

Antitrust Scrutiny on Google's Search Monopoly

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Alphabet Inc., Google's parent company and the world's fourth largest company with a market capitalization exceeding \$2 trillion, is facing increasing scrutiny from competitors and antitrust regulators.¹ It commands over 90% of the U.S. search engine market, dwarfing competitors like Bing and Yahoo, which hold only about 3% each.² By the second quarter of 2024, revenue from "Google Search & Other" reached \$48.5 billion- which represents 57% of Alphabet's total revenue.³

In August 2024, U.S. District Judge Amit Mehta ruled that Google violated antitrust laws by spending billions to illegally maintain a monopoly as the default search engine on web browsers and smartphones.⁴ The decision was the result of a 2020 antitrust lawsuit led by the Justice Department and 38 state attorney generals.⁵ Judge Mehta has arranged for the trial concerning the proposed remedies to start in the spring, and he expects to deliver a decision in August 2025.⁶ Google intends to challenge Judge Mehta's ruling but must wait until he determines the final remedies.⁷ Experts like Cornell law professor George Hay, once the chief economist for the Justice Department's antitrust division, estimate that the appeals process may take up to five years.⁸

The Department of Justice is evaluating both structural and behavioral remedies to prevent Google from leveraging products like Chrome, Play, and Android to give its search services an edge over existing and nascent competitors.⁹ Alphabet Inc. invests billions annually- \$26.3 billion in 2021 alone- on agreements with tech companies and device manufacturers to maintain its place as the default search engine on smartphones and web browsers.¹⁰ The Department of Justice proposes limiting Google's default agreements and revenue-sharing deals related to search functions.¹¹ It also recommends that Google share its search index data, including AI-driven search features and ad ranking information, with competitors.¹² The Department of Justice is seeking

¹ Jody Godoy, *US considers breakup of Google in landmark search case*, Reuters (Oct. 9, 2024, 4:27 AM), <https://www.reuters.com/technology/us-propose-how-google-should-boost-online-search-competition-2024-10-08/>.

² Dara Kerr, *Justice Department calls for sanctions against Google in landmark antitrust case*, NPR (Oct. 9, 2024, 12:38 AM), <https://www.npr.org/2024/10/09/nx-s1-5146006/justice-department-sanctions-google-search-engine-lawsuit> [https://perma.cc/LKR2-33GK].

³ Jennifer Elias, *DOJ indicates it's considering Google breakup following monopoly ruling*, CNBC (Oct. 8, 2024, 10:31 PM), <https://www.cnbc.com/2024/10/08/doj-indicates-its-considering-google-breakup-following-monopoly-ruling.html> [https://perma.cc/GH7Y-YW2B].

⁴ David McCabe, *U.S. Weighs Forcing Google to Break Off Parts of the Company*, N.Y. Times (Oct. 8, 2024), <https://www.nytimes.com/2024/10/08/technology/google-search-antitrust.html>.

⁵ See *supra* note 2.

⁶ Shawn Chen, *US considers asking court to break up Google as it weighs remedies in the antitrust case*, AP News (Oct. 9, 2024, 9:23 AM), <https://apnews.com/article/google-search-antitrust-case-59114d8bf1dc4c8453c08acaa4051f14>.

⁷ *Id.*

⁸ *Id.*

⁹ Leah Nylen, *US Weighs Google Breakup in Historic Big Tech Antitrust Case*, Bloomberg (Oct. 8, 2024 at 9:49 PM), <https://www.bloomberg.com/news/articles/2024-10-09/us-says-it-s-weighing-google-breakup-as-remedy-in-monopoly-case> [https://perma.cc/H26G-YHUA].

¹⁰ See *supra* note 1.

¹¹ Ashley Belanger, *DOJ proposes breakup and other big changes to end Google search monopoly*, ARS Technica (Oct. 9, 2024 4:16 PM), <https://arstechnica.com/tech-policy/2024/10/googles-ai-deals-could-hurt-its-search-monopoly-appeal-expert-says/>.

¹² See *supra* note 3.

more transparency from Google. This could require the company to provide detailed search query reports about its processes related to ad auctions and monetization.¹³

¹³ *See supra note 11.*