

Press release

Success for Corint Media and publishers: Federal Cartel Office restricts Google News Showcase

Bundeskartellamt has significant competition concerns about Google News Showcase.
The combination of Showcase and Google Search should no longer be possible.

BKartA wants enforcement of press protection law
is not restricted by Google, and continues procedures to do so.

Berlin, 12 January 2022. After the Bundeskartellamt had determined in a nationally and internationally highly regarded decision of 30 December 2021 (see PR of 05 January 2022) that Google is a company of overriding importance for the entire market and can now be regulated in advance, the next step in the matter follows: Six months after the Bundeskartellamt had taken up a complaint by Corint Media against Google regarding the Google News Showcase offer, the Bundeskartellamt makes public the conditions to which Google had to agree at least with regard to the Google News Showcase offer.

With these measures, Google is attempting to remedy the fundamental antitrust concerns of the BKartA regarding Google News Showcase. Among other things, the BKartA feared a self-preference of Google or an obstruction of competing offers of third parties. Whether the adjustments are sufficient is now to be discussed with publishers and Corint Media.

It is already clear that Google will not be allowed to continue the so-called Google News Showcase in the way it was originally designed and planned. Thus, Google can apparently only avert the accusation of self-preference by refraining from any connection of the Showcase with Google Search. The President of the Bundeskartellamt, Andreas Mundt, explains that the integration of Showcase content into the general search in the general search is no longer planned and that the Showcase should not hinder the enforcement of press protection law. This means, however, that the product is likely to retain its current low importance for both Google and the participating publishers. The Bundeskartellamt is also demanding that Google open up the Showcase to other publishers, if desired.

However, the Bundeskartellamt is not satisfied with an adjustment of Google News Showcase in the case. The discrimination of press publishers in the licensing of press ancillary copyright is also the subject of further detailed investigations and proceedings. This applies not only to the impediment that Google News Showcase poses to the press performance protection right, but also to the question of whether the actual remuneration for use is in line with competition law, as **Andreas Mundt** explains: *"The conditions for participation in Google*

News Showcase should not hinder the assertion of the general ancillary copyright of press publishers" and "Parallel to the Google News Showcase proceedings, we are keeping a close eye on the negotiations on the remuneration of the ancillary copyright."

Christoph Schwennicke and Markus Runde, Managing Directors of Corint Media: *"We welcome the decision by the Decisions Division to address the abusiveness of the Google News Showcase and to impose measures on Google. From now on, a connection of the Showcase display with Google Search is prohibited. Google's core business, however, is precisely that search. Google News Showcase is therefore neither attractive for Google nor for publishers. The feared substitution competition by Google, which would have made publishers' offerings permanently dispensable, is now no longer possible. Even more important for us, however, is the fact that the Office is extending the proceedings in general to include the anti-competitive, market-abusing discrimination of publishers in the licensing of ancillary copyright. The Office is thus indicating that it does not understand Google's artificial division into possible products."*

Corint Media, based in Berlin, is a European company in the private media industry. It represents the copyrights and neighbouring rights of almost all German and several international private television and radio stations as well as of numerous press publishers.

The media companies represented by Corint Media include TV stations such as Sat.1, ProSieben, RTL, WELT, SPORT1, CNBC, Eurosport, VOX and CNN, radio stations such as ANTENNE BAYERN, radio ffn, Klassik Radio, Radio Hamburg, Hit Radio-FFH, RPR1 and RTL RADIO, as well as press publishers such as Axel Springer, Verlagsgesellschaft Madsack, Mediengruppe Pressedruck, Aschendorff Mediengruppe, Rheinische Post Mediengruppe, shz Schleswig-Holsteinischer Zeitungsverlag and Badischer Verlag.

Corint Media is one of 13 collecting societies authorised in Germany and is under the supervision of the German Patent and Trade Mark Office (DPMA).

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