
Analysis Of Anti-Competitive Practices By Google: A Comparative Study Of India and USA

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Abstract

The dominance of Google in search engines, digital advertising, and mobile operating systems has raised serious concerns regarding anti-competitive conduct in digital markets. With control over user data, advertising infrastructure, and pre-installed applications, Google has created significant entry barriers for smaller competitors and restricted consumer choice. In both India and the United States, regulatory authorities have responded to these practices through investigations and legal action, though with varying approaches and outcomes.

In India, the Competition Commission of India (CCI) has acted under the Competition Act, 2002, particularly Section 4, to address abuse of dominance related to Google's search algorithms and Android licensing agreements. Remedies have included fines and mandatory behavioural changes. In the United States, the Federal Trade Commission (FTC), operating under the Sherman and Clayton Acts, has focused on Google's exclusive agreements and control over advertising markets, with ongoing litigation such as *USA v. Google LLC* (2024) seeking structural remedies, including potential divestment of its ad-tech business.

Differences in enforcement strategies reflect broader legal and institutional distinctions: India's framework enables quicker, market-sensitive interventions, while the U.S. relies on more rigorous legal standards and judicial processes. Despite these efforts, challenges remain due to the scale, complexity, and global reach of digital monopolies.

Keywords: *Antitrust Law, Google, Competition Law, Abuse of Dominance, CCI, FTC, Digital Economy, Android, Search Bias, Market Regulation.*

CHAPTER 1:Introduction

“Monopolies are bad because people get bad service for high prices. Competition is good because people get good service for competitive prices.”

- Timothy C. Draper

The digital age has transformed global markets, fostering innovation while raising complex regulatory challenges. Central to this transformation is the dominance of technology giants, particularly Google, whose business practices have significantly influenced the competitive dynamics of digital markets. With its ubiquitous search engine, advertising ecosystem, and android operating system, Google wields immense market power. While this dominance has enabled innovation and convenience for consumers, it has also raised concerns about monopolistic practices and abuse of market power.

In the context of India and the United States, these concerns have been particularly pronounced. Both nations have experienced the impact of Google’s practices on competition and consumer choice, albeit in differing regulatory and market environments. In India, the Competition Commission of India (hereinafter CCI) has investigated Google for alleged abuse of dominance in search and android licensing agreements¹. Similarly, the Federal Trade Commission (hereinafter FTC) in the US has scrutinized Google’s practices under antitrust laws such as the Sherman Act and Clayton Act². These regulatory responses highlight the growing need for effective frameworks to address the challenges posed by digital monopolies.

Google’s dominance is underpinned by its ability to leverage vast amounts of user data. This data serves as the foundation for its algorithms, enabling the company to deliver highly relevant search results, personalized advertisements, and seamless user experiences. While this has benefited consumers by providing free and efficient services, it has also created significant barriers for competitors. Small and medium-sized businesses struggle to compete with

¹ Umar Javed v Google LLC [2022] CCI (Competition Commission of India).

² Sherman Antitrust Act of 1890, 15 U.S.C. §§ 1–7 (U.S.).

Google's scale, resources, and data-driven insights, leading to concerns about market concentration and diminished competition.

This paper seeks to analyse Google's anti-competitive practices through a comparative study of India and the United States. By examining the regulatory approaches of the CCI and FTC, the study aims to identify key legal and procedural differences, evaluate their effectiveness, and propose recommendations for enhancing antitrust enforcement in digital markets.

CHAPTER: 2 An Analysis of Regulatory Frameworks in India and the US

In the digital era, competition law has taken on new dimensions, given the rise of technology giants that operate on a global scale. Digital markets are distinct from traditional markets due to several factors that make monopolistic behaviour easier to achieve and harder to regulate. These markets are characterized by network effects, where the value of a product or service increases as more people use it. For example, Google's search engine benefits from vast amounts of user data, which improves the quality of search results and makes it difficult for competitors to catch up.³

Economies of scale in digital markets allow dominant firms to operate with lower marginal costs as they grow. This is seen in how Google's data infrastructure becomes more efficient and cost-effective with increased user data.⁴ Additionally, big tech companies like Google leverage vast data troves to create targeted advertising models, providing them a competitive edge. Competition law aims to prevent these companies from using their dominance to unfairly stifle competitors, ensuring that new entrants and smaller players have an opportunity to succeed.

Around the world, regulatory bodies have recognized the unique challenges posed by big tech. Jurisdictions like the European Union, Australia, and South Korea have taken substantial steps towards regulating the digital economy. Notable actions include imposing hefty fines, mandating data sharing with competitors, and enforcing behavioural remedies to prevent anti-competitive conduct.⁵

³ OECD, *Digital Economy Report 2021*, <https://www.oecd.org/> (last visited June 1, 2025).

⁴ European Commission, *Competition Report on Digital Markets* (2020).

⁵ European Commission, *Digital Markets Act 2022*, https://commission.europa.eu/index_en (last visited June 1, 2025).

In this global context, India and the US stand out with their respective approaches to regulating companies like Google. While both countries have similar concerns, such as data privacy, monopolistic practices, and market power, their regulatory responses reflect different legal philosophies and economic priorities.⁶

2.1 Competition Commission of India (CCI)

The Competition Commission of India can be understood in the following way:

2.1.1 Foundation and Role

The Competition Commission of India (CCI) was established under the Competition Act of 2002 with a mission to prevent practices that could harm market competition. Its core objectives are to promote and sustain competition, protect consumer interests, and ensure freedom of trade in India's markets. The CCI investigates cases of anti-competitive agreements, abuse of dominant position, and regulates mergers that could potentially distort competition. Through these functions, the CCI has emerged as a vital regulatory body in India's evolving digital landscape.

2.1.3 Relevant Provisions for Digital Markets

In the digital sector, the CCI primarily relies on Section 4 of the Competition Act, which addresses abuse of dominant position. This section defines dominance based on factors like market share, economic strength, size, and resources of the company, among other criteria.⁷

In Google's case, the CCI examines whether its dominant market position in areas like search and mobile operating systems restricts fair competition. Additionally, Section 19 allows the CCI to initiate investigations if there is a substantial adverse effect on competition. This provision is crucial as it enables the CCI to act proactively in digital markets where monopolistic behaviours can rapidly evolve and affect the market dynamics.

⁶ Brookings Institution, *Global Antitrust Enforcement Report* (2021), <https://www.brookings.edu/> (last visited June 1, 2025).

⁷ Competition Commission of India, *Annual Report 2021*, <https://www.cci.gov.in/> (last visited June 1, 2025).

2.1.4 CCI's Approach towards Google

The CCI has undertaken significant investigations into Google's practices in India, particularly focusing on search bias and Android's dominance in mobile operating systems. In its 2018 order, the CCI found that Google leveraged its dominance in search to manipulate search results in favour of its own services, thereby harming competitors and limiting consumer choice.⁸

More recently, the CCI scrutinized Google's Android practices, especially its licensing agreements with smartphone manufacturers, which were found to restrict manufacturers from using competing services.⁹ The remedies imposed by the CCI have included fines, orders to cease certain practices, and requirements for Google to allow users and manufacturers greater flexibility in choosing competing services. These actions underscore the CCI's commitment to maintaining competitive markets in the digital economy while adapting regulatory practices to keep up with technological advancements.

2.2 Federal Trade Commission (FTC) and the US Regulatory Framework

The Federal Trade Commission (FTC) was created in 1914 to enforce the Federal Trade Commission Act, which outlaws unfair methods of competition and deceptive practices. In addition to the FTC Act, the US also enforces the Sherman Act and Clayton Act, which forms the bedrock of antitrust legislation in the United States. The Sherman Act, in particular, prohibits monopolistic practices, while the Clayton Act addresses specific issues like mergers that could reduce competition. Together, these laws allow the FTC to investigate and challenge anti-competitive conduct, making it a central player in regulating the digital market.

2.2.1 Key Antitrust Legislation for Digital Markets

The Sherman Act, specifically Section 2, is crucial in regulating monopolistic practices in digital markets. This section targets monopolization and attempts to monopolize, setting a high threshold for what constitutes abusive conduct. The Clayton Act, Section 7, further enables the

⁸ *Matrimony.com Ltd. & CUTS v. Google LLC, Google India Pvt. Ltd. & Google Ireland Ltd., Case Nos. 07 & 30 of 2012, Competition Commission of India (Jan. 31, 2018).*

⁹ *CCI Imposes Rs 1,338-Crore Fine on Google for "Anti-Competitive Practices", Economic Times (Oct. 21, 2022).*

FTC to scrutinize mergers and acquisitions that could harm competition, a significant tool in preventing big tech companies from acquiring emerging competitors to cement their dominance.¹⁰

2.2.2 FTC's Actions against Google

One of the most significant cases involving Google was the FTC's 2013 investigation into the company's search practices. The FTC found evidence that Google manipulated search results to favour its own services while disadvantaging competitors in fields such as travel and shopping. Although the investigation concluded with a settlement, it set a precedent for future actions and laid the groundwork for the ongoing *USA v. Google LLC* (2024), which challenges Google's monopoly in search and advertising¹¹.

The remedies imposed by the FTC in these cases have included structural changes to Google's advertising business, limitations on exclusivity agreements, and requirements to ensure transparency in search algorithms. These actions demonstrate the FTC's approach to regulating anti-competitive practices, although the US has faced criticism for being less stringent compared to other jurisdictions, such as the European Union.¹²

2.3 Comparative Analysis of CCI and FTC Approaches

The CCI and the FTC differ significantly in terms of their investigative authority and enforcement power, largely due to the distinct legal frameworks and regulatory environments in India and the United States. The CCI operates with a proactive approach, conducting investigations when it identifies a substantial adverse effect on competition in the market.¹³ In contrast, the FTC is empowered by both the Federal Trade Commission Act and antitrust laws like the Sherman and Clayton Acts, typically triggered by specific complaints or formal inquiries.

In India, the CCI has frequently resorted to behavioural remedies, such as mandating changes in Google's licensing agreements and requiring more flexibility for Android users to choose

¹⁰ Federal Trade Commission, *Investigation Report on Google's Advertising Practices* (2013).

¹¹ *United States v. Google LLC*, No. 20-cv-3010 (APM), (D.D.C. Aug. 5, 2024).

¹² *FTC's Regulatory Actions on Digital Markets*, Financial Times (2023).

¹³ UNCTAD, *Digital Economy Report 2020: Cross-Border Data Flows and Development*, <https://unctad.org/> (last visited June 1, 2025).

competing apps. In contrast, the FTC has relied on both structural and behavioural remedies, depending on the severity of the case.¹⁴

The CCI applies a relatively flexible standard based on “substantial adverse effect on competition,” enabling proactive intervention.¹⁵ In the US, however, the FTC must meet a higher burden of proof, requiring evidence of monopoly power and deliberate anti-competitive conduct.

The CCI often aligns its actions with national priorities, emphasizing digital sovereignty and protecting domestic players. The FTC, meanwhile, focuses primarily on consumer welfare and fair competition, though recent actions reflect stricter scrutiny of big tech.¹⁶

CHAPTER 3: Competition Issues in Google’s Business Practices: A Study

Google's unparalleled dominance in the digital economy is evident across multiple markets, including search engines, online advertising, and mobile operating systems. With a market share exceeding 90% in online searches globally, Google has established itself as a critical gateway to the internet. Its integrated ecosystem, encompassing platforms like YouTube, Android, and Google Maps, reinforces its position as a market leader. However, this dominance has also drawn widespread scrutiny from regulatory authorities globally, particularly in India and the United States. Concerns regarding monopolistic practices, market abuse, and data privacy violations have led to significant legal and regulatory challenges.¹⁷

This chapter explores Google’s business practices that have raised competition issues in the digital economy. It focuses on three core areas: search and advertising practices, the Android operating system, and data privacy concerns. Additionally, the chapter delves into broader competition issues, including Google’s acquisition strategy and patent disputes. By examining these issues, the chapter aims to provide a comprehensive understanding of the challenges posed by Google’s market dominance.

¹⁴ *Antitrust Remedies in the Digital Age*, Yale L.J. (2023), <https://www.yalelawjournal.org/>.

¹⁵ *Antitrust Standards in the Digital Age*, Harv. L. Rev. (2020).

¹⁶ Brookings Institution, *Consumer Welfare and Digital Market Regulation* (2021).

¹⁷ Umar Javed v. Google LLC, Case No. 39 of 2018, Competition Commission of India (Oct. 20, 2022).

3.1 Search and Advertising Practices

These are the search and advertising practices:

3.1.1 Dominance in Search and Its Implications

Google's search engine is the backbone of its business operations, driving substantial revenue through advertising. The platform's dominance is attributed to its sophisticated algorithms, extensive data collection, and user-friendly interface. However, this dominance has led to concerns about search bias, where Google allegedly manipulates search results to prioritize its own services, such as Google Flights and Google Maps.¹⁸

In India, the Competition Commission of India (CCI) investigated these practices in a landmark case in 2018. The CCI found that Google leveraged its dominant position in search to promote its products, disadvantaging competitors and reducing consumer choice. The Commission imposed a fine of ₹135.86 crores and directed Google to revise its search algorithms to ensure fair competition.¹⁹

Similarly, in the United States, Google's search practices have been examined under the Sherman Act. The Federal Trade Commission (FTC) identified instances where Google prioritized its services in search results, undermining competing platforms. Critics argue that such practices distort market dynamics by creating artificial barriers to entry for new players.²⁰

3.1.2 Advertising Ecosystem and Market Power

Google's advertising ecosystem, encompassing platforms like Google Ads, AdSense, and DoubleClick, further amplifies its market power. The company's control over ad auctions and pricing mechanisms allows it to extract higher revenues while disadvantaging advertisers and publishers. This dual role as an advertiser and auctioneer creates inherent conflicts of interest, leading to inflated advertising costs and reduced transparency.²¹

¹⁸ *Impact of Google's Practices on Indian Businesses*, Economic Times (2022).

¹⁹ Umar Javed v. Google LLC, Case No. 39 of 2018, Competition Commission of India (Oct. 20, 2022).

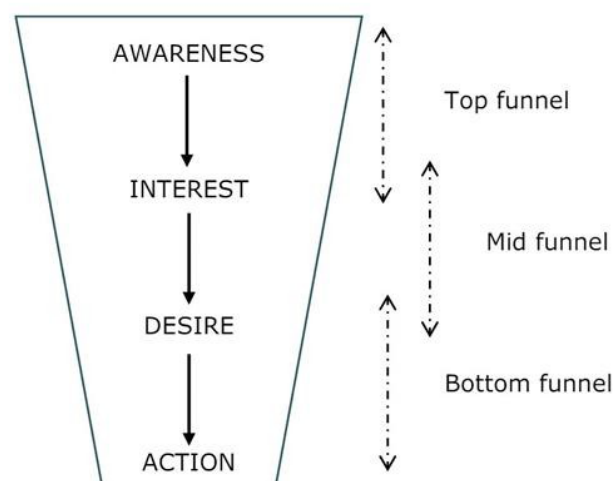
²⁰ U.S. Congressional Hearings on Big Tech and Privacy (2019), <https://www.congress.gov/> (last visited June 1, 2025).

²¹ OECD, *Digital Economy Report 2021*, <https://www.oecd.org/> (last visited May. 21, 2025).

In India, local businesses have raised concerns about Google's restrictive advertising policies. For instance, the company's ad placement algorithms often favour its own products, limiting visibility for competitors. The CCI has acknowledged these issues, emphasizing the need for greater oversight to ensure fair competition in digital advertising.

In the United States, the FTC's investigation into Google's advertising practices revealed similar concerns. The case of **USA v. Google LLC (2024)** highlights allegations of anticompetitive behaviour in the advertising market, including exclusivity agreements and discriminatory pricing.²²

Marketing professionals in industry and academia have used a "funnel," pictured below, as a visual depiction of the consumer journey from awareness to purchase.



The upper funnel focuses on generating consumer inspiration and awareness of the product. (e.g., “getting people thinking about performing a [home improvement] project. In the middle is the consideration phase, where the consumer evaluates a class of products or a particular product. The lower funnel seeks to persuade a user to carry out a transaction (e.g., a sale or other metric of conversion). The same traditional principles of marketing are applied in the digital market by technological giants like Google, wherein vast amounts of user data is collected in order to understand a consumer's choice or interest, and then recommend advertisements accordingly.

²² Brookings Institution, *Digital Economy and Antitrust Challenges: A Comparative Study* (2021).

3.2 Android Operating System and Mobile Apps

The effect in operating systems and app are as following:

3.2.1 Android's Market Share and Competitive Concerns

The Android operating system, which powers more than 70% of smartphones globally, is a key component of Google's ecosystem. While Android is technically an open-source platform, Google's licensing agreements with manufacturers have been criticized for restricting competition. These agreements often mandate the pre-installation of Google's applications, such as Search, Chrome, and the Play Store, as a condition for accessing Android.²³

In India, the CCI investigated these practices and concluded that Google's agreements with manufacturers constituted an abuse of dominance under **Section 4** of the Competition Act. The Commission imposed significant penalties and directed Google to revise its licensing terms to allow manufacturers greater flexibility in pre-installing competing applications.

In the United States, similar concerns have been raised. The FTC's ongoing investigation into Google's Android practices focuses on whether the company's agreements limit market access for rival app developers. Critics argue that these practices stifle innovation and create an uneven playing field in the app development ecosystem.²⁴

3.2.2 Implications for App Developers and Consumers

Google's control over the Play Store further reinforces its dominance in the Android ecosystem. The company's policies often favour its applications, reducing visibility for competing apps. Developers face challenges in gaining market access, as Google's algorithms prioritize its products in app recommendations and search results. This dependency on Google's platform has significant implications for competition and innovation in the app ecosystem.²⁵

²³ Federal Trade Commission, *FTC's Investigations into Digital Market Dominance* (2023).

²⁴ *Algorithmic Bias and Market Fairness: Challenges in Antitrust Regulation*, Harv. L. Rev. (2020).

²⁵ *India's Stance on Google's Monopolistic Practices*, Business Standard (2023).

For consumers, Google's practices limit choice and increase reliance on its ecosystem. Critics argue that the lack of alternative app stores and restrictive licensing terms reduce the diversity of available applications, ultimately harming consumer welfare.²⁶

3.3 Data Privacy and Security Concerns

These are the data privacy concerns:

3.3.1 Data Collection and Competitive Advantage

Google's ability to collect and analyse vast amounts of user data is central to its business model. This data advantage enables the company to offer highly targeted advertising, providing it with a competitive edge. However, this practice has raised concerns about data privacy and its implications for competition.²⁷

In India, the CCI has emphasized the interplay between data privacy and competition in its investigations. The Commission noted that Google's access to sensitive consumer data gave it an unfair advantage in targeted advertising, undermining competitors and eroding consumer trust.²⁸

In the United States, congressional hearings on big tech have similarly criticized Google's data practices. Lawmakers have argued that the integration of data across Google's platforms, such as Gmail, YouTube, and Android, creates an unassailable market position. Smaller competitors, lacking access to comparable data, are at a significant disadvantage, limiting market diversity.²⁹

3.3.2 Privacy Implications for Consumers

Google's use of consumer data to personalize search results and advertisements has drawn criticism from privacy advocates. While these practices enhance user experience, they also raise questions about consent and data security. Regulators in both India and the US have called

²⁶ *Google Faces Landmark Antitrust Case in US Courts*, Reuters (2024).

²⁷ *AI in Digital Advertising: Opportunities and Risks*, MIT Tech. Rev. (2022).

²⁸ *Google's Dominance in India's Digital Ecosystem*, Economic Times (2023).

²⁹ *Digital Advertising Markets: A Critical Examination*, Stan. L. Rev. (2021).

for stricter data protection measures to address these concerns. Proposed solutions include data portability requirements, interoperability mandates, and enhanced transparency in data usage.

3.4 Broader Competition Issues

The following are the broader competition issues:

3.4.1 Acquisitions and Market Consolidation

Google's acquisition strategy has been a major focus of competition investigations. The company's purchase of smaller firms, such as DoubleClick and Fitbit, has raised concerns about market consolidation and the elimination of potential competitors.

In India, the CCI has scrutinized Google's acquisitions, emphasizing the need for stricter merger regulations to prevent anti-competitive outcomes. Similarly, the FTC's review of Google's DoubleClick acquisition highlighted the integration of advertising and data analytics as a significant competitive concern.

3.4.2 Patent Disputes and Innovation Barriers

Patent disputes involving Google have further complicated the competition landscape. The company's use of patents to block competitors has been criticized as a tactic to stifle innovation.

In the US, Google has faced multiple lawsuits alleging anti-competitive behaviour in the use of intellectual property. These disputes highlight the need for a balanced approach to patent enforcement that promotes innovation while preventing market abuse.

Google's business practices in search, advertising, Android, and data handling illustrate a pattern of leveraging dominance to maintain and expand market power. While the CCI and FTC have taken steps to address these issues, significant challenges remain in regulating the digital economy. The interplay between competition, innovation, and consumer welfare necessitates a more dynamic and collaborative approach to enforcement. As digital markets continue to evolve, regulators must adapt their frameworks to ensure fair competition and prevent the monopolization of critical technologies.

3.4.3 Search Dominance and Algorithmic Manipulation

Google's search engine dominates the market with a share exceeding 90%, making it a critical gateway for information. The company's control over search algorithms has raised concerns about bias, particularly its alleged promotion of proprietary services over competitors. For example, in its 2018 decision, the CCI found that Google's algorithms unfairly favoured Google Flights and Google Maps, relegating competing services to lower ranks, even when those services provided better results.³⁰

3.4.4 Advertising Ecosystem and Exclusive Arrangements

Google's advertising business, which contributes significantly to its revenue, operates as a sophisticated ecosystem encompassing platforms like Google Ads and AdSense. The integration of advertising with its search platform enables Google to dominate the ad-tech market, creating barriers for competitors. In the US, the FTC has investigated Google's exclusivity agreements with publishers, which require them to use Google's ad services exclusively, limiting opportunities for rival platforms.³¹

In India, small and medium businesses have complained about Google's restrictive advertising policies, including high costs and preferential treatment for its own products. These practices were highlighted during the CCI's examination of Google's role in digital advertising, leading to calls for stricter regulations to ensure fairness.³²

3.4.5 Consumer Harm and Innovation Suppression

Google's practices in search and advertising not only harm competitors but also affect consumers. Reduced competition leads to higher advertising costs, which are often passed on to consumers through increased product prices. Additionally, Google's control over advertising data suppresses innovation, as smaller companies struggle to compete in a market dominated by a single entity with superior data capabilities.³³

³⁰ *Impact of Google's Practices on Indian Businesses*, Economic Times (2022).

³¹ U.S. Congressional Hearings on Big Tech and Privacy (2019), <https://www.congress.gov/> (last visited June 1, 2025).

³² Proposed Personal Data Protection Bill,, Acts of Parliament, 2022 (India).

³³ *Emerging Trends in Digital Antitrust*, Harv. L. Rev. (2020).

3.5 Android Operating System and Mobile Ecosystem

Google's Android operating system powers more than 70% of smartphones globally, giving it significant leverage over device manufacturers. While Android is marketed as an open-source platform, Google's licensing agreements impose restrictive conditions. These agreements require manufacturers to pre-install Google's apps, such as Chrome, Search, and the Play Store, as default options, effectively limiting competition.

The CCI's investigation in India revealed that these agreements stifled innovation by preventing manufacturers from offering alternative app stores or operating systems. The Commission imposed penalties and mandated changes to Google's licensing practices, marking a significant regulatory intervention.

Google's business practices in search, advertising, Android, and data handling illustrate the complexities of regulating digital monopolies. While the CCI and FTC have taken significant steps to address these issues, the evolving nature of digital markets necessitates continuous regulatory innovation. By addressing emerging trends, such as AI and data portability, regulators can ensure a competitive and fair digital economy for all stakeholders.

CHAPTER 4: Competition Commission of India and Federal Trade Commission Approaches: A Comparative Analysis

The regulation of anti-competitive practices in the digital economy is a complex and evolving challenge. Google, with its vast influence in search, advertising, and mobile operating systems, has faced scrutiny from competition authorities worldwide. In India, the Competition Commission of India (CCI) enforces the **Competition Act, 2002**, to address issues such as abuse of dominance and restrictive agreements. In the United States, the Federal Trade Commission (FTC) relies on antitrust laws, including the **Sherman Act** and **Clayton Act**, to curb monopolistic practices.

4.1 Investigative Procedures

These are the given investigative procedures:

4.1.1 CCI's Investigative Framework

The CCI operates under the **Competition Act, 2002**, which empowers it to investigate anticompetitive practices and impose penalties. Investigations are initiated based on complaints from stakeholders or suo moto by the CCI when it identifies Substantial Adverse Effects on Competition (SAEC).

For example, in the 2018 case against Google's search practices, the CCI initiated an investigation after receiving complaints about search bias and abuse of dominance. The process involved gathering evidence, analysing Google's market behaviour, and evaluating its impact on competitors and consumers. The CCI's focus on protecting local businesses and consumers aligns with India's broader economic goals.

4.1.2 FTC's Investigative Approach

The FTC's investigations are governed by the **Federal Trade Commission Act**, which mandates the agency to prevent unfair competition and deceptive practices. Unlike the CCI, the FTC's investigations often involve congressional oversight and collaboration with other agencies, such as the Department of Justice (DOJ). The FTC's reliance on legal precedents and extensive evidence collection makes its investigative process more formalized but slower.³⁴

In the 2013 investigation into Google's advertising practices, the FTC examined whether Google's search algorithms prioritized its services and harmed competitors. The investigation concluded with a settlement, highlighting the FTC's preference for negotiated remedies over litigation.³⁵

4.1.3 Key Differences in Procedures

One key difference between the CCI and FTC is the scope of their investigative powers. The CCI can act proactively based on SAEC, while the FTC's actions are often complaint-driven or influenced by congressional directives. Additionally, the FTC's legal framework demands a higher burden of proof, requiring evidence of intent and market impact, which can delay

³⁴ *Antitrust Investigations in Digital Markets*, Harv. L. Rev. (2020).

³⁵ *Impact of FTC's Google Settlement*, Financial Express (2019).

enforcement. In contrast, the CCI's flexibility allows it to address competition issues more swiftly.³⁶

4.2 Remedies and Penalties

The following are the remedies and penalties for the same:

4.2.1 Behavioural Remedies by the CCI

The CCI primarily imposes behavioural remedies to address anti-competitive practices. These include orders to cease restrictive agreements, modify licensing terms, or ensure fair competition. In the 2018 search case, the CCI directed Google to revise its algorithms to prevent search bias and imposed a fine of ₹135.86 crores. Similarly, in the 2022 Android case, the CCI required Google to allow device manufacturers greater flexibility in pre-installing competing applications.

Behavioural remedies are effective in promoting immediate compliance but may have limited long-term impact. Critics argue that fines imposed by the CCI are often too small to deter global tech giants like Google.

4.2.2 Structural Remedies by the FTC

The FTC's approach includes both behavioural and structural remedies. Structural remedies involve significant changes to a company's business model, such as divestitures or splitting business units. In the ongoing **USA v. Google LLC (2024)** case, the FTC has proposed structural remedies to address Google's dominance in advertising. These measures aim to reduce Google's control over ad auctions and prevent anti-competitive practices.³⁷

While structural remedies can have a more profound impact, they require extensive legal proceedings and face resistance from companies. For instance, Google has challenged the FTC's proposals, arguing that they would harm innovation and consumer welfare.³⁸

³⁶ *Comparing Behavioural and Structural Remedies*, Stan. Tech. L. Rev. (2021).

³⁷ *Google's Antitrust Battle: A Timeline*, The Hindu (Aug. 9, 2024).

³⁸ *US Antitrust Ruling Against Google and Its Implications*, Vajiram & Ravi (Aug. 7, 2024).

4.2.3 Comparative Analysis of Remedies

The CCI's preference for behavioural remedies reflects its focus on maintaining market competition without disrupting business operations. In contrast, the FTC's use of structural remedies highlights its emphasis on long-term market diversity and reducing monopolistic power. However, the FTC's reliance on judicial processes often delays enforcement, limiting the immediate effectiveness of its actions.³⁹

4.3 Effectiveness of Regulatory Responses

The following discussed are the effectiveness of these regulatory responses:

4.3.1 Successes of the CCI

The CCI's proactive approach has yielded notable successes in addressing Google's anticompetitive practices. The 2018 and 2022 cases set important precedents for regulating digital markets in India. By focusing on local businesses and consumers, the CCI has strengthened

India's digital economy and promoted competition.⁴⁰

However, the CCI faces challenges in enforcing its rulings, particularly in cases involving global tech companies. For example, Google's compliance with the CCI's orders has been criticized as slow and incomplete. Additionally, the CCI's reliance on fines as a deterrent may be insufficient, given the financial resources of companies like Google.

4.3.2 Strengths of the FTC

The FTC's reliance on legal precedents and comprehensive investigations ensures robust enforcement of antitrust laws. Its use of structural remedies has the potential to create lasting changes in market dynamics. The FTC's collaboration with other agencies, such as the DOJ, enhances its ability to address complex competition issues.⁴¹

³⁹ *Google Faces Antitrust Complaints in the US and India*, Drishti IAS (Aug. 7, 2024).

⁴⁰ *Judge Rules that Google "is a Monopolist" in US Antitrust Case*, The Verge (Aug. 5, 2024).

⁴¹ *US DOJ Plans to Push Google to Sell Chrome, According to Reports*, Investopedia (Nov. 19, 2024).

However, the FTC's effectiveness is often hindered by lengthy legal battles and high evidentiary thresholds. In the 2013 settlement with Google, critics argued that the FTC's remedies were insufficient to address the root causes of anti-competitive behaviour. The ongoing litigation in **USA v. Google LLC (2024)** further highlights the challenges of enforcing structural remedies in the digital economy.

4.3.3 Comparative Insights

A comparison of the CCI and FTC reveals distinct strengths and weaknesses in their approaches. The CCI's flexibility and focus on local markets allow it to act swiftly, but its limited resources and reliance on fines reduce its impact. The FTC's comprehensive investigations and structural remedies offer greater potential for long-term change but face delays due to procedural complexities.

CHAPTER 5: CASE STUDIES AND IMPLICATIONS: INDIA AND US

Case studies provide valuable insights into how regulatory bodies address anti-competitive practices in digital markets. Google, with its dominant position in search, advertising, and mobile ecosystems, has been at the centre of several high-profile cases. This chapter examines key case studies from India and the United States, focusing on the actions taken by the Competition Commission of India (CCI) and the Federal Trade Commission (FTC). The discussion highlights the implications of these cases for market competition, consumer welfare, and regulatory effectiveness.

5.1 Case Studies in India

The following are Case studies of India:

5.1.1 Matrimony.com Limited vs. Google LLC & Others⁴²

In 2018, the CCI ruled that Google had abused its dominant position in the online search market by manipulating search results to favour its services, such as Google Flights and Google Maps.

⁴² Matrimony.com Ltd. v. Google LLC & Others, Case No. 7 of 2012, Competition Commission of India (Jan. 31, 2018).

The investigation revealed that Google's algorithms unfairly disadvantaged competitors, reducing their visibility and harming consumer choice. The CCI imposed a fine of ₹135.86 crores and directed Google to cease its discriminatory practices.

This case set a precedent for regulating digital monopolies in India. By holding Google accountable, the CCI demonstrated its commitment to ensuring fair competition in the digital economy. However, critics argued that the fine was insufficient to deter a company of Google's scale.⁴³

The brief facts as stated by the commission were:

“Briefly stated, it was inter alia alleged in the information that Google runs its core businesses of search and search advertising in an unfair and discriminatory manner, causing harm to the publishers and advertisers, and to the consumers. Further, it was alleged that Google was creating an uneven playing field by unduly favouring its own services. Google is leveraging its strong position in various online search market to enter into and enhance its position in ancillary markets. Not only does that cause direct harm to competitors in vertical markets, it also causes direct harm to other website owners, since their websites are moved down on SERP and hence, they receive less clicks as a result of lessened traffic. Further, this also harms consumers as they no longer receive the most relevant results at the top of SERP.” It was thus held:

“In view of the discussion in the preceding paras, the Commission holds that Google enjoys dominant position in Online General Web Search and Web Search Advertising Services markets in India. The Commission further holds Google to have abused its dominant position on the following three counts:

(a) Ranking of Universal Results prior to 2010 which was not strictly determined by relevance. Rather the rankings were pre-determined to trigger at the 1st, 4th or 10th position on the SERP.

Such practice of Google was unfair to the users and was in contravention of the provisions of Section 4(2) (a) (i) of the Act.

(b) Prominent display and placement of Commercial Flight Unit with link to Google's specialised search options/ services (Flight) amounts to an unfair imposition upon users of

⁴³ CCI's Landmark Ruling Against Google, The Hindu (2018).

search services as it deprives them of additional choices and thereby such conduct is in contravention of the provisions of Section 4(2)(a)(i) of the Act.

(c) The prohibitions imposed under the negotiated search intermediation agreements upon the publishers are unfair as they restrict the choice of these partners and prevent them from using the search services provided by competing search engines. Imposing of unfair conditions on such publishers by Google amounts to violation of the provisions of Section 4(2)(a)(i) of the Act. Google is doing so because it has dominance in the market for online general web search to strengthen its position in the market for online syndicate search services. This amounts to violation of the provisions of Section 4(2)(e) of the Act. Further, as competitors were denied access to the online search syndication services market, contravention of Section 4(2)(c) of the

Act is also made out.”

5.1.2 Umar Javed vs Google LLC (CCI, 2022)⁴⁴

In 2022, the CCI investigated Google’s licensing agreements with smartphone manufacturers. The Commission found that Google required manufacturers to pre-install its suite of applications, including Search and Chrome, as a condition for accessing Android. This practice was deemed an abuse of dominance under **Section 4** of the Competition Act, 2002.

The CCI imposed a fine of ₹1,337.76 crores and mandated changes to Google’s licensing terms. The ruling emphasized the need for greater flexibility for manufacturers and more choices for consumers. The case highlighted the CCI’s proactive approach to regulating digital markets and protecting consumer interests.

The CCI delivered a detailed analysis of the allegations and found Google guilty of abusing its dominant position. Key findings include:

1. **Unfair Conditions and Agreements:** The CCI held that Google's agreements with OEMs violated Section 4(2)(a)(i) of the Competition Act by imposing unfair conditions. By requiring pre-installation of its apps, Google restricted OEMs' ability to negotiate terms, thereby disadvantaging competing app developers.

⁴⁴ Umar Javed v. Google LLC, Case No. 39 of 2018, Competition Commission of India (Oct. 20, 2022).

2. **Exclusionary Practices:** The revenue-sharing agreements were found to be exclusionary, as they discouraged OEMs from exploring or supporting alternative operating systems, violating Section 4(2) (c) of the Act.
3. **Harm to Consumer Choice and Innovation:** The CCI emphasized that Google's practices adversely affected consumer choice by making its apps the default on Android devices. This behaviour also stifled innovation in the digital market, as competitors faced barriers to entry.

The judgment reflects a balanced approach to regulating abuse of dominance in digital markets:

1. **Relevant Market Analysis:** The CCI applied a product-market framework to establish the dominance of Google's Android OS.
2. **Focus on Consumer Welfare:** The CCI's decision was rooted in promoting consumer choice and fostering competition in the digital ecosystem.
3. **Global Precedents:** The judgment drew from global antitrust cases, particularly the European Commission's findings against Google, while adapting its reasoning to Indian conditions.

5.2 Case Studies in the United States

The following are the USA case studies:

5.2.1 FTC Investigation into Google's Advertising Practices (2013)

The FTC's 2013 investigation into Google's advertising practices focused on allegations of search bias and anti-competitive behaviour. The FTC examined whether Google manipulated its search algorithms to prioritize its services and excluded competitors from advertising opportunities. While evidence of bias was found, the FTC opted for a settlement, requiring Google to make voluntary changes to its practices.⁴⁵

The settlement was criticized for its lack of enforceable penalties. Critics argued that the FTC missed an opportunity to impose structural remedies that could have addressed Google's

⁴⁵ Federal Trade Commission, *Investigation Report on Google Advertising Practices* (2013), <https://www.ftc.gov/> (last visited June 1, 2025).

monopolistic tendencies. Nonetheless, the case highlighted the complexities of regulating digital platforms under US antitrust laws.⁴⁶

5.2.2 USA v. Google LLC (2024)⁴⁷

The **USA v. Google LLC (2024)** case represents one of the most significant antitrust actions against Google in recent years. The FTC and Department of Justice (DOJ) have accused Google of abusing its dominance in search and advertising markets. The case focuses on Google's exclusivity agreements with advertisers and its control over ad auctions.

It was observed that Google had entered into:

1. **Browser Agreements**, with Apple in the form of an Internet Services Agreement (ISA), wherein Google pays Apple a share of its search ad revenue in exchange for preloading Google as an exclusive default General Search Engine (GSE) on mobile and desktop browser, safari.
2. **Android Agreements**, wherein Mobile Application Distribution Agreements (MADA's) were signed with all the android Original Equipment Manufacturers (OEM's).

The court also discussed the **legal framework** pertaining to this case:

“Section 2 of the Sherman Act makes it unlawful for a firm to ‘monopolize.’” **United States v. Microsoft**, 253 F.3d 34, 50 (D.C. Cir. 2001) (citing 15 U.S.C. § 2). The offense of monopolization requires proof of two elements:

- (1) The possession of monopoly power in the relevant market and
- (2) The wilful acquisition or maintenance of that power as distinguished from growth or development as a consequence of a superior product, business acumen, or historic accident.”

⁴⁶ *FTC's Settlement with Google: A Missed Opportunity?*, Financial Times (2013).

⁴⁷ *United States v. Google LLC*, No. 20-cv-3010 (APM), (D.D.C. Aug. 5, 2024).

“United States v. Grinnell Corp.”⁴⁸The D.C. Circuit’s decision in *Microsoft* explains how to evaluate claims of monopolization. The first element— “monopoly power in the relevant market”—consists of two inquiries:

- (1) Market definition, both product and geographic, and
- (2) Power within the relevant market.

The plaintiff bears the burden of proof on both. The second element—“wilful acquisition or maintenance” of monopoly power—involves a burden-shifting inquiry. The plaintiff bears the initial burden of establishing a *prima facie* case of anticompetitive effects resulting from the challenged conduct. *Id.* at 58. If the plaintiff makes out its *prima facie* case, the burden shifts to the defendant to “proffer a ‘procompetitive justification’ for its conduct,” that is, “a no pretextual claim that its conduct is indeed a form of competition on the merits because it involves, for example, greater efficiency or enhanced consumer appeal. Finally, if the monopolist asserts a procompetitive justification . . . then the burden shifts back to the plaintiff to rebut that claim.” “If the monopolist’s procompetitive justification stands unrebutted, then the plaintiff must demonstrate that the anticompetitive harm of the conduct outweighs the procompetitive benefit.”

The judgment then meticulously discusses the scalability of Search Engine Results Page (SERP) and its nexus with network effects. It is necessary here to extract an excerpt from the judgment explaining the same:

“Armed with its scale advantage, Google continues to use that data to improve search quality. Google deploys user data to, among other things, crawl additional websites, expand the index, re-rank the SERP, and improve the “freshness” of results (i.e., bring them up to date). Click-and-query data also is used to build and train models that algorithmically improve results’ relevance and ranking, as well as to run large-format experiments to develop new features. Scale also improves search ads monetization. This is intuitive: Understanding which advertisements users click on (or scroll past) enables Google to evaluate ad quality and serve more relevant ads in the future. The more precisely targeted an ad, the greater likelihood that it will be clicked, which translates into higher revenues that Google uses to make larger revenue share payments.

⁴⁸ *United States v. Pabst Brewing Co.*, 384 U.S. 546, 563, 570–71 (1966).

The market for General Search Engines (GSEs) is thus characterized by a type of network effect (discussing network effects in phone services). (1) More user data allows a GSE to improve search quality, (2) better search quality attracts more users and improves monetization, (3) more users and better monetization attract more advertisers, (4) more advertisers mean higher ad revenue, and (5) more ad revenue enables a GSE to expend more resources on traffic acquisition costs (i.e., revenue-share payments) and investments, which enable the continued acquisition of scale. (Data network effects are those “in which data collected about users or user behaviour is used to improve digital services. Google Search is an example of data network effects since each search query contributes to refining the Google Search algorithm.”).

The network effects are captured in the illustration below:”



The judgment further explains Google’s revenue share payments that funds the Android ecosystem. It is depicted by the following diagram:



It is also pertinent to note that in the United States, exclusive agreements are not barred per se by the anti-trust laws even though if they involve a dominant firm. However, to be condemned exclusionary, a monopolist's act must have an 'anti-competitive' effect. It was thus observed:

"The monopolist must harm the competitive process and thereby harm consumers. In contrast, harm to one or more competitors will not suffice. Plaintiff bears the burden to show that the monopolist's conduct indeed has the requisite anticompetitive effect. Even though monopolistic conduct requires proof of actual or threatened consumer harm, the proof need not invariably be elaborate."

The court further observed the three effects of exclusionary agreements and held:

"The agreements have three primary anticompetitive effects:

- (1) Market foreclosure,
- (2) Preventing rivals from achieving scale, and
- (3) Diminishing the incentives of rivals to invest and innovate in general search.

The key question then is this: Do Google's exclusive distribution contracts reasonably appear capable of significantly contributing to maintaining Google's monopoly power in the general search services market? The answer is "yes." Google's distribution agreements are exclusionary contracts that violate Section 2 because they ensure that half of all GSE users in the United States will receive Google as the preloaded default on all Apple and Android devices, as well as cause additional anticompetitive harm. The agreements "clearly have a significant effect in preserving Google's monopoly."

It was also held that competition for the contract is no defence. The court thus observed:

"Google understands there is no genuine competition for the defaults because it knows that its partners cannot afford to go elsewhere. Time and again, Google's partners have concluded that it is financially infeasible to switch default GSEs or seek greater flexibility in search offerings because it would mean sacrificing the hundreds of millions, if not billions, of dollars that Google pays them as revenue share (identifying instances in which Apple, Verizon, AT&T, and

T-Mobile have all sought and failed to obtain greater flexibility under the relevant contracts). These are Fortune 500 companies, and they have nowhere else to turn other than Google.”

And thus, it was held: “Such conduct is illegal when taken by a monopolist because it tends to destroy competition, although in the hands of a smaller market participant it might be considered harmless, or even honestly industrial.” It is Google’s status as a monopolist that makes its distribution contracts exclusionary, even if the same conduct did not have that effect when Google first began employing it.”

In the light of the above facts and circumstances it was held “the court concludes that Google has violated Section 2 of the Sherman Act by maintaining its monopoly in two product markets in the United States—general search services and general text advertising—through its exclusive distribution agreements.”

Besides that, the FTC has proposed structural remedies, including the divestiture of Google’s ad-tech business. This case underscores the FTC’s shift towards more aggressive enforcement strategies, reflecting growing concerns about the concentration of power in digital markets.⁴⁹

5.3 Comparative Implications

These are the implications after comparison between India and USA:

5.3.1 Regulatory Effectiveness

The CCI’s rulings in the search and Android cases demonstrate its ability to address anticompetitive practices in a rapidly evolving digital economy. However, the Commission’s reliance on fines and behavioural remedies may limit its long-term impact. In contrast, the FTC’s pursuit of structural remedies, as seen in the *USA v. Google LLC* (2024), offers greater potential for market transformation but involves lengthy legal battles.⁵⁰

5.3.2 Consumer and Market Impacts

Both the CCI and FTC have emphasized the importance of protecting consumer welfare and promoting market competition. In India, the CCI’s interventions have provided consumers with

⁴⁹ *Structural Remedies in US Antitrust Enforcement*, Yale L.J. (2023).

⁵⁰ *Comparing Remedies in India and the US*, Oxford J. Competition L. (2022).

greater choice and reduced the dominance of Google's ecosystem. In the US, the FTC's actions aim to restore competitive balance by addressing structural issues in Google's advertising and search businesses.⁵¹

CHAPTER 6: CONCLUSION AND SUGGESTIONS

The regulation of Google's anti-competitive practices in digital markets reflects broader challenges faced by competition authorities globally. As a dominant player in search, advertising, and mobile ecosystems, Google's business operations have significantly shaped the digital economy. While this dominance has enabled innovation and accessibility, it has also raised concerns about monopolistic practices and market imbalances.

6.1. Suggestions

The suggestion to curb these anti-competitive practices are:

1. **Use a mix of solutions (short-term and long-term):** Authorities should combine quick fixes like fines and orders with long-term changes like breaking up services or forcing data-sharing. This will stop Google from continuing unfair practices and make the market more open.
2. **Work together globally:** Since Google operates worldwide, countries should work together—share information, do joint investigations, and make sure their rules don't conflict. Groups like the OECD can help coordinate efforts.
3. **Update laws for digital markets:** Current competition laws were made for traditional industries. They should be updated to cover digital issues like algorithms, data control, and AI-based manipulation.
4. **Make data portable and systems more open:** Google should be required to allow users to take their data elsewhere and allow other apps or services to connect more easily with its platforms. This helps small businesses and startups compete.

⁵¹ *Consumer Benefits from Competition Rulings*, Business Standard (2023).

5. **Increase penalties:** Fines should be high enough to actually impact companies like Google and stop them from repeating violations.
6. **Promote independent app stores and browsers:** Regulators should encourage manufacturers to offer phones with different app stores and browsers, giving users more choice and reducing Google's grip.
7. **Ensure transparency and educate consumers:** Google's algorithms and ad policies should be more transparent. People should know how their data is used and how results are shown. Educating users can reduce their overdependence on one platform.
8. **Support smaller players:** Governments can offer incentives or legal help to smaller tech companies so they can better compete with big firms like Google.

6.2. Conclusion

Google's growth from a startup to a global tech giant has brought many benefits—faster searches, better ads, and easy-to-use mobile systems. But it has also caused serious competition problems. The company uses its control over search engines, ads, and Android to block rivals and limit consumer choices. This dominance isn't accidental—it's protected by clever contracts, hard-to-understand algorithms, and tight control over user data.

India's CCI has taken a strong stand against Google's unfair behaviour, especially in search and Android cases. But its punishments, like fines, are sometimes too small to really change things. In the U.S., the FTC has gone further, even suggesting breaking up parts of Google, though such steps take a lot of time and legal effort.

While both countries have taken important steps, their approaches are different. India acts faster and focuses on local needs. The U.S. process is slower but might bring bigger changes in the long run. Still, both face the same problem: Google's power grows faster than regulators can act. To keep the internet fair, open, and competitive, regulators must think ahead, act together, and put users first. Without stronger action, the power of big tech companies like Google will only grow, making it harder for new ideas and businesses to survive.