

April 23, 2025

The Honorable Charles E. Grassley  
Chairman  
The Honorable Richard J. Durbin  
Ranking Member  
Committee on the Judiciary  
United States Senate

RE: Questions for the Record in Response to “Big Fixes for Big Tech” Hearing

On April 1, 2025, I testified before the Subcommittee on Antitrust, Competition Policy, and Consumer Rights at a hearing entitled “Big Fixes for Big Tech.” This letter responds to four questions for the record that Senator Cory A. Booker posed. The questions and my answers follow.

**1. How can healthy competition at home make our nation more robust internationally and help sustain American innovation and global leadership?**

Monopolies suppress innovation by freezing markets and preventing new ideas, products, and services from reaching users. Competition fuels innovation, lowers barriers to entry, and drives companies to continuously improve their products and services. Companies that have monopolized markets do not need to innovate to maintain their position. The result is products can enter a state of decay, where the only winners are corporate executives.<sup>1</sup> If we want America to sustain its position as the world's leader in innovation, we can't rely on giant companies who are content to rest on their laurels, block new entrants, and stunt innovation.

We believe that American leadership in technology should be built on a commitment to fair markets, innovation, and consumer choice — not the monopoly power of Big Tech firms.

**2. Why is it especially problematic when privacy is used by monopolistic companies as a shield to avoid compliance with antitrust law? How does Big Tech's reputation for tracking user data factor into your analysis?**

Google's lack of compliance with its Digital Markets Act (DMA) obligations is illustrative.<sup>2</sup> Google's exclusive default distribution deals mean they see many times more search queries than any competitor can, which gives

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<sup>1</sup> Compare *Google still recommends glue for your pizza*, The Verge (June 11, 2024), <https://www.theverge.com/2024/6/11/24176490/mm-delicious-glue> with *New Research: Google Search Grew 20%+ in 2024; receives ~373X more searches than ChatGPT*, SparkToro (Mar. 10, 2025), <https://sparktoro.com/blog/new-research-google-search-grew-20-in-2024-receives-373x-more-searches-than-chatgpt/>.

<sup>2</sup> Kamyl Bazbaz, *Roadblocks to Competition: Investigate Google's Non-Compliance with the EU's Digital Markets Act* (Nov. 20, 2024), <https://spreadprivacy.com/investigate-google-dma/>.

them what's called a "scale advantage." In Article 6(11), the DMA directly addresses this scale advantage by mandating Google share anonymized click, query, ranking, and view data. This data would help search engines improve results quality, especially for less frequent (so-called "long-tail") queries.

When monopolistic firms raise privacy concerns as a reason to blunt the effect of remedies designed to unlock competition, it portrays healthy competition as something that is bad for user privacy. This is problematic because it allows Big Tech companies to weaponize privacy not to protect users, but to maintain their market power. It is also ironic given the extensive data collection processes across Big Tech.

To comply with this requirement, Google announced the "Google European Search Dataset Licensing Program."<sup>3</sup> However, this data set has little to no utility to competing search engines due, in large part, to Google's proposed anonymization method, which only includes data from queries that have been searched more than 30 times in the last 13 months by 30 separate signed in users. This method is conveniently overbroad: we extrapolate that Google's dataset would omit a staggering ~99% of search queries including "longtail" queries that are the most valuable to competitors. Google is trying to avoid its legal obligation in the name of privacy, which is ironic coming from the Internet's biggest tracker.

With similar "user-side data" remedies being proposed by the Department of Justice in its antitrust suit against Google, we anticipate Google will attempt similar sorts of malicious compliance in the United States.

Part of our goal at DuckDuckGo has always been to prove that tech can make great products without exploiting people's data. We recognize that fine-tuning the right approach requires further considerations and, most importantly, testing and good faith cooperation from Google. We would like to help in that effort and believe there are ways for Google to provide a data set that is both privacy respecting and useful to competitors.

### **3. Are consumers making an informed choice right now to use Google, choosing what they see as a better product, or do they lack information about competitors and simply stick with the default?**

This is core problem: users do not actively pick Google, that decision is made for them by the fact that Google is the near-universal default search engine in devices and browsers. The compounding effect of more than 15 years of illegal monopolization cannot be overstated: people do not even think about switching search engines.

Google likes to say people use it because its search engine is the best, but large percentages of consumers do not realize they are using Google because of these defaults:

1. A 2018 Google study revealed there was "substantial user confusion regarding which browser and [general search engine] was in use."

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<sup>3</sup> About the Google European Search Dataset Licensing Program, <https://developers.google.com/search/help/about-search-data-program> (last updated Feb. 4, 2025).



2. A 2020 Google study found that over 60% of U.S. iPhone users couldn't name Google as the search engine powering Safari, concluding users are “often unaware they’re using Google.”<sup>4</sup>

Behavioral research shows that defaults are incredibly sticky. Users rarely change settings unless they are clearly prompted to do so. Alternatives have been shut out of distribution channels effectively controlled by Google.

Efforts in the European Union to provide for choice screens and effective switching mechanisms have proven inadequate because monopoly firms like Google have been in charge of designing and implementing these remedies. This is akin to letting the fox guard the henhouse, and we believe there are effective ways to better inform consumers about alternatives. We also believe a choice screen in the United States would be much more effective because competitor brand recognition is much higher.

#### **4. How can antitrust remedies in the search market be designed so as not to limit competition, especially from companies that value user privacy, within the browser engines market?**

There is no silver bullet remedy. A successful remedy package must simultaneously address Google’s many distribution and scale advantages.

On distribution, it would need to prevent Google from entering into agreements with preferential payments or revenue shares because these are the root cause of Google’s distribution advantage, given their monopoly monetization. Remedies must also open up access to the search market by prohibiting Google from self-preferencing on Chrome and Android, as well as introducing well-implemented choice screens, which reduce choice friction.

On scale, remedies need to ensure competitors can close the enormous gap that Google now enjoys from 15 years of anticompetitive distribution contracts. We need sufficient scale to be able to experiment and ultimately achieve similar quality in long-tail queries.

This will not happen overnight, so we think that in the short term, syndication needs to be in place to ensure alternatives are of high quality once the distribution remedies are implemented; otherwise, Google still gets the benefits of the enormous scale advantage it has given itself, and those provisions will not work well.

In the long term, competitors would also need to be able to build their own indexes at scale to ensure that they can be independent when provisions expire. Therefore, data that competitors cannot obtain otherwise due to smaller scale needs to be provided to bridge that gap.

In addition, these remedies would need to last for a while, long enough for search engines to build our indexes and ad networks at scale in order to monetize effectively and become independent competitors. This is not just a

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<sup>4</sup> Gabriel Weinberg, *Creating Enduring Competition in the Search Market* (Sept. 12, 2024), <https://spreadprivacy.com/creating-enduring-competition-in-the-search-market/>.



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technology problem – it also requires search engines to build large user bases and that just takes a significant amount of time.

Finally, remedies require strong enforcement provisions. Our experience in Europe has shown that Google is very resistant to the enforcement of competition remedies and will invest in finding ways around them. An effective remedy needs to prevent them from doing the same in the United States.