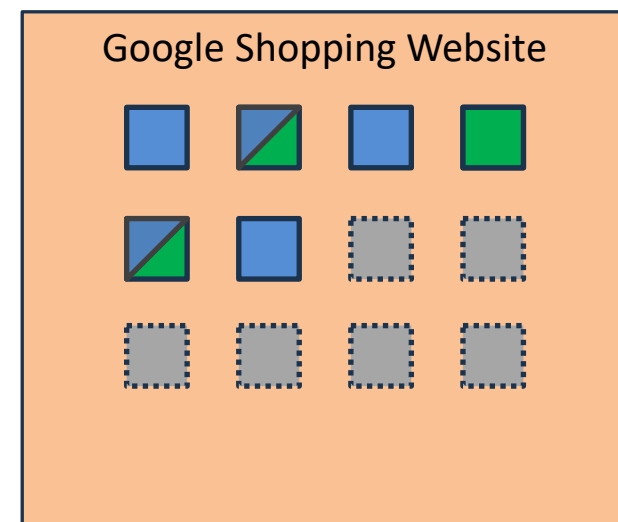
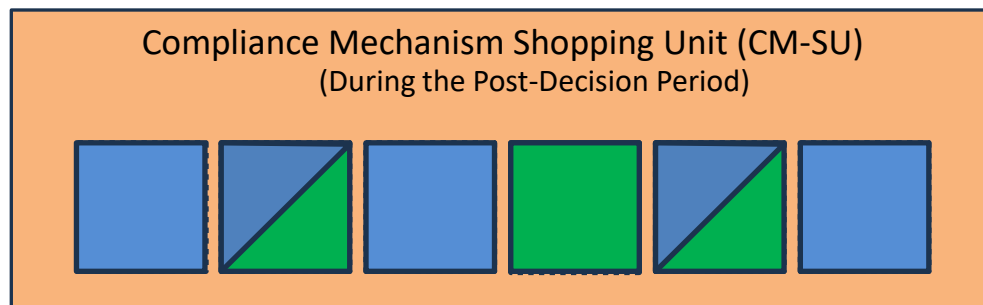


Visible to Users

Difference 3: These ads have little if anything to do with the competing CSS/Ad Agency they have chosen to be “associated” with AND they do not necessarily appear in Google’s CSS

-  Merchant Ads from Google’s CSS (GSE)
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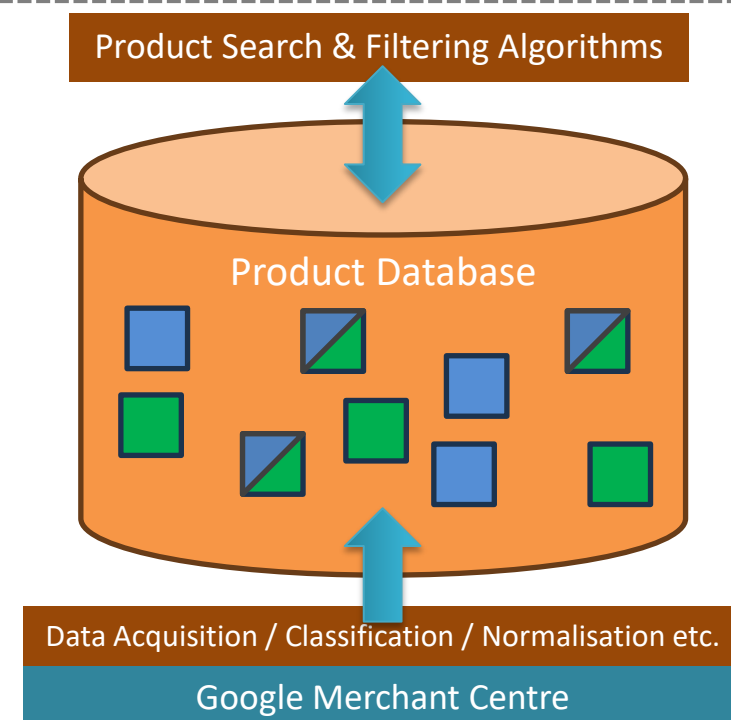


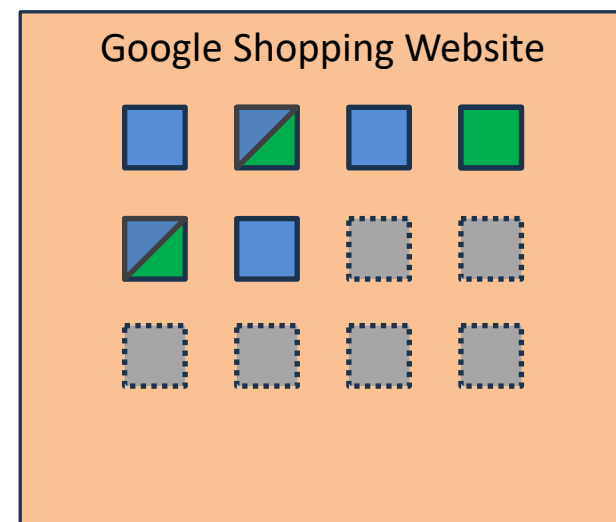
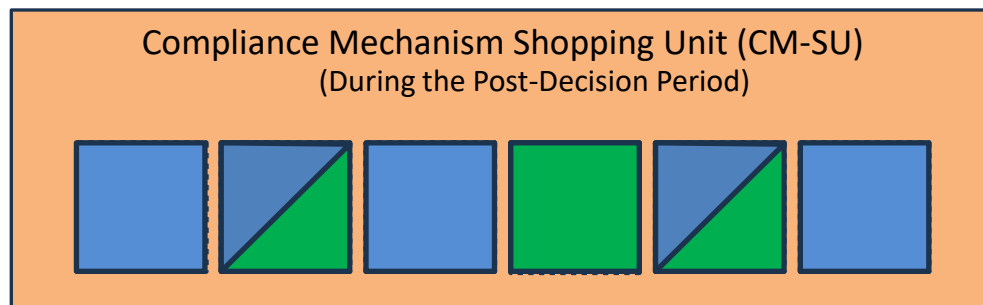
Visible to Users

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Is this a material difference?

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-  Merchant Ads from Competing CSS (Fully Managed)
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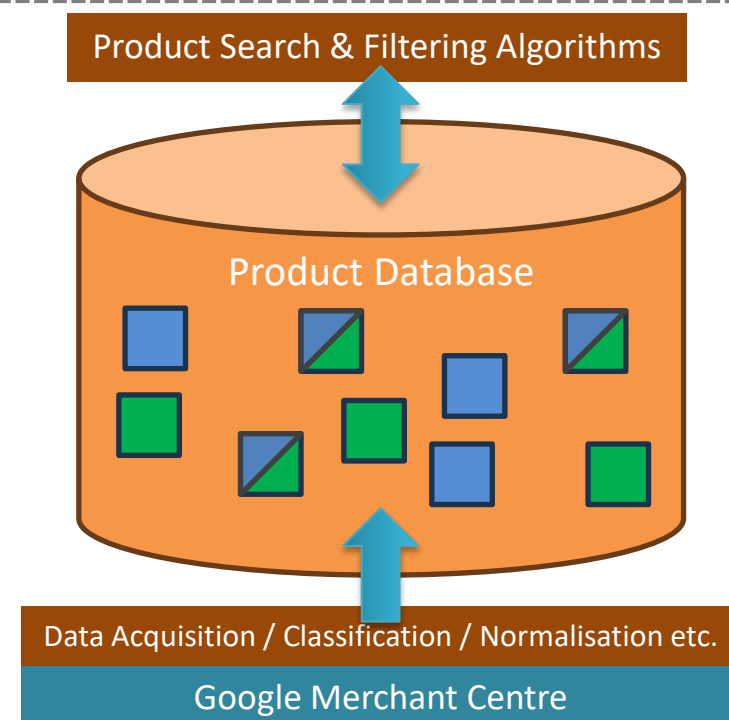
Visible to Users

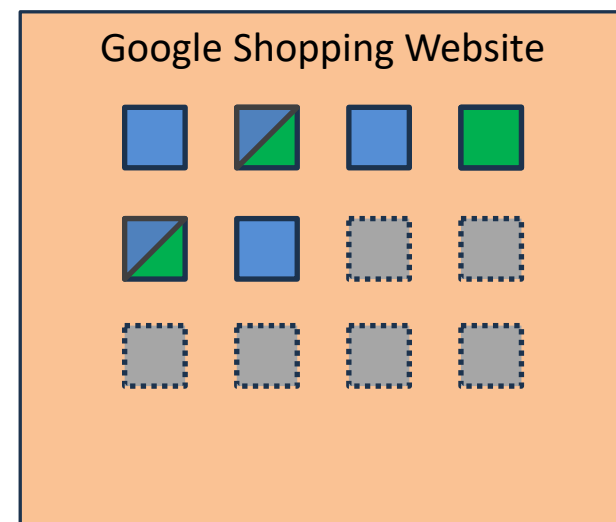
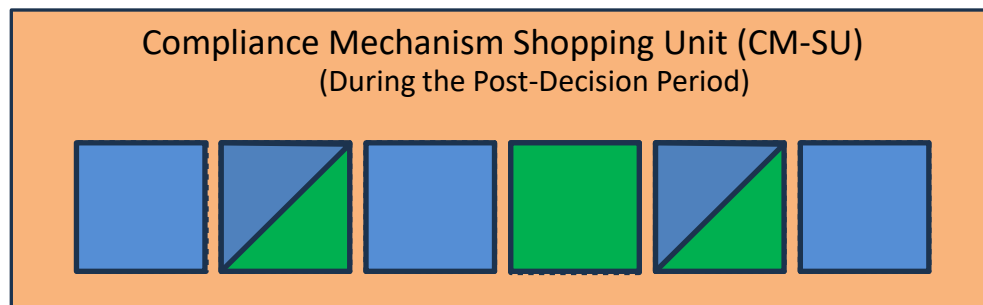
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Visible to Users

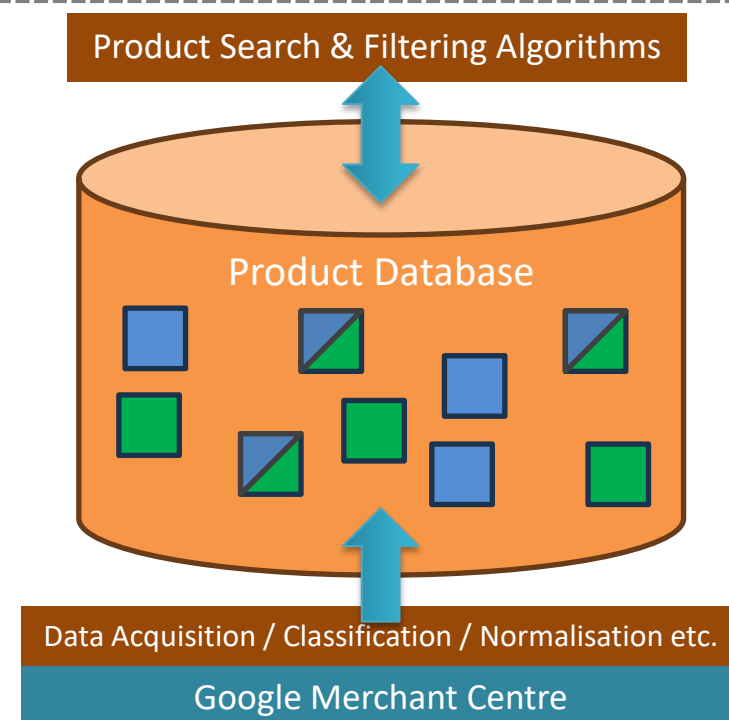
Difference 3: These ads have little if anything to do with the competing CSS/Ad Agency they have chosen to be “associated” with AND they do not necessarily appear in Google’s CSS

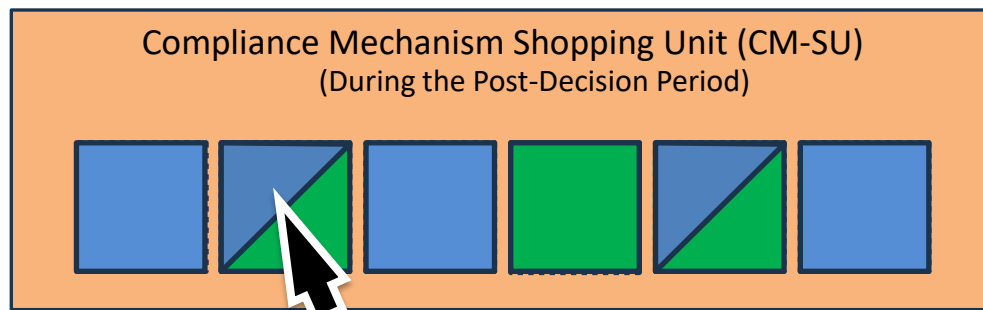
Is this a material difference?

No.

The first thing to note is that these self-service ads did not exist as an option until mid 2018, and...

-  Merchant Ads from Google’s CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)
-  Merchant Ads “Associated” with a Competing CSS (Self-Service)





A Click Here...

Still has exactly the same economic benefit for Google as it had before the merchant chose to associate its ads with a third-party CSS...

Difference

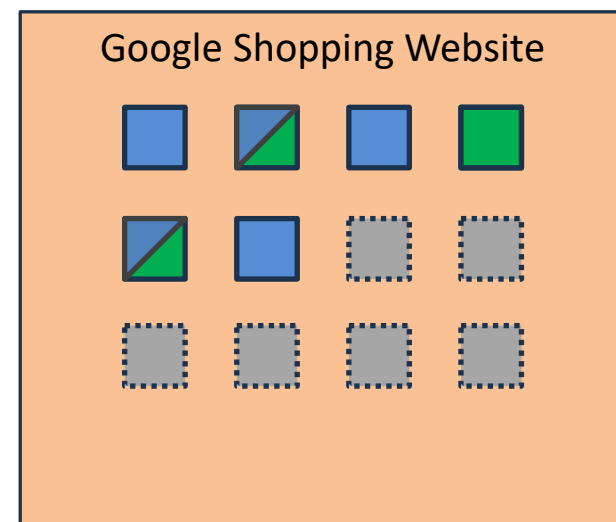
competing CSS/Ad Agency they have chosen to be “associated” with AND they do not necessarily appear in Google’s CSS

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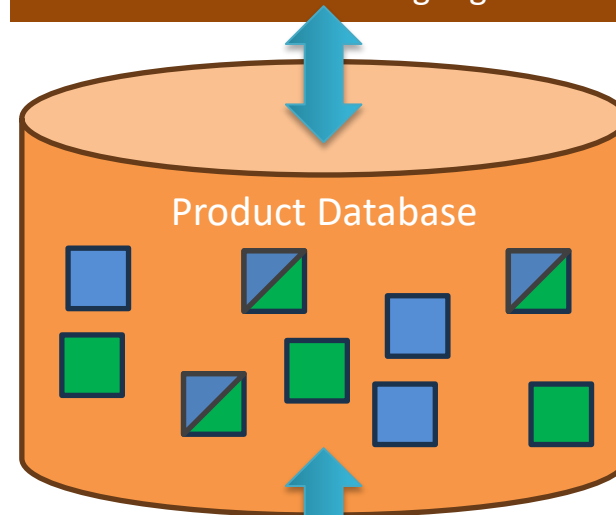
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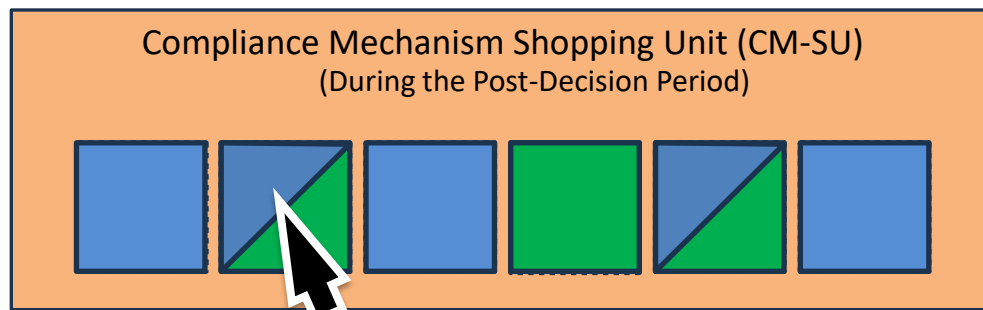
Visible to Users

Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre



A Click Here...

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Difference

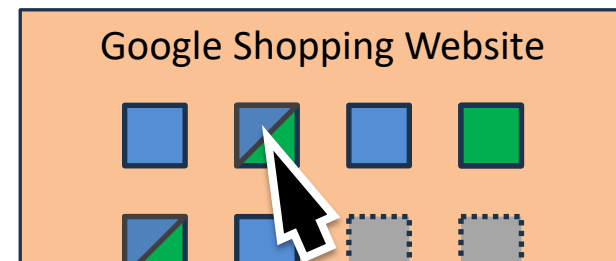
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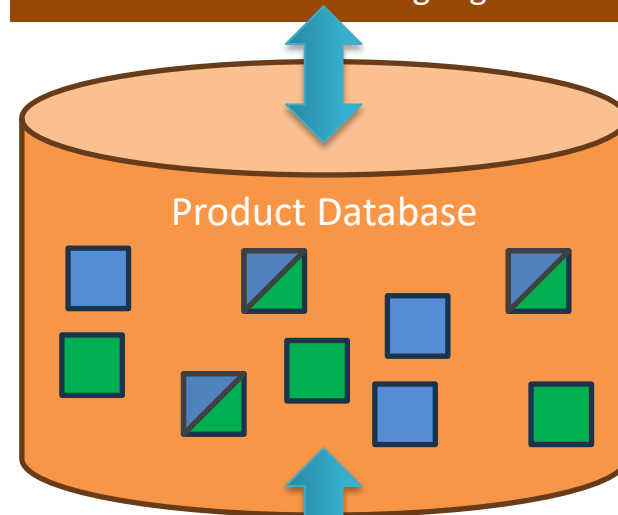
-  Merchant Ads from Google’s CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)
-  Merchant Ads “Associated” with a Competing CSS (Self-Service)



And the same economic benefit for Google of a click on the same ad here (on Google’s CSS) where applicable...

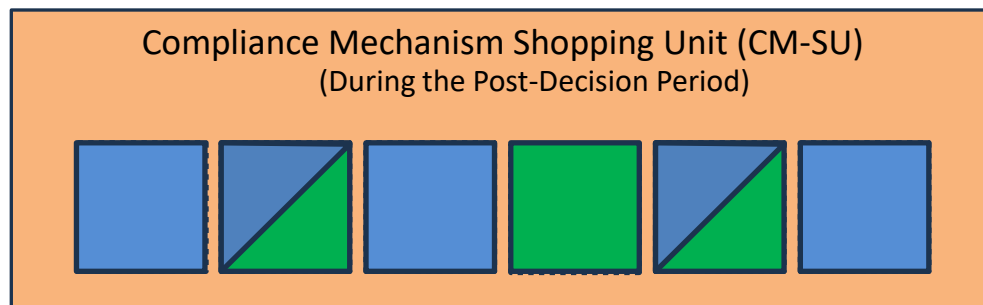
Visible to Users

Product Search & Filtering Algorithms



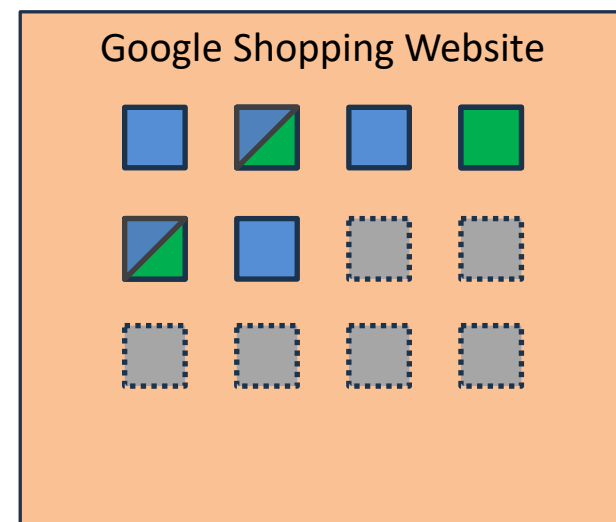
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre

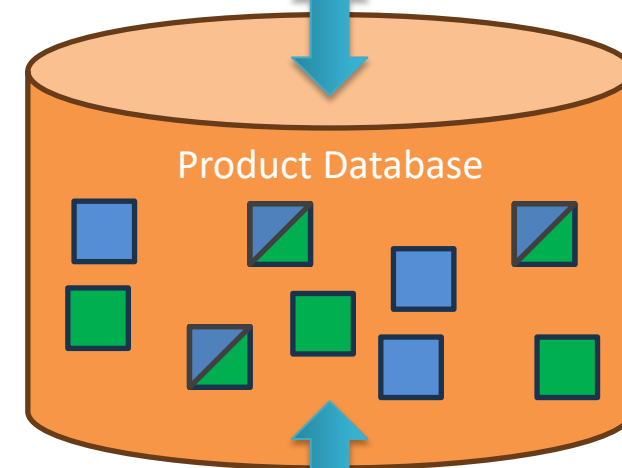


We suggest that the most generous (to Google) interpretation of what recital 630 tells us about how the clicks on merchant ads within the CM-SU “should be counted” is that these should be counted according to the economic benefit derived from the clicks. That is:

-  Merchant Ads from Google’s CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)
-  Merchant Ads “Associated” with a Competing CSS (Self-Service)

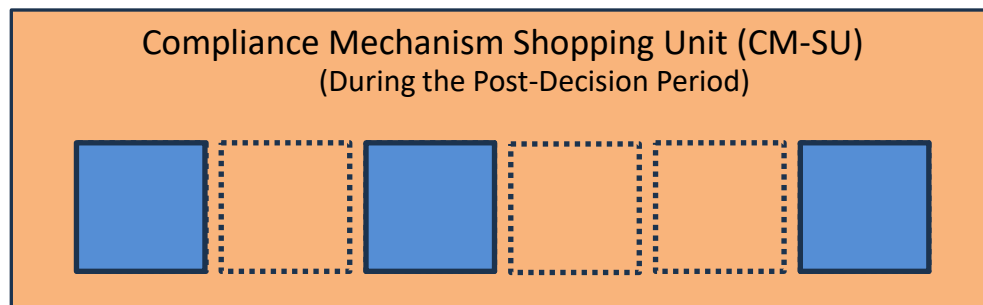


Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

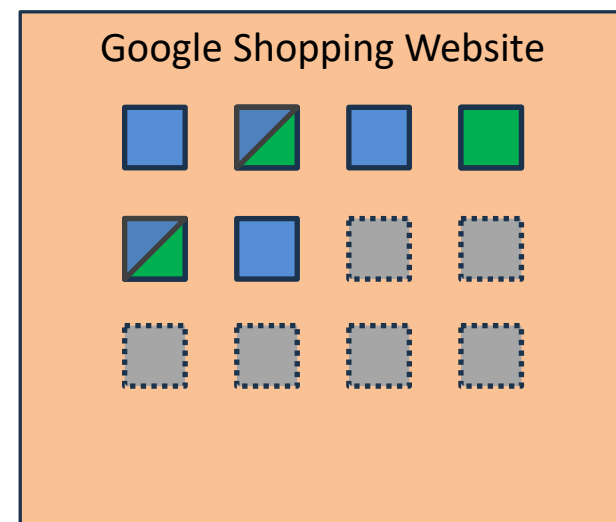
Google Merchant Centre



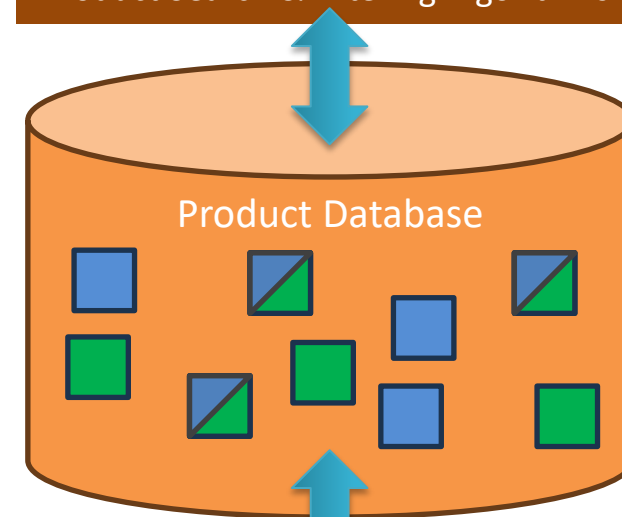
We suggest that the most generous (to Google) interpretation of what recital 630 tells us about how the clicks on merchant ads within the CM-SU “should be counted” is that these should be counted according to the economic benefit derived from the clicks. That is:

- A click on one of Google’s/GSE’s own ads should be counted, one-to-one as a click/visit/traffic to Google’s CSS

-  Merchant Ads from Google’s CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)
-  Merchant Ads “Associated” with a Competing CSS (Self-Service)

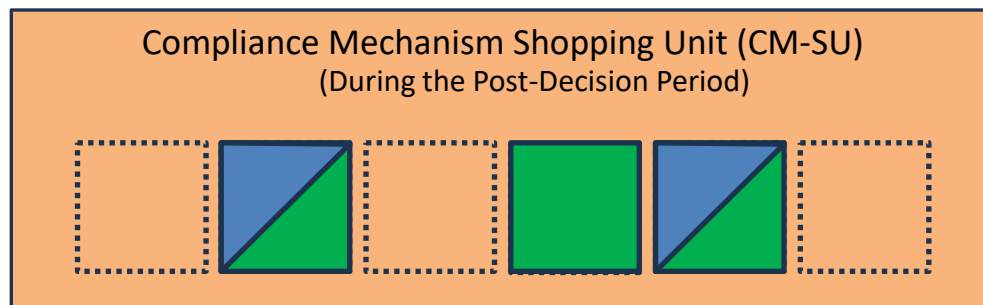


Product Search & Filtering Algorithms



Data Acquisition / Classification / Normalisation etc.

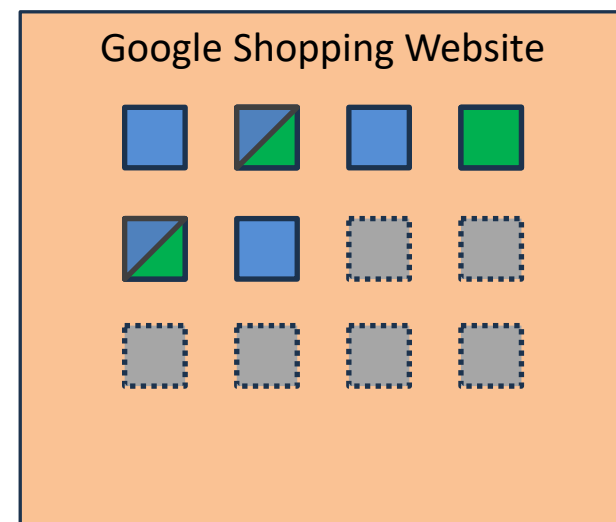
Google Merchant Centre



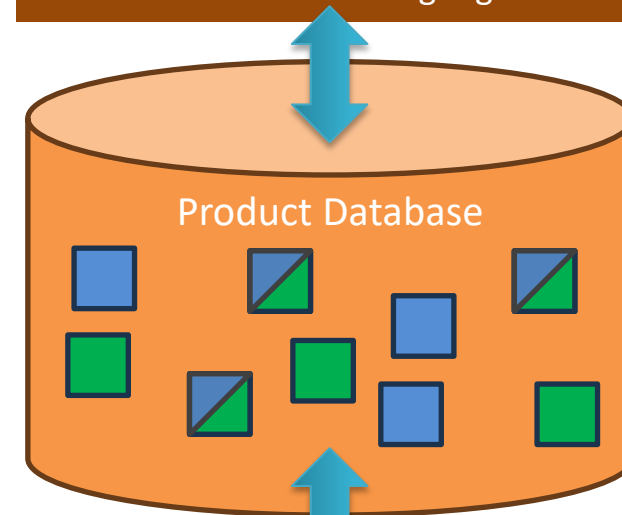
We suggest that the most generous (to Google) interpretation of what recital 630 tells us about how the clicks on merchant ads within the CM-SU “should be counted” is that these should be counted according to the economic benefit derived from the clicks. That is:

- A click on one of Google’s/GSE’s own ads should be counted, one-to-one as a click/visit/traffic to Google’s CSS
- Whereas a click on an ad placed by, or associated with, a competing CSS should be counted according to the proportion of the economic benefit derived from the click, i.e., as 80-100% of a click to Google’s CSS and as 0-20% of a click to the competing CSS.

-  Merchant Ads from Google’s CSS (GSE)
-  Merchant Ads from Competing CSS (Fully Managed)
-  Merchant Ads “Associated” with a Competing CSS (Self-Service)

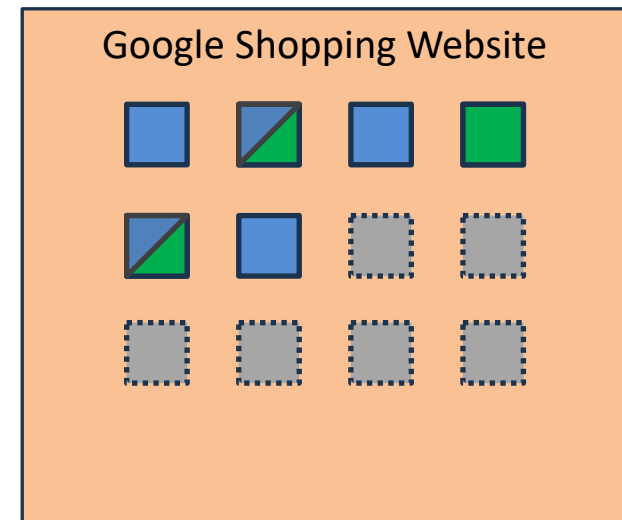
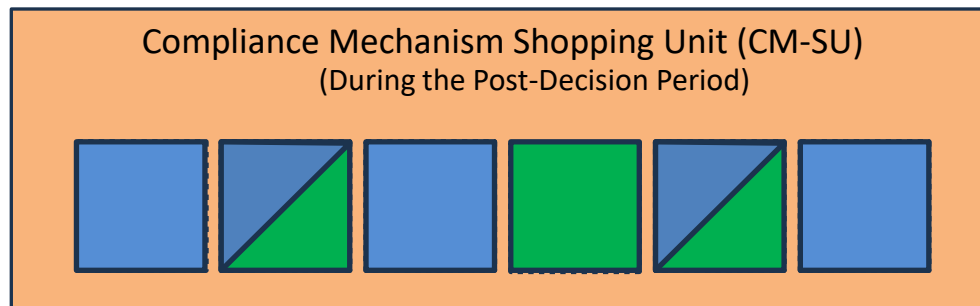


Product Search & Filtering Algorithms

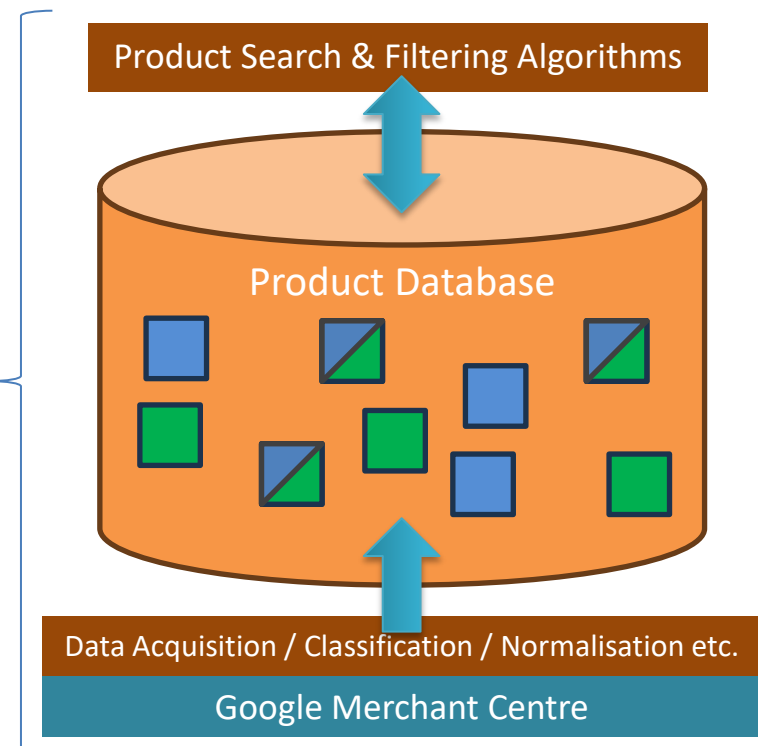


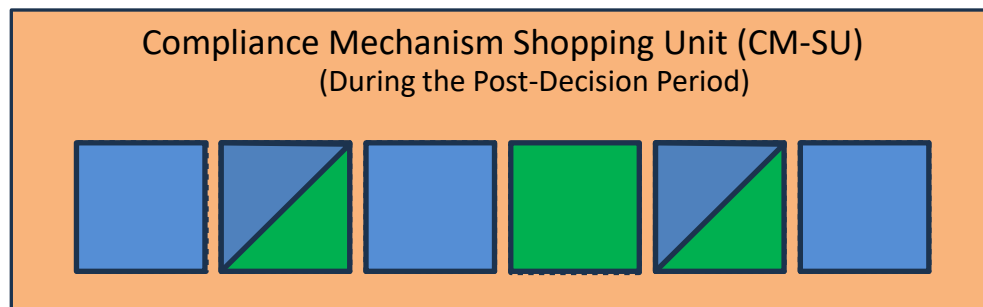
Data Acquisition / Classification / Normalisation etc.

Google Merchant Centre

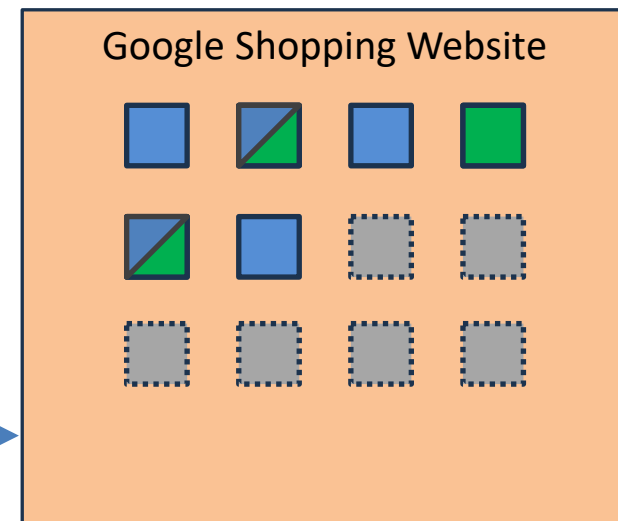


This is still Google's CSS

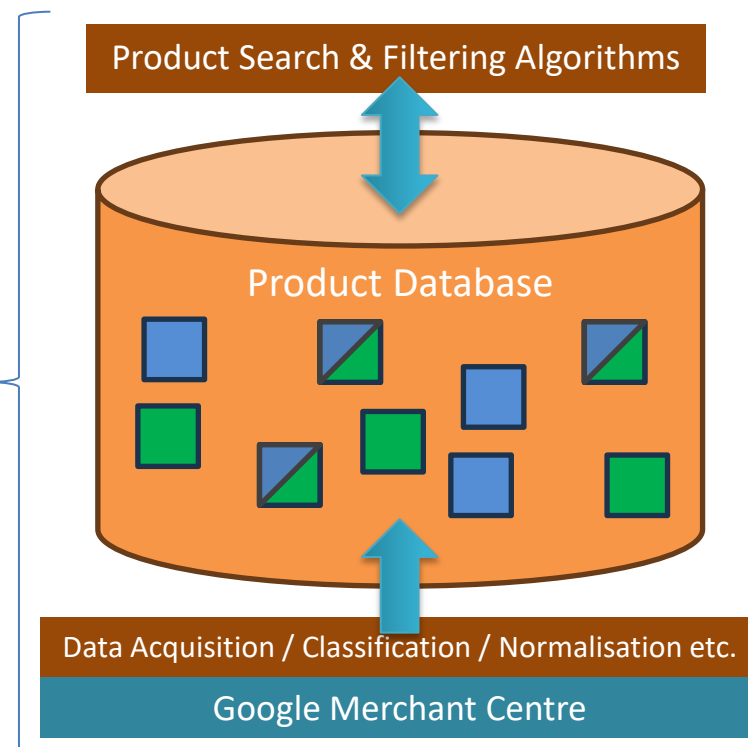


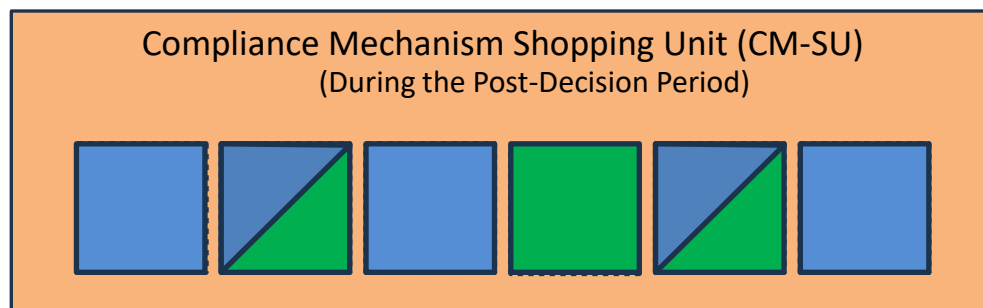


This is still a fully-featured, interactive user interface to Google's CSS providing users with all of the functionality of a CSS

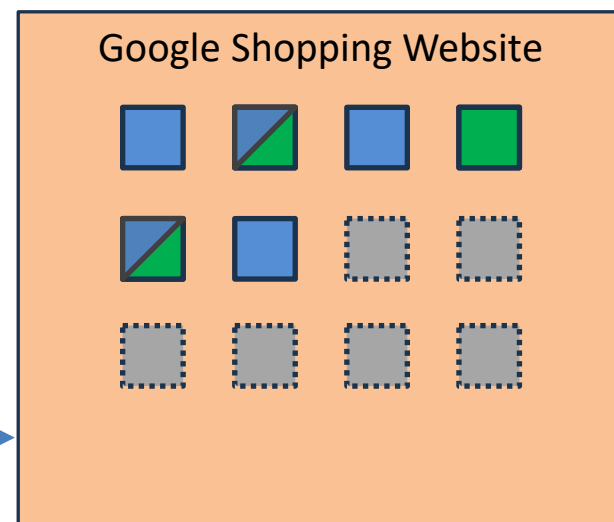


This is still Google's CSS



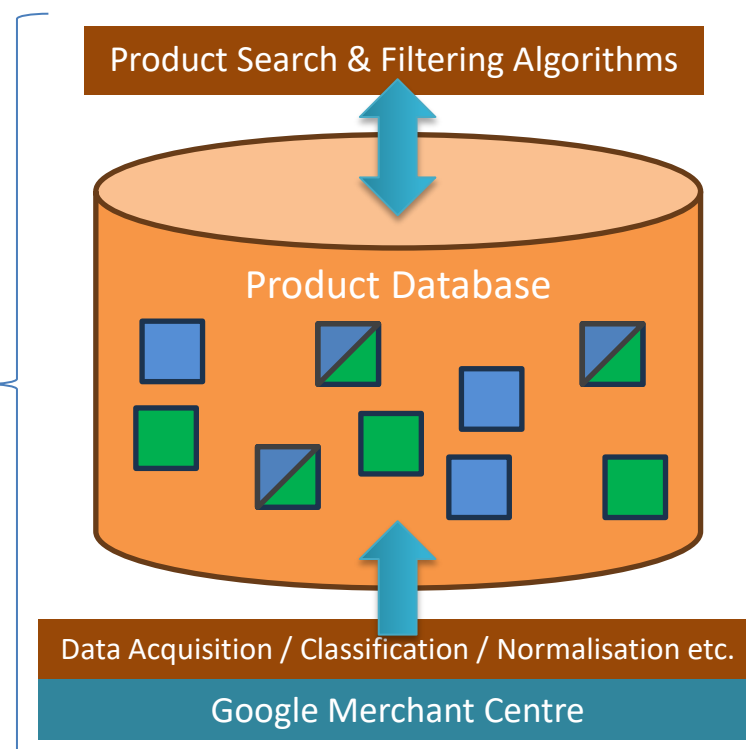


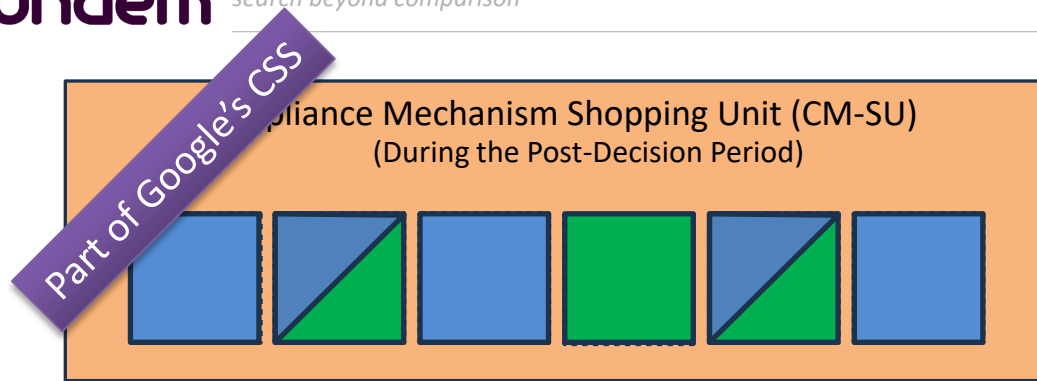
This is still a fully-featured, interactive user interface to Google's CSS providing users with all of the functionality of a CSS



And this is still a user interface to Google's CSS providing users with little to **none of the functionality of a CSS**

This is still Google's CSS



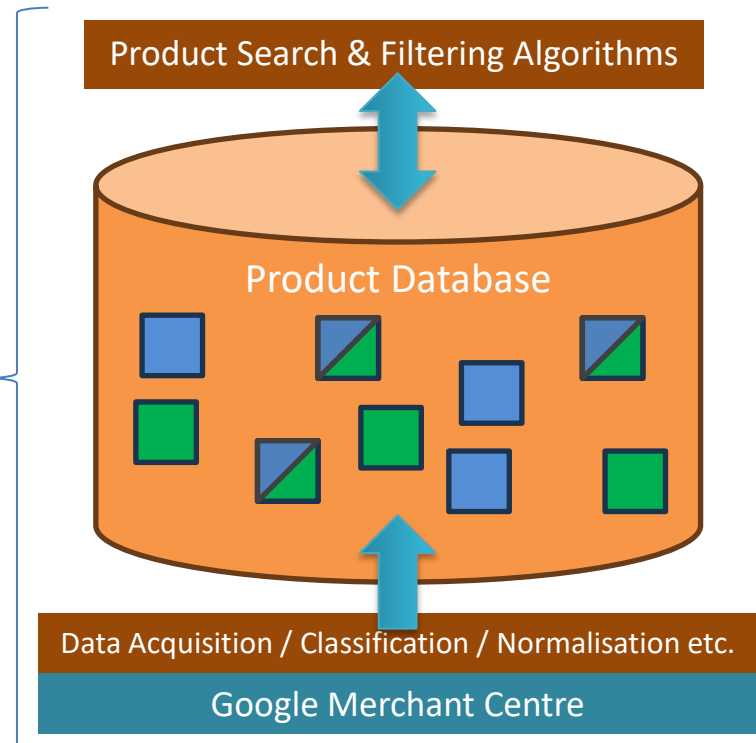


This is still a fully-featured, interactive user interface to Google's CSS providing users with all of the functionality of a CSS

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This is still Google's CSS



More on the Logic and Structure of the Recital 630 Finding

Recital 414

Recital 415

Recital 416

Recital 417

Recital 418

Recital 419

Recital 420

Recital 421

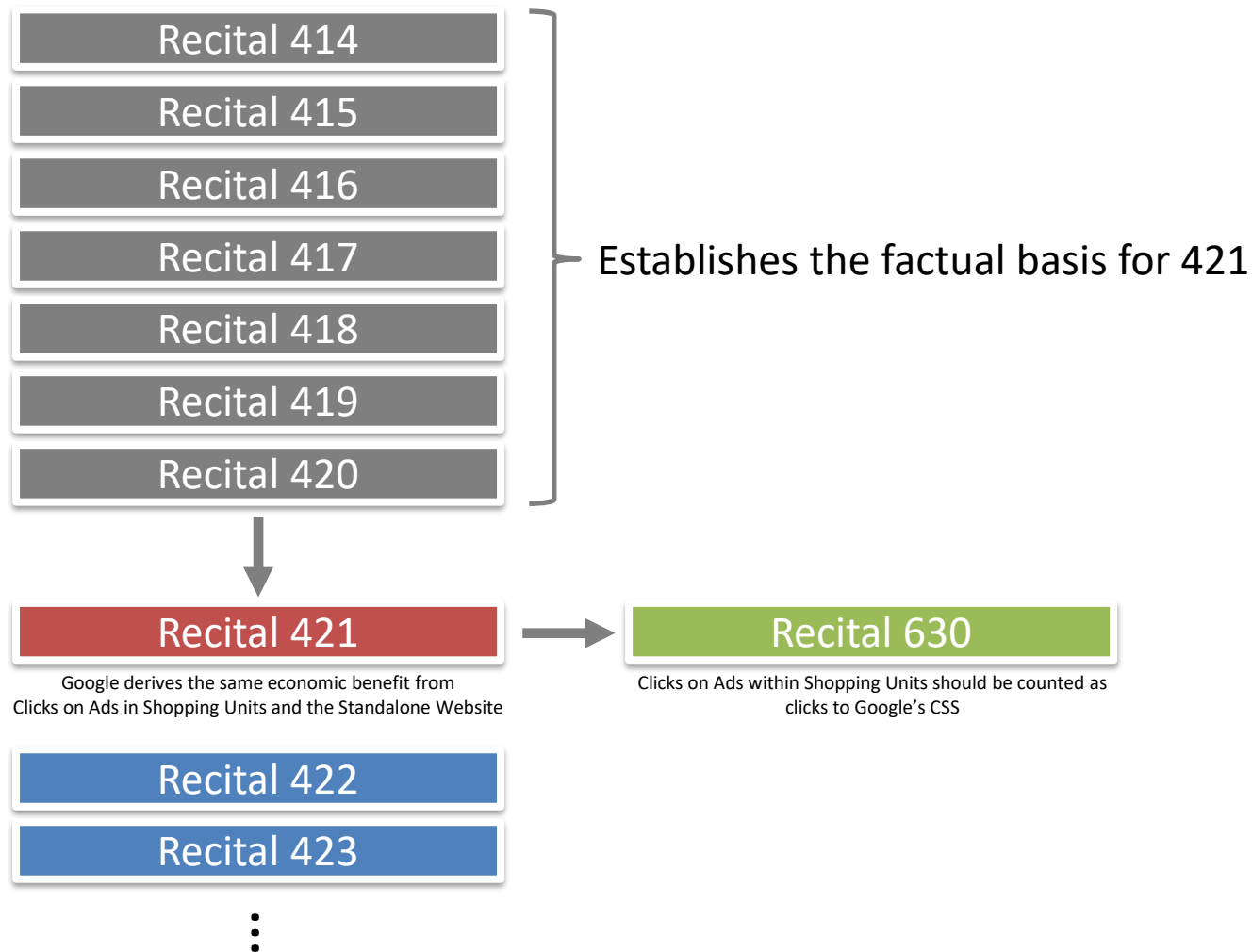
Recital 422

Recital 423

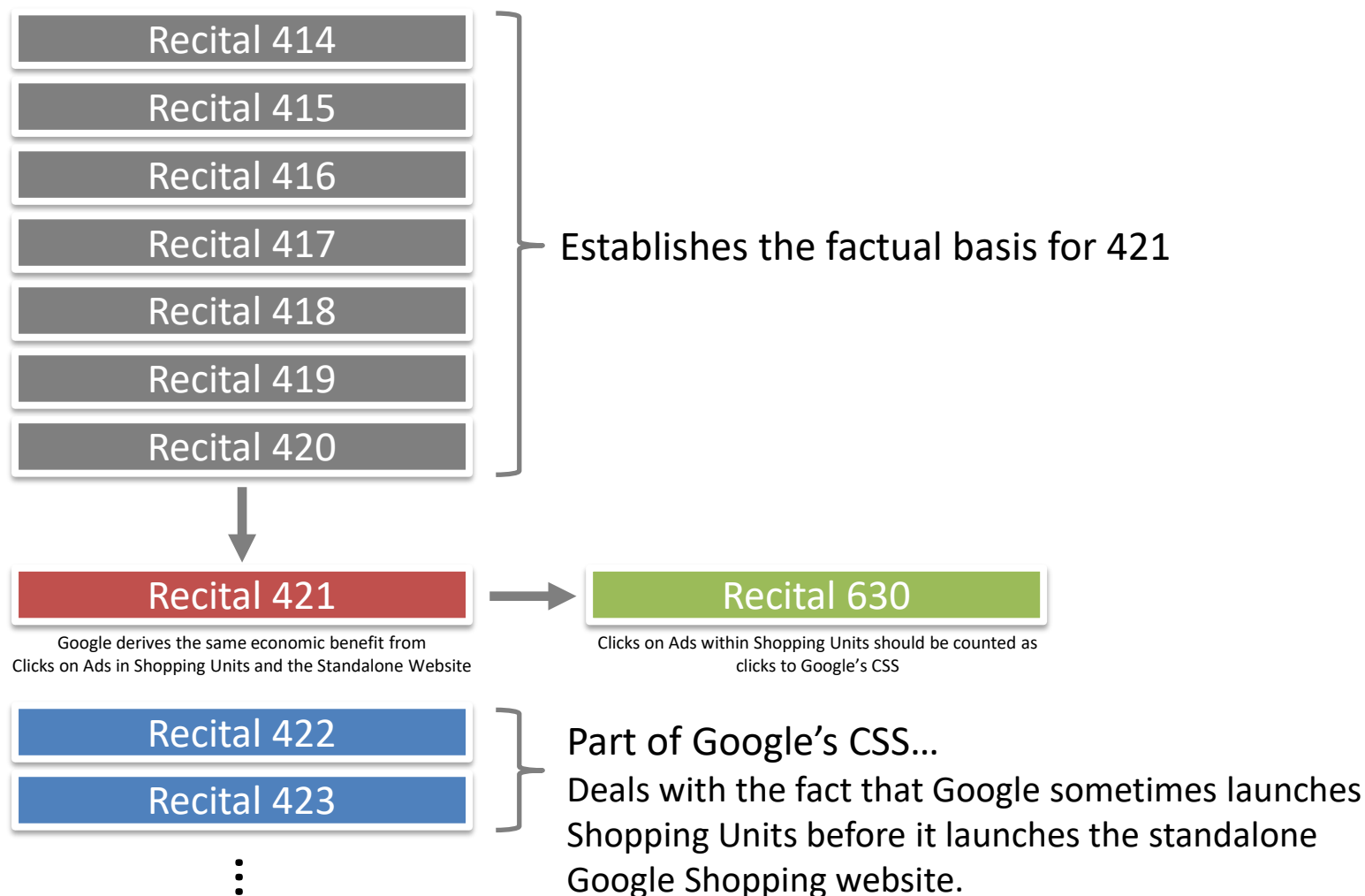
⋮

Recital 630

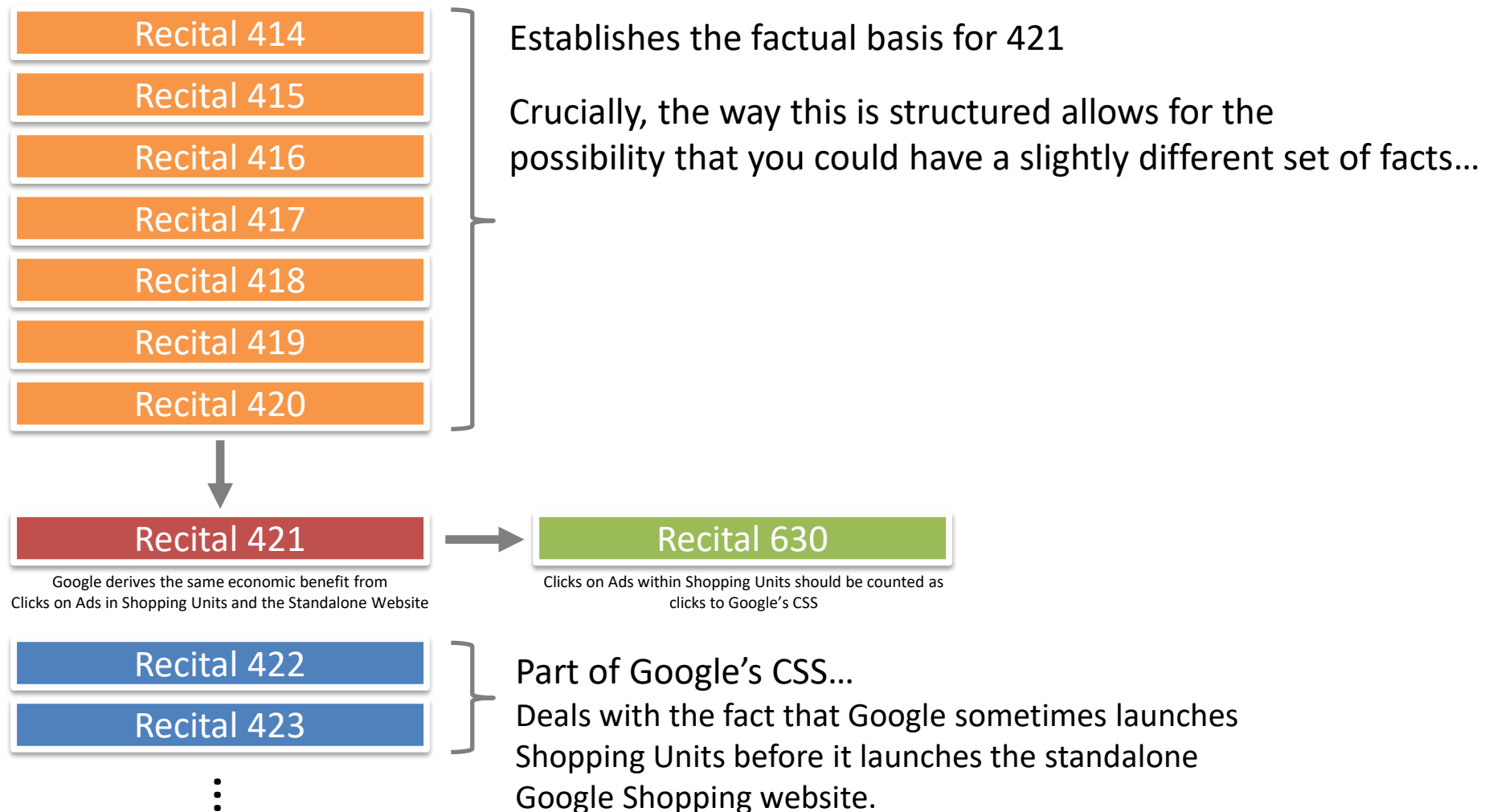
More on the Logic and Structure of the Recital 630 Finding



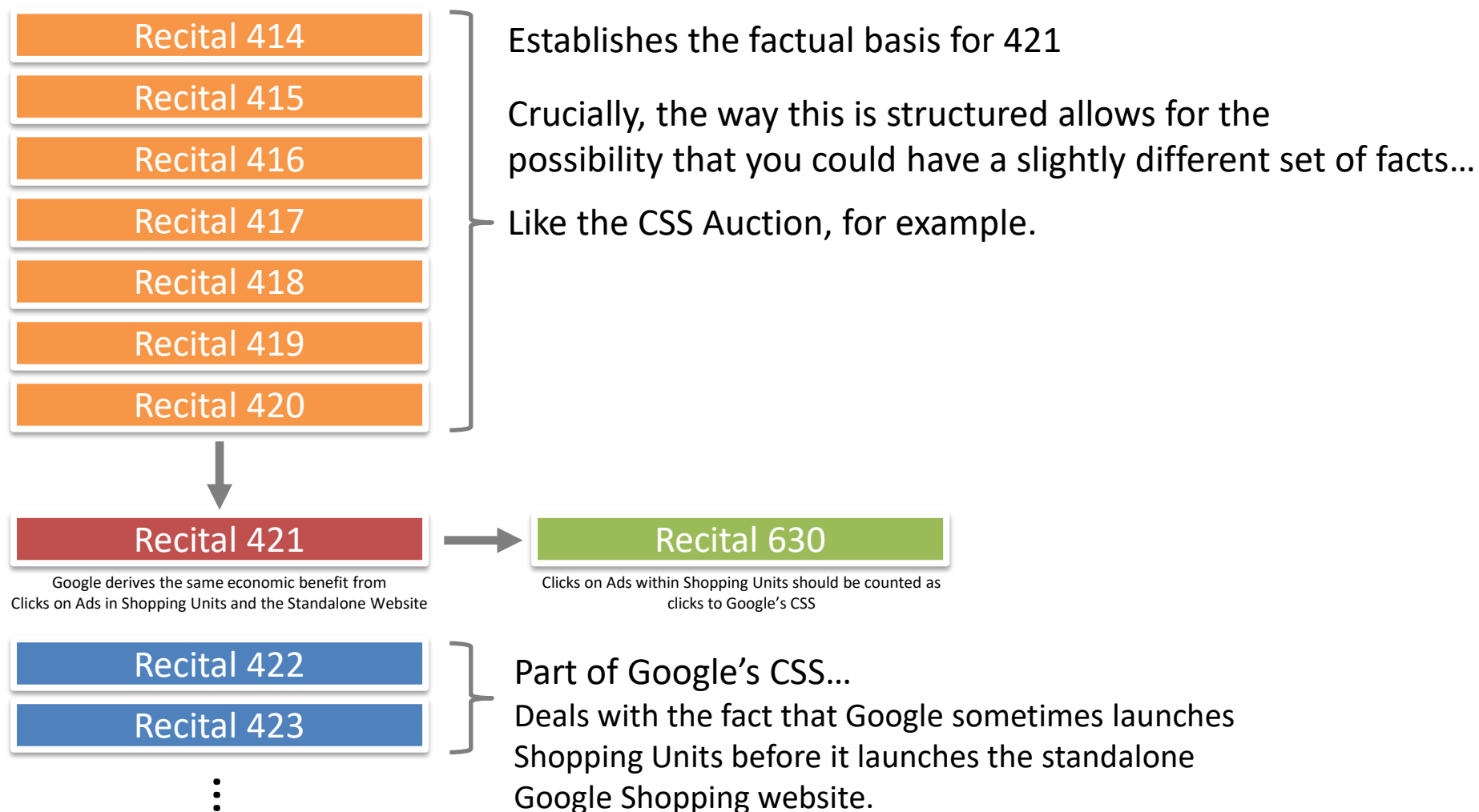
More on the Logic and Structure of the Recital 630 Finding



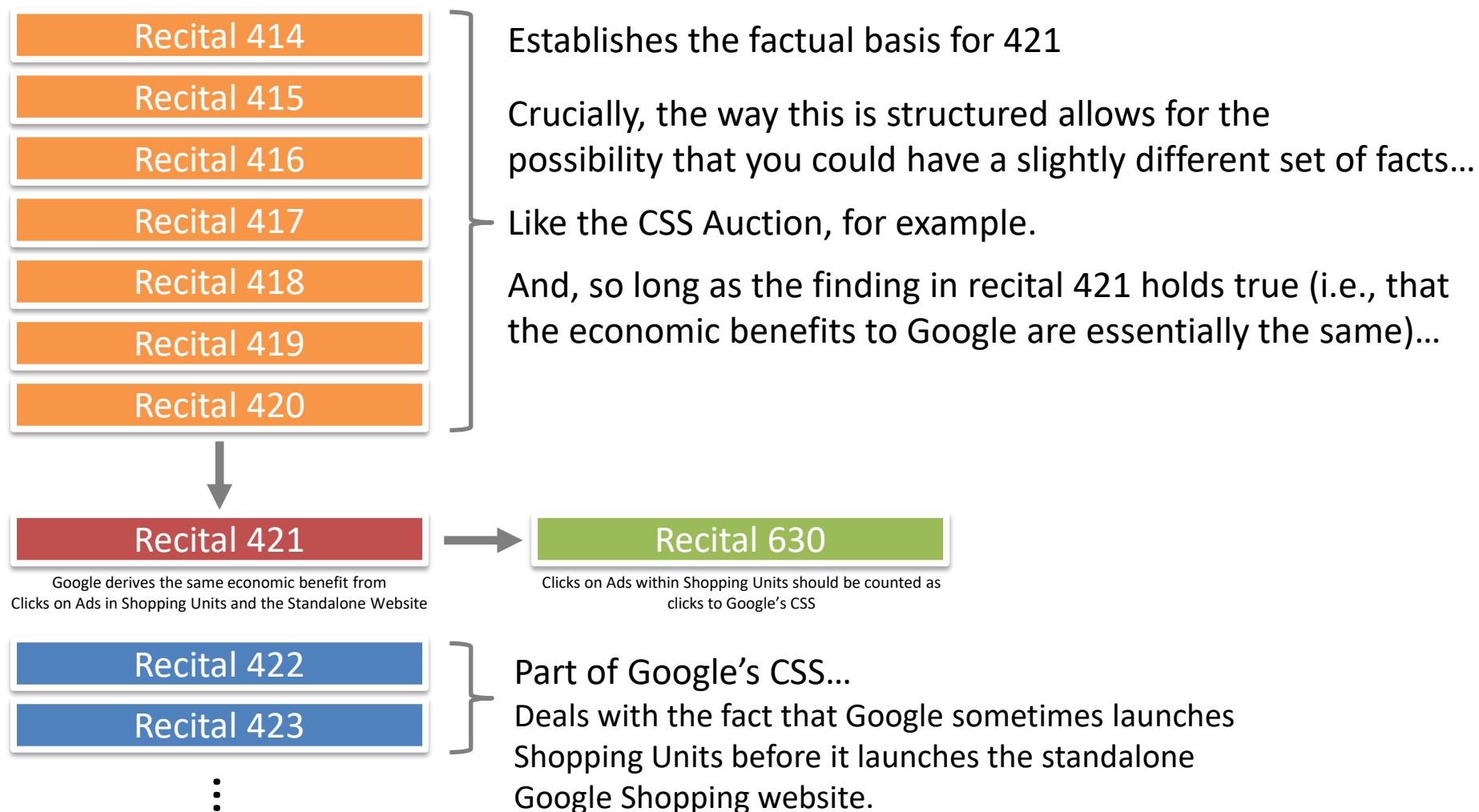
More on the Logic and Structure of the Recital 630 Finding



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