

The Global Race to Rein in Big Tech

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Regulators worldwide are forcing Big Tech to change. The European Union's Digital Markets Act has triggered changes in Big Tech Business model as Apple opened its ecosystem to alternative app stores, Meta's WhatsApp now connects with rival messaging services, and Google has given users more control over data sharing. Regulators across the globe have already initiated their own digital competition regulations, adapting them to their own political and economic realities. Understanding global developments is crucial to anticipating how digital competition regulations will evolve amid shifting political change, technological race and rising geopolitical tensions.

This paper argues that contrary to traditional diffusion theory predictions, digital competition regulations are spreading rapidly worldwide. By systematically tracing the regulatory diffusion trends in Japan, South Korea, India, Brazil, South Africa and Australia through five stages, announcements, expert reports, draft legislations, public consultation, and enforcement. Moreover, developed countries have adopted service-specific regulations, targeting markets such as app stores and advertisement. In contrast, developing countries have embraced a more comprehensive approach regulating the digital sector as a whole with their own legal innovations to facilitate enforcement efforts. In light of these developments, the EU's Digital Markets Act (DMA) has emerged as a global regulatory template due to its detailed framework, its promise of lighter regulatory burden, and the absence of competing international models. Moreover, the paper documents the current push back from the US toward digital competition regulation around the world.

The paper then turns to the customization of these regulations and the potential risks associated with these adaptations. First, states are lowering legal thresholds and expanding their regulatory reach to include smaller platforms. Second, high penalties and extensive discretionary powers increase the risk of regulatory overreach and abusive enforcement. These trends highlight the urgent need for more discussion for governance safeguards and transparency in digital competition law application. Furthermore, regulatory customization is reshaping political dynamics across jurisdictions: politicians leverage digital regulation to signal a tough stance on tech giants to voters, while tech companies, including both U.S. firms and local digital champions to push back against regulation. Meanwhile, startups and civil society remain fragmented, limiting their ability to serve as a countervailing force in legislative debates.

The future of global digital competition regulation remains fiercely contested. By analyzing regulatory trends and country-specific case studies, this paper contributes to the understanding of the actors and factors shaping digital regulations, as well as dynamics of navigating competing pressures, from superpower rivalry between digital empires to the influence powerful technology companies.

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INTRODUCTION

In March 2024, Apple reluctantly opened its iPhone ecosystem to alternative app stores dismantling the walled garden it had carefully cultivated.² Meta's WhatsApp began connecting with rival messaging services ending the blue and green bubble debate. Meanwhile, Google and Amazon gave users more control over how their data are shared across their vast ecosystems.³ These changes weren't voluntary innovations but were mandated by the European Union's Digital Markets Act (DMA), marking what former EU competition chief Margrethe Vestager heralded as the end of "self-regulation" for Big Tech.⁴ In United States, the Biden Administration appointed figures like Lina Khan and Jonathan Kanter to the U.S. Federal Trade Commission.⁵ The Neo-Brandeis movement has shifted America's antitrust enforcement approach towards digital platforms dominance.⁶ Congress also proposed multiple bills targeting digital platforms and summoned technology executives for a series of high-profile hearings.⁷ With major cases moving through the courts, commentators increasingly described the year as one in which "Big Tech braces for wave of antitrust rulings."⁸ Together, these developments signaled a renewed momentum to confront digital platforms gatekeepers in both US and EU.

In 2025, the momentum took a geopolitical turn, as political leadership changed in both the EU and US, and tensions intensifying between digital empires. The collision course between American and European approaches has become increasingly apparent.⁹ The Trump administration has issued a memorandum on "Defending American

² Apple, *Complying with the Digital Market Act: Apple's Efforts to Protect User Security and Privacy in the European Union*, APPLE. (Mar, 2024). <https://developer.apple.com/security/complying-with-the-dma.pdf> [<https://perma.cc/MY6A-ZN63>] (last visited Jun. 22, 2025).

³ Oliver Bethell, Google in Europe: Complying with the Digital Market Act, Blog GOOGLE (Mar. 5, 2024) <https://blog.google/around-the-globe/google-europe/complying-with-the-digital-markets-act> [<https://perma.cc/7TUK-NP79>] (last visited Jun. 22, 2025); Tim Lamb, *Meta: Offering People More Choice on How They Can Use Our Services in the EU*, META NEWSROOM, (Jan. 22, 2024) <https://about.fb.com/news/2024/01/offering-people-more-choice-on-how-they-can-use-our-services-in-the-eu> [<https://perma.cc/FVD9-MU86>] (last visited Jun. 22, 2025); Chris Nelson, *Microsoft Implement DMA Compliance Measures*, Microsoft EU Policy Blog, (Mar, 7 2024) <https://blogs.microsoft.com/eupolicy/2024/03/07/microsoft-dma-compliance-windows-linkedin> [<https://perma.cc/JAA2-6PNY>] (last visited Jun. 22, 2025); Tiktok, *Tiktok's Compliance with the Digital Market Act*, TITKOK NEWSROOM, (Mar. 4, 2024) <https://newsroom.tiktok.com/en-eu/tiktoks-compliance-with-the-dma> [<https://perma.cc/N9YE-NHNB>] (last visited Jun. 22, 2025); Amazon, *Public Digital Market Act Compliance Report*, AMAZON. (Mar. 2024)[<https://perma.cc/M3YM-UBM6>] (last visited Jun. 22, 2025).

⁴ Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on Contestable and Fair Markets in the Digital Sector and Amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), 2022 O.J. (L 265); New York Times, *Quotation of the Day: Big Tech Bows to Force of Law*, N.Y. TIMES, (Mar. 7, 2024). <https://www.nytimes.com/2024/03/07/pageoneplus/quotation-of-the-day-big-tech-bows-to-force-of-law.html> [<https://perma.cc/UYK7-HAP9>] (last visited Jun. 22, 2025).

⁵ David McCabe, 'Google Is a Monopolist,' Judge Rules in Landmark Antitrust Case, N.Y. TIMES (Aug. 5, 2024), <https://www.nytimes.com/2024/08/05/technology/google-antitrust-ruling.html>. [<https://perma.cc/B9LX-C5R5>] (last visited Jun. 22, 2025).

⁶ White House, *Executive Order on Promoting Competition in the American Economy*. Exec. Order No. 14,036, 86 Fed. Reg. 36987 (July 9, 2021) <https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/> [<https://perma.cc/LAU7-DGL3>] (last visited Feb. 25, 2025).

⁷ Spencer Weber Waller & Jacob E. Morse, *The Political Face of Antitrust*, 15 BROOK. J. CORP. FIN. & COM.L. 75, 87-92 (2020).

⁸ Jan Wolfe, *Big Tech Braces for Wave of Antitrust Rulings in 2024*, WALL ST. J. (Jan. 1, 2024), <https://www.wsj.com/tech/big-tech-braces-for-wave-of-antitrust-rulings-in-2024-860f0149> [<https://perma.cc/5JV8-GF6K>]

⁹ The Economist, *Europe Faces a New Age of Gunboat Digital Diplomacy: Can the EU Regulate Donald Trump's Big Tech Bros?* ECONOMIST (Jan. 23, 2025) <https://www.economist.com/europe/2025/01/23/europe-faces-a-new-age-of-gunboat-digital-diplomacy> [<https://perma.cc/X3T5-DKJ7>] (last visited Jun. 22, 2025)

Companies And Innovators From Overseas Extortion And Unfair Fines And Penalties.”¹⁰ Tech leaders such as Meta’s Mark Zuckerberg have directly appealed to the Trump administration to intervene against EU enforcement targeting US tech companies.¹¹ The 2025 USTR considers the DMA as a “digital trade barriers” and considers it to be “disproportionately capture U.S. firms compared to their EU competitors, and therefore undermine U.S. competitiveness in the European market.”¹² In response, EU civil societies are also pushing back against any de-escalation of regulatory enforcement.¹³ Despite speculation about enforcement changes, Teresa Ribera Rodríguez, the new EU competition commissioner, has firmly confirmed that Brussels will not back down on enforcement.¹⁴ Moreover, after three years since its inception, the DMA is up for review and the public consultation was open to “gather feedback and evidence on the effectiveness of the DMA so far.”¹⁵ While DMA enforcers have their own reflection on the challenges of enforcing DMA.¹⁶ Gatekeepers have taken the opportunity on their experience as Apple demanding complete repeal.¹⁷ Similarly, Google calling for a “reset.”¹⁸ EU commissioner spokesperson Thomas Regnier responded by stating that “this undermines the company’s narrative of wanting to be fully cooperative with the Commission.”¹⁹ ²⁰

Yet beyond these headline-grabbing developments in Brussels and Washington, a less visible but equally consequential transformation is unfolding. From Seoul to New Delhi, Tokyo to Johannesburg, regulators are not merely watching, they are drafting similar rules to address digital competition concerns in their jurisdictions. In 2024, a New York Times article has framed this phenomenon as a “global onslaught of rules against big tech” and that the introduction of these new rules will have profound implications as the

¹⁰ The White House, *Presidential Memorandum: Defending American Companies and Innovators from Overseas Extortion and Unfair Fines and Penalties*, THE WHITE HOUSE. (Feb. 21, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/defending-american-companies-and-innovators-from-overseas-extortion-and-unfair-fines-and-penalties/> [https://perma.cc/CED9-Y2PM].

¹¹ Aitor Hernández-Morales, *Zuckerberg Urges Trump to Stop the EU from Fining US Tech Companies*, POLITICO (Jan. 11, 2025), <https://www.politico.eu/article/zuckerberg-urges-trump-to-stop-eu-from-screwing-with-financial-us-tech-companies/> [https://perma.cc/WJR5-QEXZ]

¹² UNITED STATE TRADE REPRESENTATIVE (USTR), 2025 NATIONAL TRADE ESTIMATE REPORT ON FOREIGN TRADE BARRIERS, (2025). p.153-154

¹³ See Anu Bradford, R. Daniel Kelemen & Tommaso Pavone, *Europe Could Lose What Makes It Great: U.S. Pressure and Domestic Rancor Threaten the EU’s Regulatory Superpower*, FOREIGN AFF. (Apr. 21, 2025). <https://www.foreignaffairs.com/europe/europe-could-lose-what-makes-it-great> [https://perma.cc/NT6EZIT3]

¹⁴ David Meyer, *Europe Refuses to Back Down on Regulating U.S. Big Tech Despite Trump Threats and “Economic Machismo,”* FORTUNE (Feb. 25, 2025), <https://fortune.com/2025/02/25/europe-refuses-back-down-regulating-us-big-tech-trump-threats-economic-machismo/> [https://perma.cc/M85A-FHYD]

¹⁵ European Commission, *Consultation on the First Review of the Digital Markets Act (DMA)*, EUROPEAN COMMISSION (July 3, 2025), https://digital-markets-act.ec.europa.eu/consultation-first-review-digital-markets-act_en [https://perma.cc/J5KE-VV8P]

¹⁶ Alberto Bacchiesa and Thomas Tombal, *Agency Insights: The First Steps of the DMA Adventure*, 12 J. ANTITRUST ENFT 189, 189 (2024). (“recounting why DMA exist, gatekeeper designations and compliance challenges”);

¹⁷ Edith Hancock, *Apple Asks EU to Repeal Bloc’s Landmark Digital Markets Act*, WALL ST. J. (Sept. 25, 2025) <https://www.wsj.com/tech/apple-asks-eu-to-repeal-blocs-landmark-digital-markets-act-8d250aac> [https://perma.cc/C527-J8PM]

¹⁸ Oliver Bethell, *The Digital Markets Act: Time for a Reset*, Google blog (Sept. 25, 2025), <https://blog.google/around-the-globe/google-europe/the-digital-markets-act-time-for-a-reset/>

¹⁹ Max Griera, *EU Commission Lashes Out at Apple for Wanting Landmark Digital Law Scrapped*, POLITICO (Sept. 25, 2025) <https://www.politico.eu/article/eu-commission-apple-digital-markets-act/> [https://perma.cc/MU78-8J78]

²⁰ European Commission, DMA Review: Summary of the Contributions to the Targeted Consultation, Call for Evidence and AI Consultation, EUROPEAN COMMISSION, https://digital-markets-act.ec.europa.eu/document/download/244d8f93-e969-41af-bdcc-23e791863449_en?filename=Public%20summary%20of%20DMA%20Review%20consultation_0.pdf

“checkerboard of laws and regulations will fracture people's technology experiences, depending on where they live.”²¹ As Anu Bradford observes in *Digital Empires*, “the spheres of influence between the digital empires are still being drawn and how the unfolding battle over the future of digital economy is embedded as part of a larger ideological conflict.”²² Many countries, including India and Brazil, are positioned between competing spheres of influence.²³ Understanding how these jurisdictions develop their regulatory approaches and how those approaches are challenged in an increasingly polarized geopolitical landscape is crucial to grasping the future trajectory of the contested global digital economy.

This paper joins the growing scholarship that moves beyond studying digital competition regulation of each jurisdiction in isolation or compare only to leading regulatory models.²⁴ By introducing a typology to systematically compare regulatory developments, conducting comparative research and providing case studies, it traces the diffusion of digital competition regulations across multiple jurisdictions, evaluating their adoption and customization to provide a comprehensive understanding of global trends and the diverse strategies. Moreover, this paper examines these dynamics on how jurisdictions navigate competing pressures and what regulations are emerging. It also builds on empirical documentation efforts by adding to the various databases and trackers developed by scholars and policy analysts (Annex II).²⁵

Beyond digital competition regulation, this paper contributes to the growing literature on the diffusion of EU digital regulations, including the Digital Services Act and the AI Act, each of which presents distinct diffusion dynamics shaped by its regulatory objectives, global trends, domestic politics and institutions.²⁶ The paper also engages with emerging scholarship examining how great power rivalry is transforming domestic law and how law is enforced and contested in an age of heightened geopolitical competition.²⁷

²¹ Adam Satariano & David McCabe, *Forced to Change: Tech Giants Bow to Global Onslaught of Rules*, N.Y. TIMES (Mar. 4, 2024) <https://www.nytimes.com/2024/03/04/technology/europe-apple-meta-google-microsoft.html> [<https://perma.cc/T353-LYWX>]

²² ANU BRADFORD, *DIGITAL EMPIRES: THE GLOBAL BATTLE TO REGULATE TECHNOLOGY*. (2022) 392

²³ ANU BRADFORD, *DIGITAL EMPIRES: THE GLOBAL BATTLE TO REGULATE TECHNOLOGY*. (2022) 390

²⁴ See Anna Moskal & Marcella Brandao Flores da Cunha, *Is the Digital Markets Act a Global Standard for Ex-Ante Digital Regulation? Insights from Brazil, India and Japan*, 14 CAMBRIDGE INT'L L.J. 52, 52 (2025); Ki Jong Lee & Debdatta Saha, *A Critical Evaluation of Ex-Ante Regulation and Ex-Post Antitrust in Digital Platform Markets: Special Lens in India and South Korea*, 21 J. COMPETITION L. & ECON. 504 (2025).

²⁵ See Annex II; Ronan Murphy, *Mapping the Brussels Effect: European Union Digital Regulations Are Spreading Across the Globe*, CEPA (Mar. 19, 2025), <https://cepa.org/comprehensive-reports/the-brussels-effect-goes-global/> [<https://perma.cc/ERX3-33F6>]; Kati Suominen, *The Spread of DMA-Like Competition Policies Around the World: Current State, Concerning Elements, and Discrimination Against U.S. Businesses*, CSIS, (July 9, 2024), <https://www.csis.org/analysis/spread-dma-competition-policies-around-world> [<https://perma.cc/T4FF-93T5>]; Megan Kirkwood, *Digital Markets Act Roundup: March 2025*, TECH POLICY PRESS (Apr. 8, 2025), <https://www.techpolicy.press/digital-markets-act-roundup-march-2025> [<https://perma.cc/26BG-26QR>]; Digital Policy Alert, *The Digital Market Framework*, <https://digitalpolicyalert.org/threads/Digital-Markets-Act-legal-framework> (last visited Sept. 24, 2025).

²⁶ Anupam Chander, *When the Digital Services Act Goes Global*, 38 BERKELEY TECH. L.J. 1067, 1067 (2023); Dawn Carla Nunziato, *The Digital Services Act and the Brussels Effect on Platform Content Moderation*, 24 CHI. J. INT'L L. 115, 117 (2023); Filippo Lancieri, Laura Edelson & Stefan Bechtold, *AI Regulation: Competition, Arbitrage and Regulatory Capture*, 26 THEORETICAL INQUIRIES L. 239, 239 (2025); Chinmayi Arun, *The Silicon Valley Effect*, 61 STAN. J. INT'L L. 55, 93-99 (2025).

²⁷ Aziz Z. Huq, *The Geopolitics of Digital Regulation*, 92 U. CHI. L. REV. 833, 833 (2025); Jorge Padilla & Vanessa Yanhua Zhang, *The Complex Geopolitics of Digital Regulation: The Three Body Problem* 1, 1 (May 27, 2025) (SSRN manuscript); See also Ji Li, *Superpower Legal Rivalry and the Global Compliance Dilemma*, 45 U. PA. J. INT'L L. 905, 905 (2024); Mark Jia, *American Law in the New Global Conflict*, 99 N.Y.U. L. REV. 636, 636 (2024)

Against this backdrop, this paper makes three central arguments about the current evolution of global digital competition regulation.

First, Phase One (2021–2024) witnessed rapid diffusion that contrary to traditional diffusion theory, which predict that policies spread after demonstrating effectiveness and accelerate at a certain tipping point, yet countries initiated DMA-inspired regulatory frameworks while the DMA was still being drafted. This uptake stemmed from a combination of push and pull factors. Push factors included the EU's regulatory agenda-setting and the absence of alternative international models. Pull factors included the DMA's policy resonance with fairness, contestability, SME protection, and also the detailed yet adaptable template, and its promise of reduced regulatory burdens. Together, these push pull dynamics led to widespread legislative initiative across diverse jurisdictions within the observed period.

Within this diffusion, two distinct regulatory pathways crystallized. Developed economies like Japan and Australia adopted targeted, sector-specific regulations focusing on markets such as app stores and advertising, supported by robust process and market studies. By contrast, developing economies like India, Brazil, and South Africa embraced comprehensive multi-sector approaches resembling the DMA itself, reflecting broader ambitions to regulate the digital sector, but also with compressed timelines and trade-off within the process.

Second, systematic customization patterns have emerged. Countries have consistently lowered gatekeeper thresholds, increased fines, and expanded discretionary powers. These adaptations are necessary responses to local conditions for jurisdictions must tailor the DMA template to their own market structures and competition concerns. However, customization carries significant implications. Lowered thresholds expand the scope of regulated firms beyond global gatekeepers, potentially capturing domestic platforms and creating broader industry opposition. Meanwhile, expanded discretionary powers and heightened penalties raise additional concerns. Design choices made to fit local conditions thus create unexpected political and institutional challenges.

Third, phase two (2025-present) observed the changing dynamic, the U.S. opposition, DMA track record and wider rethink of its digital regulation agenda. Both are reshaping the diffusion dynamics. The Trump administration's February 2025 Presidential Memorandum threatens retaliatory tariffs to defend American companies from "overseas extortion," while the 2025 USTR National Trade Estimate Report explicitly frames the DMA and similar laws as "digital trade barriers." Moreover, these pressures being deployed unevenly as the EU and South Korea face intense and sustained opposition, while other jurisdictions experience less direct pressure, though jurisdictions likely observed and became more cautious of possible implications.

This paper proceeds as follows. Section I situates the project within the literature on competition law diffusion and customization, tracing how digital markets have challenged traditional ex post frameworks and prompted the emergence of ex ante digital competition regulation. It examines the diffusion of competition law, the turn toward platform-specific regulation, and the principal debates for and against these new regulatory approaches. Section II develops a five-step typology for tracing regulatory diffusion and applies it to track the spread of DMA-inspired reforms across jurisdictions. This analysis shows that the DMA's influence expanded rapidly prior to full implementation and highlights recurring patterns of customization, including adjustments to gatekeeper designation thresholds, regulatory discretion, and penalty structures. Section III examines the pathways through which DMA-like regulations are likely to diffuse, identifying key domestic push and pull factors. Section IV consider the geopolitical dynamics, and the implications of recent U.S. pushback for global convergence and divergence. Section V

presents case studies illustrating the diverse regulatory strategies jurisdictions have adopted in response to platform power. Section VI considers the contested future of digital competition regulation, focusing on unresolved questions of experimentation, governance capacity, regulatory dynamics, and international coordination. The paper concludes by reflecting on the broader implications of these findings for the evolution of global digital competition governance.

I. THE DIFFUSION AND CUSTOMIZATION OF COMPETITION LAW

The section reviews competition law diffusion literature and presents what is digital competition regulation, highlighting the European Union's Digital Markets Act, and briefly discussed the critique of adopting digital competition regulation.

A. *The Diffusion of Competition Law*

Legal diffusion refers to the process by which "government policy decisions in a given country are systematically conditioned by prior policy choices made in other countries."²⁸ Scholars identify four principal mechanisms driving policy diffusion: coercion, competition, learning, and emulation.²⁹ Competition law represents one of the most successfully diffused areas of law, as globalization have driven its widespread adoption across diverse jurisdictions over recent decades.³⁰ Countries have adopted competition laws for various reasons: to signal regulatory competence, attract foreign investment, and ensure a level playing field for businesses.³¹

These diffusion mechanisms operate through several key channels. International organizations and transnational networks derives much their influence from their ability to present ideas as neutral and technically sound, thereby lending legitimacy to proposals.³² The Organisation for Economic Co-operation and Development (OECD) and the International Competition Network (ICN) have played a vital role in convening regulators, producing, and disseminating knowledge about competition law through reports, guidelines and peer reviews.³³ Moreover, local and foreign advisors are intermediaries facilitating the processes of translation and adaptation of competition law into local settings.³⁴ Similarly, technical assistance also export practical knowledge to less experienced jurisdictions.³⁵ Trade agreements have served as another critical channel and represent a primary site where conditionality operate.³⁶ The European Union has been particularly

²⁸ Beth Simmons, Frank Dobbin and Geoffrey Garrett, *Introduction: The International Diffusion of Liberalism*, 60 INT'L ORG. 78, 79 (2006).

²⁹ Frank Dobbin, Beth Simmons, and Geoffrey Garrett, *The Global Diffusion of Public Policies: Social Construction, Coercion, Competition, or Learning?* 33 ANN. REV. SOC. 449, 449 (2007).

³⁰ Anu Bradford & Adam Chilton, *Competition Law Around the World from 1889 to 2010: The Competition Law Index*, 14 J. COMPETITION L. & ECON. 393, 393 (2018)

³¹ See Frank Dobbin, Beth Simmons, and Geoffrey Garrett, *The Global Diffusion of Public Policies: Social Construction, Coercion, Competition, or Learning?* 33 ANN. REV. SOC. 449, 449.

³² MICHAEL BARNETT & MARTHA FINNEMORE, *RULES FOR THE WORLD: INTERNATIONAL ORGANIZATIONS IN GLOBAL POLITICS* (1999).

³³ William E. Kovacic & Hugh Hollman, *The International Competition Network: Its Past, Current, and Future Role*, 20 MINN. J. INT'L L. 274, 274 (2011).

³⁴ Wendy Ng, From Divergence to Convergence: The Role of Intermediaries in Developing Competition Laws in ASEAN, J. ANTITRUST ENF'T 1, 30 (2021)

³⁵ Daniel Sokol & Kyle Stieglert, *Exporting Knowledge Through Technical Assistance and Capacity Building*, 6 J. COMPETITION L. & ECON. 233, 235 (2010); Timothy T. Hughes et al., *International Technical Assistance: The Federal Trade Commission's Experience And Challenges For The Future*, IN ANTITRUST IN EMERGING AND DEVELOPING COUNTRIES (2015)

³⁶ Robert D. Anderson & Peter Holmes, *Competition Policy and the Future of the Multilateral Trading System*, 5 J. INT'L ECON. L. 531, 531 (2002)

influential in spreading its model of competition law through preferential trade agreements (PTAs), often requiring the adoption of competition laws as a condition for establishing free trade agreements.³⁷ More broadly, the incorporation of competition policy provisions in regional trade agreements (RTAs) has become widespread, with many agreements now containing dedicated chapters or provisions on competition policy.³⁸

The diffusion of competition law has followed the specific pattern of incremental adoption, but once reached a tipping point in the 1990s, the adoption rate accelerated spreading to diverse jurisdictions.³⁹ Moreover, after initial adoption, diffusion continues to be highly dynamic, as countries revise to converge and diverge their laws to reflect their local experiences, but many also become stagnated or not enforced.⁴⁰ For example, empirical study shows that countries near the EU tend to converge with the European model, while distant but capable jurisdictions such as Australia adapt selectively. Meanwhile, lower-capacity countries often experience stagnation due to lack of enforcement or institutional constraints.⁴¹

Diffusion may also operate through democratic channels, as politicians strategically invoke foreign regulatory models to signal competence and policy credibility to win election.⁴² Voters are skeptical of reforms yet lack detailed policy information, they rely on heuristics such as familiarity and international recognition when evaluating proposed policies before their vote. As a result, regulatory models associated with prominent jurisdictions or well-known international institutions can provide legitimacy and diffuse rapidly, even in the absence of unclear policy success or failure outcomes.⁴³ Moreover, as competition law redistributes economic rents, democratic institutions may facilitate political contestation between various organized interest groups, as opposition for change comes from insiders and incumbent firms that benefit from rent and pro-competition constituencies from consumers, labour and other business participants that could benefit from competition.⁴⁴

Despite widespread diffusion, there were many limits and many promise effects were not delivered.⁴⁵ The promise of competition law was clear there are variations of enforcement outcome, particularly in developing and lower-capacity jurisdictions.⁴⁶ The preconditions for an effective implementation have been widely discussed in the literature, ranging from socio-economic ideology to institutional and political conditions.⁴⁷ Factors frequently refers to

³⁷ Anu Bradford & Adam S. Chilton, *Regulating Antitrust Through Trade Agreements*, 84 ANTITRUST L.J. 103, 103 (2021); Yo Sop Choi & Andreas Heinemann, *Competition and Trade: The Rise of Competition Law in Trade Agreements and Its Implications for the World Trading System*, 43 WORLD COMPETITION 521, 521 (2020).

³⁸ Robert D. Anderson et al, *Competition Policy, Trade and the Global Economy: An Overview of Existing WTO Elements, Commitments in Regional Trade Agreements, Some Current Challenges and Issues for Reflection*, DAF/COMP/GF(2019)11, OECD Directorate for Financial and Enterprise Affairs Competition Committee (Dec. 5, 2019).

³⁹ Anu Bradford, Adam S. Chilton, Katerina Linos, & Alex Weaver, *The Global Dominance of European Competition Law Over American Antitrust Law*, 16 J. EMPIRICAL LEGAL STUD. 7, 7 (2019).

⁴⁰ Anu Bradford, Adam Chilton and Katerina Linos. *Dynamic Diffusion*, 27 J. INT'L ECON L. 538, 545 (2024)

⁴¹ *Id*

⁴² KATERINA LINOS, *THE DEMOCRATIC FOUNDATIONS OF POLICY DIFFUSION: HOW HEALTH, FAMILY, AND EMPLOYMENT LAWS SPREAD ACROSS COUNTRIES*, OXFORD UNIVERSITY PRESS (2013)

⁴³ KATERINA LINOS, *THE DEMOCRATIC FOUNDATIONS OF POLICY DIFFUSION: HOW HEALTH, FAMILY, AND EMPLOYMENT LAWS SPREAD ACROSS COUNTRIES*, OXFORD UNIVERSITY PRESS (2013)

⁴⁴ Stephen Weymouth, *Competition Politics: Interest Groups, Democracy, and Antitrust Reform in Developing Countries*, 61(2) ANTITRUST BULL 296, 299 (2016).

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⁴⁶ Umut Aydin & Tim Büthe, *Competition Law & Policy in Developing Countries: Explaining Variations in Outcomes; Exploring Possibilities and Limits*, 79 LAW AND CONTEMPORARY PROBLEMS 1, 1-36 (2016).

⁴⁷ Michal Gal, *The Ecology of Antitrust: Preconditions for Competition Law Enforcement in Developing Countries* 79 LAW AND CONTEMPORARY PROBLEMS 1, 1 (2016)

such as lack of independence,⁴⁸ the lack of enforcement resources,⁴⁹ share cultural views,⁵⁰ exemptions and exclusion of key industries, divergence goals,⁵¹ unclear enforcement priorities,⁵² and state-created restraints.⁵³

Two features of competition law are especially relevant for understanding how these constraints could shape digital competition regulation. First, the legal design of competition law has been characterized as “sponge-like,” it combines an economic analytical core with significant legal flexibility, allowing competition regimes to absorb domestic peculiarities and values into the application of competition law.⁵⁴ Therefore, economic analysis serves as a stabilizing core membrane, but it is neither uniform nor determinative.⁵⁵ This flexibility enables legal customization through industry-specific exemptions, sectoral carve-outs, or adaptations aligned with existing regulatory frameworks and industrial policy objectives, contributing to variation in enforcement outcomes.

Second, political economy dynamics shape how this legal flexibility is mobilized in practice. Competition law redistributes economic rents, creating incentives for incumbent firms to resist robust enforcement while mobilizing support from consumers and smaller market participants.⁵⁶ The decline of antitrust enforcement in the United States since the 1960s illustrates how alignment of business interests can influence enforcement through regulators and courts.⁵⁷ Comparable political economy dynamics have been documented in other jurisdictions, reinforcing the view that formal legal commitments often coexist with uneven enforcement.⁵⁸ In other areas of digital regulations, platforms and business relying on the platforms represent the diverse powerful interest groups actively shaping the regulatory landscape.⁵⁹

Taken together, traditional competition law diffusion provides the foundation and a baseline for analyzing the diffusion of digital competition regulation. As the following section shows, platform-specific regulation departs from traditional competition law in important respects, yet these underlying dynamics remain central to understanding how and why DMA-style frameworks are spreading globally.

⁴⁸ See OECD GLOBAL FORUM ON COMPETITION, INDEPENDENCE OF COMPETITION AUTHORITIES – FROM DESIGN TO PRACTICES (2016).

⁴⁹ Dina Waked, *Antitrust Enforcement in Developing Countries Reasons for Enforcement & Non- Enforcement Using Resource-Based Evidence*, HAL OPEN SCIENCE 1,1 (2022); John E. Kwoka, Jr., *Commitment to Competition: An Assessment of Antitrust Agency Budgets Since 1970*, 14 REV. INDUS. ORG. 295 (1999)

⁵⁰ Jan Broulík, *Cultural Capture of Competition Policy: Exploring the Risk in the US and the EU*, 45 WORLD COMPETITION 159 (2022); Thomas K. Cheng, How Culture May Change Assumptions in Antitrust Policy, in THE GLOBAL LIMITS OF COMPETITION LAW (Ioannis Lianos & D. Daniel Sokol eds., 2012).

⁵¹ See Dina I. Waked, *Antitrust Goals in Developing Countries: Policy Alternatives and Normative Choices*, 38 SEATTLE U. L. REV. 945, 946.

⁵² Frédéric Jenny, *Cartels and Collusion in Developing Countries: Lessons from Empirical Evidence*, 29 WORLD COMPETITION 109, 134-35 (2006).

⁵³ Eleanor M. Fox & Deborah Healey, *When the State Harms Competition—The Role for Competition Law*, 79 ANTITRUST L.J. 769, 814 (2014)

⁵⁴ Ariel Ezrachi, *Sponge*, 5 J. ANTITRUST ENFT 49,50. (2017)

⁵⁵ *Id* at 59

⁵⁶ See Nolan McCarty and Sephe Shahshahani, *Testing Political Antitrust*, 98 NYU L. REV 1169, 1178 (2023).

⁵⁷ See Filippo Lancieri, Eric A. Posner & Luigi Zingales, *The Political Economy of the Decline in Antitrust Enforcement in the United States*, 85 ANTITRUST L.J. 441 (2023)

⁵⁸ Dina I. Waked, *Adoption of Antitrust Laws in Developing Countries: Reasons and Challenges*, 12 J.L. ECON. & POL'Y 193, 209. (2016); Deunden Nikomborirak, *Political Economy of Competition Law: The Case of Thailand*, 26 NW. J. INT'L L. & BUS. 597, 605-610 (2006)

⁵⁹ See Wendy Y. Li, *Regulatory Capture's Third Face of Power*, 21 SOCIO-ECON. REV. 1217, 1218-1219 (2023); David Gray Widder, Sarah West and Meredith Whittaker, *Open (For Business): Big Tech, Concentrated Power, and the Political Economy of Open AI*, NATURE. 1, 1.(2023)

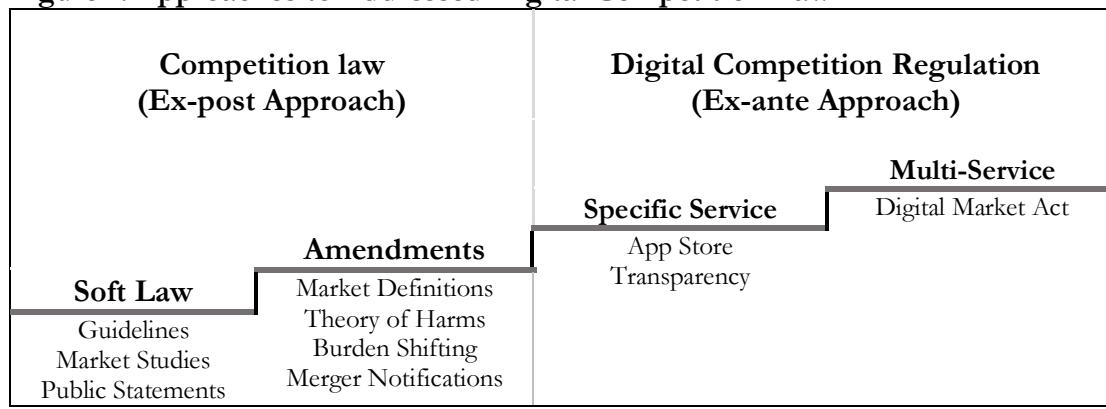
B. Towards The New Approach in Digital Competition Regulation

This section turns to ex-ante approach or digital competition regulation, which has emerged from growing recognition that traditional competition law tools are often ill-suited to digital markets.⁶⁰ Analysis on expert reports from multiple competition authorities reflect “broad agreement that governments need to do more to promote competition in the digital economy, even as disagreement persists over how to do so.”⁶¹

There is substantial agreement regarding the underlying characteristics of digital markets. These markets are shaped by network effects, economies of scale, low marginal costs, and global reach, which together allow a small number of platforms to achieve and entrench dominant positions.⁶² Market definition is further complicated by multi-sided business models and the prevalence of zero-priced services. Data functions as a critical competitive input, generating feedback loops in which greater data accumulation improves service quality, attracts additional users, and raises barriers to entry.⁶³ Although services may be offered at zero monetary price, consumer harm can still arise through alternative forms of value extraction. Behavioral economics further underscores these concerns, showing how platforms exploit cognitive biases, such as salience, default settings, and present bias, to reduce switching and reinforce market power through design practices commonly described as dark patterns.⁶⁴

Taken together, these characteristics have provided a rationale for regulatory intervention beyond traditional competition law.⁶⁵ Competition law which has been criticized for systematic under-deterrance in digital markets, where enforcement is often too slow and case-specific to constrain entrenched platform power. It is also poorly suited to addressing blockaded entry, where structural conditions prevent effective market access regardless of conduct, and to designing behavioural remedies that can be monitored, adapted, and enforced effectively in fast-moving digital environment. Over the past decade, competition authorities across jurisdictions have adopted a range of strategies to address challenges in digital markets (Figure 1).

Figure 1: Approaches to Addressed Digital Competition Law



Source: Adapted from UNCTAD (2024)

⁶⁰ STIGLER CTR. FOR THE STUDY OF THE ECON. & THE STATE, STIGLER COMM. ON DIGIT. PLATFORMS: FINAL REPORT (2019); Jean Tirole, *Competition and the Industrial Challenge for the Digital Age*, 15 ANN. REV. ECON. 573, 574 (2023); Lina M. Khan, *Amazon's Antitrust Paradox*, 126 YALE L.J. 710, 780 (2017); Elettra Bietti, *A Genealogy of Digital Platform Regulation*, 7 GEO. L. TECH. REV. 1, 2 (2023).

⁶¹ Filippo Lancieri & Patricia Morita Sakowski, *Competition in Digital Markets: A Review of Expert Reports*, 26 STAN. J.L. BUS. & FIN. 68, 69-70 (2021). (“Reviewed 21 reports from 17 authorities in 2017–2021, including, United States, Canada, Germany, France, United Kingdom, Australia, Netherland, Japan, Mexico, Portugal, India, and the European Commission.”)

⁶² STIGLER CTR. FOR THE STUDY OF THE ECON. & THE STATE, STIGLER COMM. ON DIGIT. PLATFORMS: FINAL REPORT (2019).

⁶³ Elettra Bietti, *Data Is Infrastructure*, 26 THEORETICAL INQUIRIES L. 55, 82-85 (2025).

⁶⁴ Jamie Luguri & Lior Jacob Strahilevitz, *Shining a Light on Dark Patterns*, 13 J. LEGAL ANALYSIS 43, 44 (2021)

⁶⁵ Amelia Fletcher et al., *The Effective Use of Economics in the EU Digital Markets Act*, 20 J. COMPETITION L. & ECON. 1, 4-8 (2024).

Figure 1 illustrates a spectrum of regulatory approaches that entail different institutional costs and trade-offs.⁶⁶ At one end, ex post approaches have lower drafting and costs, greater flexibility, lighter administrative costs, and faster deployment.⁶⁷ At the other end, comprehensive ex-ante approaches require substantially greater legislative investment, longer implementation timelines, and higher political commitment, but offer stronger legal certainty and enforceability. Importantly, these strategies are often deployed simultaneously rather than sequentially, reflecting differences in institutional capacity, regulatory objectives, and the actors involved. Figure 1 should therefore not be read as a linear path of regulatory progression. Many jurisdictions initially experiment with issued guidelines and market studies to clarify the application of competition law to digital markets, but several have since supplemented these with ex-ante approaches.⁶⁸

Ex-ante approaches, for the context of this paper, are categorized into two principal forms: service-specific, such as obligations targeting app stores, and comprehensive multi-service, most prominently the European Union's Digital Markets Act (DMA). At a high level, the DMA comprises four core components: its regulatory objectives, the gatekeeper designation process, substantive obligations, and implementation and enforcement procedures. While comprehensive in statutory design, the DMA is still evolving in practice, with enforcement decisions, compliance reports, and interpretive guidance continuing to be issued. Table 1 summarizes the basic architecture of the DMA.

Table 1: The DMA Model Template and Areas of Possible Customization

Layer 1: Objective: Fairness and contestability + complementary to competition law		
Layer 2: Legal Framework		
[1] Gatekeeper designation Threshold and core service	[2] Obligations List of obligations	[3] Fines Rates/repeated violation
Layer 3: Implementation Framework		
Designation Process Market studies	Compliance reports Non-compliance investigation and cases	

The first layer, is the objective, guided by two interrelated objectives: fairness and contestability.⁶⁹ Fairness seeks to ensure equitable treatment of business users and consumers, while contestability aims to reduce structural barriers to entry and expansion for non-dominant firms.⁷⁰ Moreover, complementarity with traditional competition law is also an important guiding principle of the DMA.⁷¹ Ensuring that the DMA works in harmony with existing EU competition rules is crucial for creating synergies in enforcement and preventing regulatory overlap.⁷²

⁶⁶ UNCTAD, GLOBAL COMPETITION LAW AND POLICY APPROACHES TO DIGITAL MARKETS, UNCTAD/DITC/CLP/2023/7. (2024)

⁶⁷ Kena Zheng & Niels Philipsen, *Regulation of Digital Markets with Competition Soft Law—A Law and Economics Perspective*, 21 J. COMPETITION L. & ECON. 433, 436-438 (2025).

⁶⁸ Elettra Bietti, *Experimentalism in Digital Platform Markets: Antitrust and Utilities' Convergence*, 2024 U. ILL. L. REV. 1227,1227. (2024)

⁶⁹ Fiona Scott Morton et al, *Fairness and Contestability in the Digital Market*, 40 YALE J. REG. 973, 973. (2023)

⁷⁰ Friso Bostoen, *Understanding The Digital Markets Act*, THE ANTITRUST BULLETIN, 68(2), 263-306 (2023).

⁷¹ Viktoria H.S.E. Robertson, *The Complementary Nature of the Digital Markets Act and the EU Antitrust Rules*, 12 J. ANTITRUST ENFT 325, 326 (2024)

⁷² The principle of complementarity can be found throughout the DMA. In its recitals, the DMA emphasizes that it is complementary to Article 101 TFEU.

The second layer is the framework and consists of three components. First, the scope, or platform designated as “gatekeepers”, identified through a combination of quantitative thresholds and qualitative assessment.⁷³ On 6 September 2023, the European Commission designated six gatekeepers: Alphabet, Amazon, Apple, ByteDance, Meta, and Microsoft, followed by Booking.com in 2024.⁷⁴ There are also core provider service (CPS) that will be designated to specific service such as search engines or Appstore. For example, Microsoft’s advertising platform and Bing search engine, Outlook, and Edge browser.⁷⁵ Second, the DMA imposes a set of positive and negative obligations on designated gatekeepers, many of which draw on the European Union’s prior antitrust enforcement experience.⁷⁶ Third, fines which determines the rate of fines that could be issued when gatekeepers violated their assigned obligations.

C. *Critiques of Digital Competition Regulation*

This section surveys the principal critiques of DMA-like regulations, highlighting concerns raised by scholars, industry stakeholders, and policymakers. The discussion is illustrative rather than exhaustive, as substantial scholarship has engaged these debates in depth

First, the Innovation/Regulation Trade off Concerns. Critics argue that DMA-like laws could stifle innovation and hinder startup growth.⁷⁷ They point to the relative lack of successful digital platforms in Europe as evidence of the potential negative impacts of stringent regulations.⁷⁸ The concern is that regulations targeting large platforms may inadvertently create barriers for smaller companies aspiring to scale up, particularly in countries with growing startup ecosystems. However, Supporters of the DMA model contend that properly implemented regulations can shift innovation incentives in more socially beneficial directions without stifling progress.⁷⁹ Anu Bradford argues that the choice between regulation and innovation is a “false dilemma,” suggesting that broader legal and institutional reforms are necessary for innovation to succeed.⁸⁰ Others view pro-competition regulation as a step in the right direction, acknowledging that “there are no silver bullets when it comes to regulation, and only time will tell about its long-term effects.⁸¹

⁷³ Mario Mariniello & Catarina Martins, *Which platforms will be caught by the Digital Markets Act? The ‘gatekeeper’ dilemma*, BRUEGEL, (Dec. 14, 2021) <https://www.bruegel.org/blog-post/which-platforms-will-be-caught-digital-markets-act-gatekeeper-dilemma> [https://perma.cc/8SLG-CYWS].

⁷⁴ European Commission, *Digital Markets Act: Commission designates six gatekeepers*. European Commission (Sep. 6, 2023), <https://digital-strategy.ec.europa.eu/en/news/digital-markets-act-commission-designates-six-gatekeepers> [https://perma.cc/U7HZ-B33Q]; European Commission, Commission designates Booking as a gatekeeper and opens a market investigation into X. (May 13, 2024) <https://digital-strategy.ec.europa.eu/en/news/digital-markets-act-commission-designates-six-gatekeepers> [https://perma.cc/HK5C-JCZ6]

⁷⁵ Friso Bostoen & Giorgio Monti, The Rhyme and Reason of Gatekeeper Designation Under the Digital Markets Act, *J. ANTITRUST ENFORCEMENT* (2025).

⁷⁶ Jacques Crémer et al., *Enforcing the Digital Markets Act: Institutional Choices, Compliance, and Antitrust*, 11 *J. ANTITRUST ENF.* 315, 316 (2023). (“Making suggestions to concurrent enforcement power given by the DMA and Article TFEU.”)

⁷⁷ Thibault Schrepel, *A Systematic Content Analysis of Innovation in European Competition Law*, (ALTI Working paper 2023.)

⁷⁸ Fiona M. Scott Morton & Cameron Steger, *‘Home-grown’ Innovation Has Costs as Well as Benefits*, BRUEGEL (Nov. 2, 2023) <https://www.bruegel.org/system/files/2023-11/%E2%80%98home-grown%E2%80%99-innovation-has-costs-as-well-as-benefits-9498.pdf> [https://perma.cc/X3US-7JXY]

⁷⁹ Fiona Scott Morton et al, *Fairness and Contestability in the Digital Market*, 40 *YALE J. REG.* 973, 1005 (2023)

⁸⁰ Anu Bradford, *The False Choice Between Digital Regulation and Innovation*, 118 *Nw. U. L. REV.* 56, 57 (2024)

⁸¹ Damien Geradin & Dimitrios Katsifis, *Selecting the Right Regulatory Design for Pro-competitive Digital Regulation: An Analysis of the EU, UK, and US Approaches*, TILBURG LAW & ECON. CTR, (2021)

Second, the untested model concern. Skeptics suggest that other jurisdictions should adopt a wait-and-see approach, allowing the EU to serve as a regulatory laboratory. They argue that rushing to adopt similar laws without evidence of their efficacy could lead to regulatory missteps and economic harm. Yet resolving this debate is challenging, especially before the DMA was enforced as it rests on the unknown future effect of both welfare and effects on future investment and innovation.⁸² The European Commission produced impact assessments which provide positive impact assessment.⁸³ However, the evidentiary landscape is shifting as scholars have begun collecting data from actual DMA enforcement, examining designation decisions, compliance reports, and platform responses, providing early empirical insights that were unavailable during initial adoption debates. There are also emerging evidence from other regions such as during China's brief introduction of super platform guidelines.⁸⁴

Third, the protectionist narrative is especially true for U.S. stakeholders. In the early drafting stage of the DMA Biden administration Commerce Secretary Gina Raimondo and members of Congress, have characterized the DMA as a protectionist measure that disproportionately affects U.S. tech giants.⁸⁵

Another interesting concern is that targeted regulation may give an unfair advantage to Chinese and local platforms, potentially creating an uneven playing field in the global digital economy.⁸⁶ This is not usually mentioned in the US or EU jurisdiction but exclusively in Asia where Chinese platforms do have presence. For instance, South Korea's proposed DMA-like law "should not disadvantage domestic companies and privilege Chinese competitors."⁸⁷ This argument had become more visible, in light of AI competition race between the US and China. E-commerce is another area that could be true as Chinese e-commerce platform has gained popularity around the world.⁸⁸ The recent success of Chinese platforms like Pinduoduo and Temu in the U.S. market presents an interesting development, challenging Amazon's dominance and complicating the narrative around protectionism and market dynamics.⁸⁹ TikTok has shown that a social media can become viral and attract users within a short period of time.⁹⁰

⁸² Andy Tarrant, 'Lobbying and the EU's Digital Markets Act' in David Coen and Alexander Katsaitis (eds), *Handbook on Lobbying and Public Policy* (Edward Elgar 2024) 444, 445 ("adjudging the relative merits of the arguments pro-and anti-intrusive regulation is subjective because they could only ultimately be determined by a currently unknowable future effect on consumer welfare, driven by equally unknowable effects on future investment and innovation.")

⁸³ <https://digital-strategy.ec.europa.eu/en/library/impact-assessment-digital-markets-act>

⁸⁴ Ke Rong, D. Daniel Sokol, Di Zhou & Feng Zhu, *Antitrust Platform Regulation and Entrepreneurship: Evidence from China*, MGMT. SCI. 1,1 (2025).

⁸⁵ Margaret Harding McGill and Asley Gold, *Tech's Favorite Biden Official*, AXIOS (Mar. 16, 2022), <https://wwwaxios.com/2022/03/16/gina-raimondo-techs-favorite-biden-official-commerce> [<https://perma.cc/RL3Q-6G53>]; Lauren Feiner, *Bipartisan Lawmakers Wants Biden to Tell Europe to Stop Unfairly Targeting US Tech Companies*, CNBC (Feb. 23, 2022), <https://www.cnbc.com/2022/02/23/lawmakers-ask-biden-to-tell-eu-to-stop-unfairly-targeting-us-tech-companies.html>, <https://www.koreaherald.com/article/3391738> [<https://perma.cc/G8A7-86DG>]

⁸⁶ Nitasha Tiku, *Big Tech: Breaking Us Up Will Only Help China*, WIRED (May 23, 2019), <https://www.wired.com/story/big-tech-breaking-will-only-help-china/> [<https://perma.cc/JQ8T-XQF2>]

⁸⁷ Hong Dae-sik & D. Daniel Sokol, *Korea Should Prioritize Innovation, Not Misguided Platform Regulation*, KOREA HERALD (May 12, 2024), <https://www.koreaherald.com/article/3391738> [<https://perma.cc/6Q5G-SZJA>]

⁸⁸ Gunn Jiravuttipong & Haeyoon Kim, *Middle Powers' Digital Antitrust Efforts in the Age of Trump*, TECH POL'Y PRESS (Mar. 17, 2025), <https://www.techpolicy.press/middle-powers-digital-antitrust-efforts-in-the-age-of-trump/> [<https://perma.cc/G8HC-UG3Q>]

⁸⁹ Tracy Qu & Sherry Qin, *Amazon Takes On Chinese Rivals Temu and Shein With Plans for New Discount Service: More Marks a Significant Step by the U.S. E-commerce Giant to Safeguard Its Market Leadership at Home*, WALL ST. J. (Jun. 27, 2024), <https://www.wsj.com/business/retail/amazon-plans-channel-for-low-cost-china-goods-to-fend-off-temu-shein-09eca278> [<https://perma.cc/69PS-ECQZ>]

⁹⁰ However, on nationality of TikTok, Laura He, *Wait, Is TikTok Really Chinese?*, CNN (Mar. 28, 2024) <https://edition.cnn.com/2024/03/18/tech/tiktok-bytedance-china-ownership-intl-hnk>, [<https://perma.cc/H3JE-XC52>]; Curtis J. Milhaupt & Dan W. Puchniak, *TikTok's Identity Crisis: Corporate*

Fourth, the political and populist antitrust criticisms. Many have characterize the push for DMA-like laws as “populist antitrust,” arguing that it’s driven more by political considerations than sound economic principles. They contend that the narrative of reining in “Big Tech” appeals to public sentiment but may not address the complex realities of digital markets. Critics have describe this approach as a “revolution without cause,” suggesting that the political appeal of regulating large tech companies may outweigh evidence-based policymaking.⁹¹

Lastly, the enforcement capacity and lack of resource intensiveness. Implementing and enforcing DMA-like laws requires substantial resources, both in terms of personnel and expertise. Critics argue that many jurisdictions, particularly smaller or developing countries, may lack the necessary capacity to effectively oversee such complex regulations. Frederic Jenny, chair of the OECD Competition Committee, has cautioned against rushing into digital competition law enforcement, warning that “competition authorities should avoid the risk of inadvertently giving in to political pressure or economic populism or issuing misguided decisions.”⁹² He further elaborates that while digital platform cases are generic and not country-specific, competition authorities’ powers and resources vary significantly across jurisdictions.⁹³

II. THE RACE TO REIN IN BIG TECH

This section provides a typology approach to track the regulatory developments across multiple jurisdictions, revealing distinct patterns of adoption and customization. A systematic approach can help synthesizing the existing knowledge and process of digital competition regulations which is at risk being lost because it remains “scattered among thousands of pages, figures, and tables across various documents and websites.”⁹⁴

A. *Tracing The Regulatory Diffusion: A Five-Step Typology*

This section provides a systematic approach to tracking digital competition regulatory developments, by introduce a five-stage typology to structure data collection across jurisdictions and enable systematic comparison of legislative trajectories.⁹⁵ In principle, typologies are useful “to draw out underlying dimensions and create categories for classification and measurement and sorting cases.”⁹⁶ Existing diffusion studies often focus on the moment of adoption and treat legal transplants as binary outcomes, thereby overlooking processes of sequencing, revision, and customization over time.⁹⁷ This paper proposed typology is designed to capture pre-adoption and early implementation dynamics, tracing regulatory development through five stages: (1) reform announcement, (2) expert report, (3) draft legislation, (4) public consultation, and (5) enforcement. The

Personality in a De-Globalizing World, HARV. L. SCH. F. ON CORP. GOVERNANCE (Jan. 3, 2025), <https://corpgov.law.harvard.edu/2025/01/03/tiktoks-identity-crisis-corporate-personality-in-a-de-globalizing-world/> [https://perma.cc/DH4A-KVJT]

⁹¹ Yunsieb Kim, *A Revolution Without a Cause: The Digital Markets Act and Neo-Brandeisian Antitrust*, 2024 WIS. L. REV. 4, 5(2023).

⁹² Frédéric Jenny, *Competition Law and Digital Ecosystems: Learning to Walk Before We Run*, 30 INDUS. & CORP. CHANGE 1143, 1144 (2021).

⁹³ OECD, *Competition Policy in Eastern Europe and Central Asia*, OECD-GVH REGIONAL CENTRE FOR COMPETITION IN BUDAPEST (HUNGARY) NEWSLETTER NO. 21. 1,1 (2023)

⁹⁴ Lancieri and Sakowski *supra* note 8, at 68

⁹⁵ Martino Maggetti and Fabrizio Gilardi, ‘Problems (and Solutions) in the Measurement of Policy Diffusion Mechanisms’ (2016) 36 Journal of Public Policy 87, 87.

⁹⁶ Collier, David, Juan LaPorte, & Jason Seawright, *Putting Typologies To Work: Concept Formation, Measurement, And Analytic Rigor*, 65(1) POL. RES. Q. 217, 217 (2012)

⁹⁷ Bradford, Chilton and Linos *supra* note 8, at 540

analysis covers platform regulation initiatives from 2020 to 2025, encompassing the DMA's emergence as well as parallel regulatory developments in other jurisdictions.

Table 2: The Proposed Typology

Steps	Typology	Description	Output
1	Reform announcement	Politicians, policymaker or agencies signal adoption of new ex-ante competition rules.	Statements, Press release
2	Expert report	Taskforces (economist) are formed to study the digital market. Recommendations signal policy direction, scope and customization.	Report
3	Draft legislation	Legislative drafts provided to the public. Each version can reflect changes and lobbying efforts.	Draft legislation
4	Public consultation	Reactions to the legislative drafts by stakeholders	Response to draft reports
5	Enforcement	Final version of the legislation. ex ante regulation requires the designation process of the law which will require further implementation rules and analysis.	Official publications. Statements, Press release

1. Reform Announcement Stage

The reform announcement state marks the initial signal from policymakers regarding the adoption of new ex-ante competition rules. The source, venue, and context of these announcements provide crucial insights into political buy-in and policy direction. For instance, the EU's "Digital Single Market" provided a comprehensive outline for the Digital Markets Act and Digital Service Act, including its rationale and proposed timeline.⁹⁸ Moreover, international forums play a pivotal role at this stage, serving as platforms for countries to articulate policy directions and enabling comparative analysis of evolving positions. Japanese Prime Minister Kishida's pushed platform regulation via OECD-G7 during Japanese chairmanship and came to Washington to discuss platform regulation.⁹⁹ Brazilian President Luiz Lula da Silva mentioned the draft bills in his opening speech to the UNGA in September 2025.¹⁰⁰

Moreover, a point of observation is the source of the announcement can signal the degree of political buy-in exists for the reform. Reforms can be top-down from the executive branch or bottom-up from national competition law agencies. The Biden administration's executive order in a notable whole-government approach.¹⁰¹ Announcement can also signal reverse regulatory strategies. The KFTC signaled interest in ex-ante regulation at the OECD roundtable in 2021, but the new Yoon administration

⁹⁸ European Commission, *Press Release: Europe fit for the Digital Age: Commission Proposed New Rule For Digital Platform*, EUROPEAN COMMISSION, (Dec. 15, 2020), <https://digital-strategy.ec.europa.eu/en/news/europe-fit-digital-age-commission-proposes-new-rules-digital-platforms> [https://perma.cc/HWC9-U8A6]

⁹⁹ Shane Tews, *Japan's Precarious Digital Markets Crossroads*, AEI IDEAS (Jan. 13, 2023), <https://www.aei.org/https://www.aei.org/technology-and-innovation/japans-precarious-digital-markets-crossroads/>, [https://perma.cc/MMV3-NZUM]

¹⁰⁰ Beatriz Kira, 'Brazil's Fair Digital Competition Bill Offers an Alternative to Regulating Big Tech' (*ProMarket*, 7 November 2025) <<https://www.promarket.org/2025/11/07/brazils-fair-digital-competition-bill-offers-an-alternative-to-regulating-big-tech/>>

¹⁰¹ The White House, *Executive Order on Promoting Competition in the American Economy*, FEDERAL REGISTER, (July 9, 2021), <https://www.federalregister.gov/documents/2021/07/14/2021-15069/promoting-competition-in-the-american-economy> [https://perma.cc/BR4S-AH4U].

change policy to self-regulation.¹⁰² However, his administration later shifted his policy stance and the KFTC proposed a DMA-style bill in December 2023.¹⁰³

2. Expert Report Stage

The expert report phase typically involves the appointment of a taskforce or committee to study the digital market and provide policy recommendations. Given the technical nature of digital antitrust, these reports are instrumental in consolidating knowledge, reflecting expert consensus, and address possible customization. Moreover, the quality of reports and the effort invested in them can also be a data point for comparison. Australia is a great example of well-resourced jurisdiction with history of customizations to make competition law fit their domestic context.¹⁰⁴ In 2020, Australia launched a 5-year digital platforms services inquiry, with each biannual report focuses on a different topic and digital market, from social media and harm to small businesses to online retail marketplaces and search and web browsers.¹⁰⁵ International organization can also lead the report process such as the 2021 report.

Other countries have operated on compressed timelines, producing regulatory recommendations more swiftly, such as India and Brazil. Brazil's process has been more iterative: earlier initiatives moved rapidly into the legislative process, whereas more recent proposals from the Ministry of Finance reflect deeper analytical effort and broader political support.¹⁰⁶ Almost all reports have recommended a shift toward regulation. Taiwan stands apart as a clear outlier, with its Fair Trade Commission concluding in 2023 that the adoption of ex ante platform regulation was premature.¹⁰⁷

3. Drafts Legislation Stage

Draft stage is characterized by the public release of legislative proposals, which formalize key regulatory choices concerning scope, obligations, and the definition of regulated actors or services. Some drafts accompany expert reports, while others are introduced independently. Even proposals that are ultimately withdrawn or rejected remain analytically relevant, as they enter the public record and shape subsequent regulatory debates. The European Union's Digital Markets Act illustrates this process, having progressed through multiple draft iterations, from the Commission's initial proposal in December 2020, through interinstitutional negotiations culminating in political agreement in March 2022, to formal adoption in July 2022.

Drafts also provide a chance to compare and contrast between proposal. For instance, the United Kingdom (UK) has signaled a more flexible "participatory approach," which allows the Digital Market Unit (DMU) to adopt rules or set behavioral expectations by working with each targeted platform company and Platforms have publicly supported

¹⁰² Byoung-II Oh, A Digital Policy Report Card for South Korea, CARNEGIE ENDOWMENT FOR INT'L Peace (Feb. 28, 2024), <https://carnegieendowment.org/research/2024/02/koreas-path-to-digital-leadership-how-seoul-can-lead-on-standards-and-standardization?lang=en>, [https://perma.cc/8Y5Y-R3JX]

¹⁰³ Jae-hyuk Park, Kakao Still Under Fire from Yoon Administration, KOREA TIMES (Nov. 2, 2023), <https://www.koreatimes.co.kr/business/companies/20231102/kakao-still-under-fire-from-yoon-administration> [https://perma.cc/RXT7-2VHD]

¹⁰⁴ Anu Bradford, Adam Chilton & Katerina Linos, *Dynamic Diffusion*, 27 J. INT'L ECON. L. 538–57 (2024) ("Australia was selected as a case study in the dynamic diffusion article and known for its customization but play close attention to the developments in leading jurisdiction such as US or EU.")

¹⁰⁵ ACCC, DIGITAL PLATFORM SERVICE INQUIRY 2020-2025.

¹⁰⁶ SECRETARIAT OF ECONOMIC REFORMS, MINISTRY OF FINANCE (BRAZIL), DIGITAL PLATFORMS: COMPETITION ASPECTS AND REGULATORY RECOMMENDATIONS FOR BRAZIL (16 DECEMBER 2024)

¹⁰⁷ Fair Trade Commission, White Paper on Competition Policy in the Digital Economy (December 2023).

this approach.¹⁰⁸ The reuse of text, and more recently with the help of computational and network analysis has been used to understand diffusion among regulations.¹⁰⁹

4. Public Consultation Stage

Serves as a critical juncture for gathering stakeholder input and catalyzing debate that shapes the legislation. Public consultation The EU's DMA exemplifies extensive public consultation, involving a wide range of stakeholders including platforms, national competition agencies, civil society, and academics.¹¹⁰ These contributions have been particularly detailed and constructive in engaging with the DMA's legal design and text.¹¹¹ Data from public consultations have led to recent interesting findings. For example, a computational text analysis to investigate stakeholder understanding of key terms in the proposed Digital Services Act (DSA) and DMA.¹¹² The analyzes reveal significant differences in the use and attitudes towards terms like "gatekeepers," "self-preferencing," "collusion,"¹¹³ Such findings underscore the importance of thorough consultation processes and highlight the potential for new analytical data.

The output and publications of public consultation varies in each jurisdiction. Many provide access to individual submissions online and incorporate in expert reports through out the analysis and recommendation. For example, the 2024 Brazil Ministry of Finance report has 72 contribution and the report breakdown the nationality and background of participant.¹¹⁴ India, summarized stakeholder at the end of the report. However, other countries may face challenges in conducting effective public consultations due to resource constraints and limited stakeholder engagement. Gatekeepers and technology association groups have been more active and coordinate commenting on customization efforts at this stage.

5. Enforcement Stage

The final stage of the typology is enforcement, which occurs when the legislation is fully implemented. For ex-ante regulation, this often requires subsequent implementation rules, such as the process for designating gatekeepers. In preparation of enforcement, EU authorities have been conducting workshops on various aspects of the DMA.¹¹⁵ The Commission is also required to submit annual reports on the DMA's implementation and progress, which will provide valuable insights into the effectiveness

¹⁰⁸ Tom Wheeler, *Commentary: The UK and EU Established position as regulatory first movers while the US watches* Brookings. (Mar. 8, 2023), <https://www.brookings.edu/articles/the-uk-and-eu-establish-positions-as-regulatory-first-movers-while-the-us-watches/> [https://perma.cc/82Z2-X33L] ("platform companies prefer the U.K.'s approach because of its tailor-made oversight rather than the EU's more generic requirements."); Amelia Fletcher, *International Pro-Competition Regulation Of Digital: Healthy Experimentation Or Dangerous Fragmentation*, 39 OXFORD REV. ECON. POL'Y 12, 12–33 (2023).

¹⁰⁹ John Wilkerson, David Smith & Nicholas Stramp, *Tracing the Flow of Policy Ideas in Legislatures: A Text Rense Approach*, 59 AM. J. POL. SCI. 943, 945 (2015); Jennifer Nou & Julian Nyarko, *Regulatory Diffusion*, 74 STAN. L. REV. 897, 898 (2022)

¹¹⁰ European Commission, *Published Initiative: Digital Services Act Package – Ex Ante Regulatory Instrument Of Very Large Online Platforms Acting As Gatekeepers*. (2022) [https://perma.cc/7MGP-M6QW]

¹¹¹ *Id* ("For example, the consultation for "Digital Services Act package – ex ante regulatory instrument of very large online platforms acting as gatekeepers" opened during 02 June 2020 - 08 September 2020 received a Total Valid feedback 2863 submission.

¹¹² Fabiana Di Porto et al., *I See Something You Don't See: A Computational Analysis of the Digital Services Act and the Digital Markets Act*, 6 STAN. COMP. ANTITRUST 2, 2 (2021).

¹¹³ *Id* ("Moreover, established terms such as "self-regulatory" also show variations. Medium and large companies and organizations tend to view "self-regulatory" more favorably than smaller entities. Similar dynamic is expected in different jurisdiction.")

¹¹⁴ SECRETARIAT OF ECONOMIC REFORMS, BRAZIL. MINISTRY OF FINANCE, *DIGITAL PLATFORMS: COMPETITION ASPECTS AND REGULATORY RECOMMENDATIONS FOR BRAZIL* (2024). 17-21.

¹¹⁵ European Commission, *Training And Workshops: DMA Workshop – The DMA And Data-Related Obligations*, EUROPEAN COMMISSION. (May 5, 2023). [https://perma.cc/2NE7-RRE3]

of the enforcement process and any challenges encountered.¹¹⁶ Moreover, a lot of debate center around the possible trade-off or downside of the new regulatory approach. This requires research and possible real-world cases to rest the debate.¹¹⁷ The DMA has release its summary of the review of¹¹⁸

Lastly, this typology has limitations. Designed to trace pre-adoption and legislative dynamics, it does not capture jurisdictional enforcement experience under traditional ex-post competition law: what cases agencies have pursued, whether they succeeded, and how long they took, and how these factors lead to the policy decision moving towards ex-ante approaches. While expert reports may address this, enforcement track records independently can give information on how agencies and stakeholders perceive the adequacy of traditional approaches and their receptiveness to ex-ante alternatives. Other work has documented this dimension systematically. For example, the Australia's Digital Platform Service Inquiry final report (June 2025) listed competition cases or involving major digital platforms in G20 jurisdiction, consists of 267 cases.¹¹⁹

B. Overview Trends

An overview of the data collected using the typologies reveals several noteworthy trends in the global race to tame big tech. Firstly, The European Union's Digital Markets Act (DMA) represents the first mover in the ex-ante competition regulation development. The process began in early 2019 with the European Commission's announcement of the framework, followed by the Crémér report.¹²⁰ The legislative draft phase spanned 1 year and 10 months (15 December 2020 to 2 November 2022), producing drafts with multiple consultations and workshops. Enforcement of the DMA commenced in 2023 and continues to the present, accompanied by numerous implementation rules, including designation decisions and compliance reports. The EU DMA is also the only jurisdiction that has completed the first cycle of enforcement and the feedback from stakeholders has been published.¹²¹

¹¹⁶ European Commission, *Annual Report on Regulation (EU) 2022/1925 of the European Parliament and of the Council on Contestable and Fair Markets in the Digital Sector and Amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) ("DMA Annual Report 2023")*, EUROPEAN COMMISSION. (Mar. 6, 2024), [<https://perma.cc/5SBH-GSEK>]

¹¹⁷ Apple, *Apple Statement: The Digital Markets Act's Impacts on EU Users*, APPLE NEWSROOM (Sept. 24, 2025), <https://www.apple.com/newsroom/2025/09/the-digital-markets-acts-impacts-on-eu-users/> [<https://perma.cc/Q9F3-6SF5>]

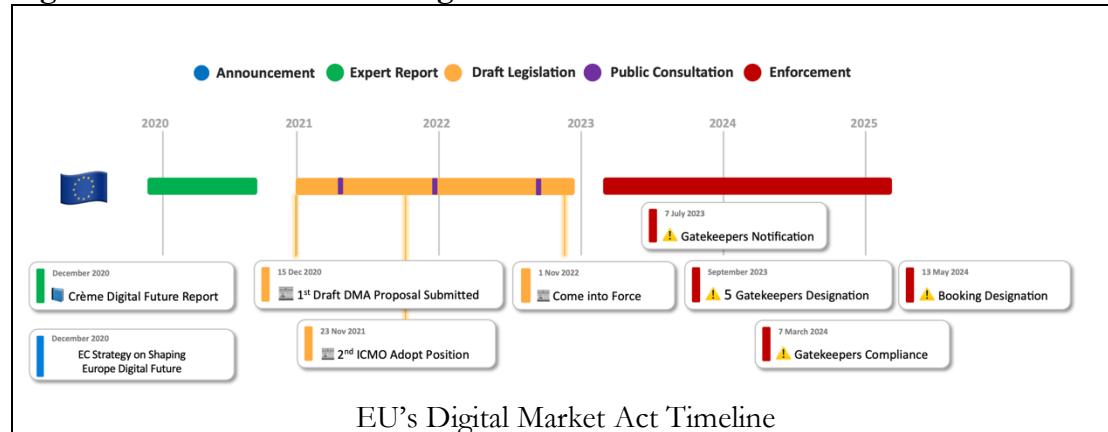
¹¹⁸ European Commission, DMA Review—Summary of the Contributions to the Targeted Consultation, Call for Evidence and AI Consultation, EUROPEAN COMMISSION https://digital-markets-act.ec.europa.eu/document/download/244d8f93-e969-41af-bdcc-23e791863449_en?filename=Public%20summary%20of%20DMA%20Review%20consultation_0.pdf (last visited Jan. 8, 2026).

¹¹⁹ ACCC, Digital Platform Services Inquiry: Final Report (Mar. 2025). (cases are categorized by platforms (Amazon, Apple, Google, Meta, Microsoft, Booking.com, Yandex, Alibaba, Baidu, Tencent, Kakao, Naver) and documented, matter of type (private and government), case name, service typo, start date or date of public reference and status (ongoing, concluded))

¹²⁰ JACQUES CRÉMER ET AL., COMPETITION POLICY FOR THE DIGITAL ERA, (2019)

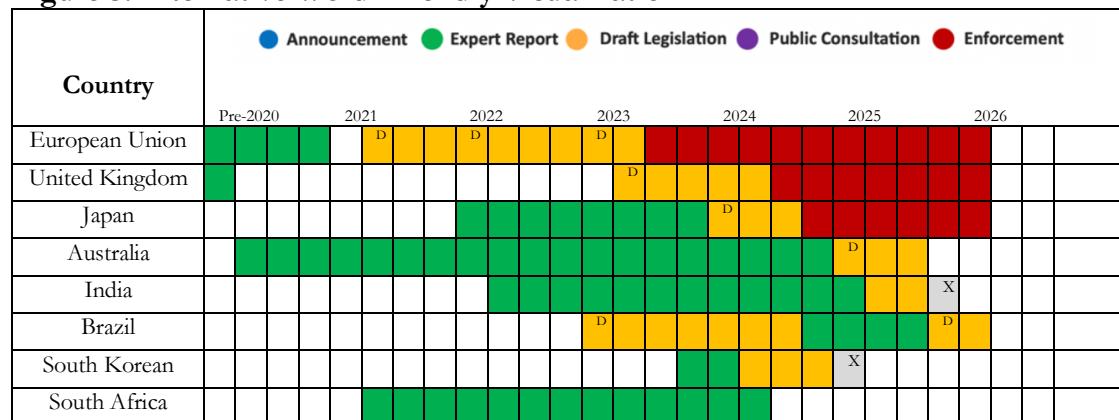
¹²¹ European Commission, DMA Review—Summary of the Contributions to the Targeted Consultation, Call for Evidence and AI Consultation, DIGITAL MARKETS ACT, https://digital-markets-act.ec.europa.eu/document/download/244d8f93-e969-41af-bdcc-23e791863449_en?filename=Public%20summary%20of%20DMA%20Review%20consultation_0.pdf (last visited Jan. 8, 2026).

Figure 2: Visualization EU's Digital Market Act Timeline



While the European Union occupied a clear first-mover position, it was quickly joined by a group of fast followers. The DMA process began as early as 2019 with the European Commission's initial announcement, followed by the Crème Report and an extended legislative phase lasting nearly two years, from the Commission's proposal in December 2020 to formal adoption in November 2022, during which multiple drafts were circulated through consultations and expert workshops. Yet, unlike classic diffusion accounts that emphasize the imitation of demonstrably successful regulatory models, developments elsewhere unfolded in parallel rather than in sequence. Japan and South Korea, for example, were already advancing app-store transparency rules during the DMA's drafting phase, and by the time the DMA reached its second draft in 2022, several jurisdictions had convened domestic expert committees to explore their own regulatory shifts.¹²²

Figure 3: Alternative Word-Friendly Visualization



Moreover, between 2021 and 2022 marked a particularly notable moment of global convergence. As the EU refined the DMA, the United States Congress introduced a package of antitrust bills aimed at large digital platforms, while China issued regulatory guidelines targeting “super platforms” alongside a broader technology-sector crackdown.¹²³ This near-simultaneous policy activity across major jurisdictions points to

¹²² Jin Yu Young, *South Korea Forces Google and Apple to Allow Third-Party In-App Payments*, N.Y. TIMES (Aug. 31, 2021), <https://www.nytimes.com/2021/08/31/business/south-korea-google-apple.html> [https://perma.cc/7K9S-A3JQ]

¹²³ Angela Huyue Zhang, *Agility Over Stability: China's Great Reversal in Regulating the Platform Economy*, 63 HARV. INT'L L.J. 495, 495 (2022); Lilian Zhang, *A Timeline of China's 32-Month Big Tech Crackdown that Killed the World's Largest IPO and Wiped Out Trillions in Value*, S. CHINA MORNING POST (July 15, 2023)

parallel regulatory responses to shared concerns about platform power, rather than linear diffusion from a single source. Moreover, the expert report in India and Australia cited to the US development to indicate a consensus on ex-ante regulation. The timeline thus reveals a more complex pattern of regulatory diffusion, in which multiple jurisdictions moved toward ex-ante approaches before any enforcement outcomes were observable, laying the groundwork for subsequent divergence shaped by domestic political economy and regulatory design choices. The figure below shows the amount of expert report and drafts in circulation over time

Figure 4 Overall Activities in Diffusion

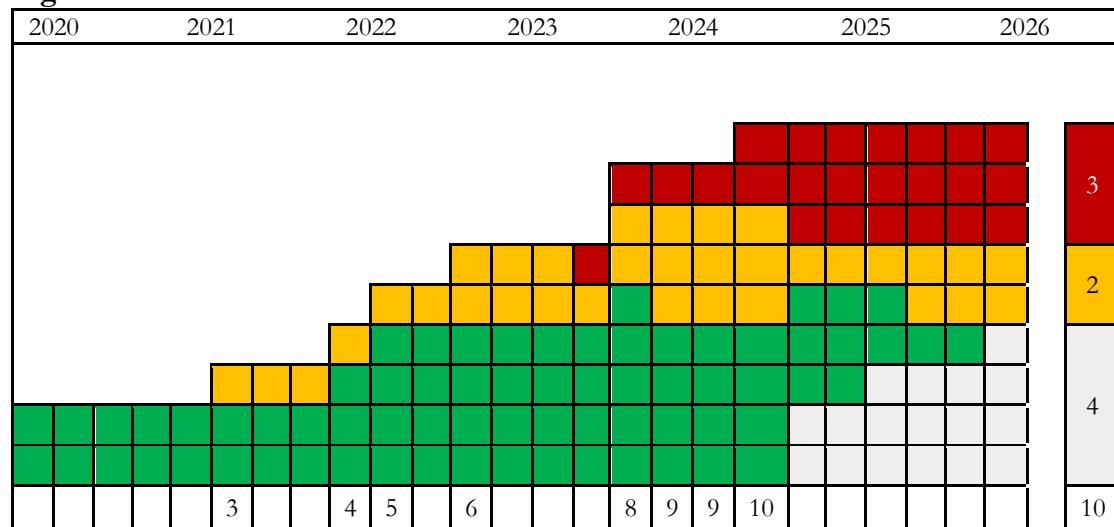
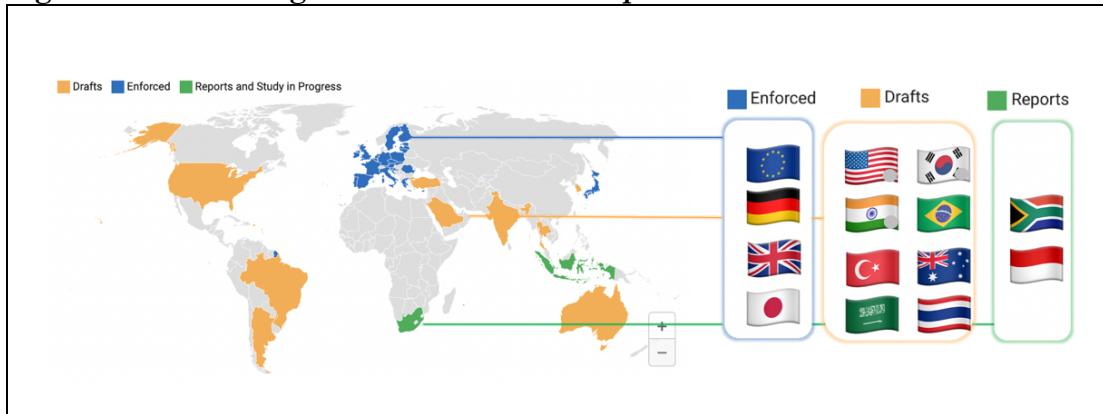


Table 3: Current Stage and Countries Development

Country	Legislative Status
European Union	Enforced (2023)
United Kingdom	Enforced (2024)
Japan	Enforced (2025)
Australia	Proposed Draft
Brazil	2 Draft in Congress
India	Draft (Withdrawn)
South Korea	Drafts (Withdrawn)
US	Drafts (Withdrawn)
South Africa	Soft Laws

Source: For a more detail analysis of case study selection, please refer to [Annex 1](#).

Figure 5: Current Stage and Countries Development



There is an acceleration of legislative processes timeline in jurisdictions adopting DMA-style and multi-sector approaches. Compared to the EU's extended legislative trajectory, later adopters often move under faster timelines. Moreover, there are extensions on some timelines such as Indian expert reports.¹²⁴ This acceleration suggests that rapid diffusion increasingly builds on lessons learned across jurisdictions. At the same time, compressed timelines frequently reflect political pressure to deliver visible regulatory responses. Rushed processes could reflect the tension between rapid diffusion and the administrative and political demands of multi-sector regulation.

The public consultation process is participated by both domestic and international stakeholders, especially from the United States. While this is expected because gatekeepers are the object of regulations, but other types of participants also come from abroad. This reflects the global network that is engaging in Digital Competition Regulation-making process. For example, the 2024 Brazil Ministry of Finance report showed data that there were more foreign participants than Brazilians, and across types of participants (academia, industry, NGO, think tanks and civil society).¹²⁵ In the India case, the American Bar Association (ABA) Antitrust Law Section sent a letter to comment on India's draft competition regulations.¹²⁶

C. Customization Trend

This section provides a comparison of customization trends that have emerged including lowering gatekeeper designation thresholds to capture more platforms, expanding regulatory discretionary powers and fines. These customization patterns raise questions about the challenge between adaptation and governance challenges which will shape the future effectiveness of these frameworks.

Moreover, customization has also been the point of fracture and tension between supporters and critics. Some labelled this phenomenon as the “Brussels side-effect” or “Brussels defect” highlighting potential unintended consequences of the regulatory diffusion from EU.¹²⁷ Similarly, industry groups have shown strong opposition in several

¹²⁴ Kamya Pandey, *Stakeholders Seek a Five-Month Extension for Submission of Comments on Draft Digital Competition Bill*, MEDIANAMA (Apr. 25, 2024), <https://www.medianama.com/2024/04/223-stakeholders-seek-five-month-extension-submission-comments-digital-competition-bill/> [https://perma.cc/JXP4-5VS5]

¹²⁵ SECRETARIAT OF ECONOMIC REFORMS, BRAZIL MINISTRY OF FINANCE, DIGITAL PLATFORMS: COMPETITION ASPECTS AND REGULATORY RECOMMENDATIONS FOR BRAZIL (2024). 20-21.

¹²⁶ American Bar Association (ABA) Antitrust Law Section, Joint Section Comments on the draft Competition Commission of India (Lesser Penalty) Regulations. (November 2023.) [\[Link\]](#)

¹²⁷ Almada M & Radu A, *The Brussels Side-Effect: How the AI Act Can Reduce the Global Reach of EU Policy*, GERMAN L.J. (2024); Geoffrey A. Manne and Dirk Auer, *South Africa's Competition Proposal Takes Europe's DMA Model to the Extreme*, TRUTH ON THE MARKET (December 20, 2022), [\[https://perma.cc/LEK9-TCF5\]](https://perma.cc/LEK9-TCF5)

countries, describing proposed laws as “absolutist,” “regressive,” or “not properly tailored.”¹²⁸

1. Objectives

The DMA’s core objectives, fairness and contestability, appear consistently across announcement, expert reports and draft legislation in adopting jurisdictions, often alongside references to SME protection, transparency, and innovation. Some jurisdictions place particular emphasis on specific goals, such as transparency in India.¹²⁹ Objectives can also expand during later revisions in the drafting stages. For example, the DMA compromise amendment added “foster innovation and increase consumer welfare.”¹³⁰ However, objectives can also be implied or not clearly stated, it could appear later in the enforcement stage. Therefore, observers need to monitor developments, which maybe unique for their jurisdiction. The DMA proposal mentioned the prevention of regulatory fragmentation of the internal market, reflecting harmonization as part of the DMA objectives.¹³¹ The rise of industrial policy and how it interacts with competition law and digital competition regulation will also be a contested objective to implement.¹³²

While competition law in various jurisdictions has included a range of objectives that fall within the broader development agenda to promote growth, the challenge lies in the fact that a multi-objective framework will force regulators to balance objectives and measure success against multiple, sometimes conflicting goals.¹³³ For example, the DMA’s fairness objective expands regulatory discretion and raises the risk of enforcement drift, prompting warnings that fairness may function as an “unintentional Trojan horse” reshaping competition law.¹³⁴ Others point to possible redistributive or negative effects.¹³⁵ How regulators define and measure objectives is crucial, as evaluating regulatory effectiveness depends on clear objectives and measurable metric of success.¹³⁶

¹²⁸ Manish Singh, *US Tech Giants Say Indian Panel’s Recommended Act “Absolutist and Regressive,”* Tech Crunch, 8 January 2023. [<https://perma.cc/2W7H-6R5E>]; Lazar Radic and Geoffrey A. Manne, *South Africa’s Competition Proposal Take Europe’s DMA Model to the Extreme,* TRUTH ON MARKET, (August, 25 2023). (“In South Africa, the market study was criticized as taking the DMA model “to the extreme.”); Lilla Nóra Kiss, *Comments to the National Congress of Brazil Regarding Regulation of Digital Platforms,* INFO. TECH. & INNOVATION FOUND. (Nov. 20, 2023), [<https://perma.cc/6PNR-BAKS>] (“Brazil’s opposition calling the current draft legislation “not properly tailored.”); Dirk Auer, Geoffrey A. Manne, & Lazar Radic, *Playing the Imitation Game in Digital Market Regulation – A Cautionary Analysis for Brazil: Response to Consultation on Bill 2768/22. INT. CEN. FOR L. & ECON.* (Dec, 3 2023). [<https://perma.cc/LGH9-VBXX>].

¹²⁹ Vikas Kathuria, *Assessing India’s Ex-Ante Framework for Competition in Digital Markets,* PROMARKET (May 29, 2024), <https://www.promarket.org/2024/05/29/assessing-indias-ex-ante-framework-for-competition-in-digital-markets/> [<https://perma.cc/U7U3-4SHH>]

¹³⁰ Philipp Bongartz, *Becoming the DMA: The Parliament’s Compromise (for Now),* D’KART ANTITRUST BLOG (Nov. 2, 2021), <https://www.d-kart.de/en/blog/2021/11/02/becoming-the-dma-the-parliaments-compromise-for-now/> [<https://perma.cc/PDA3-BNJP>]

¹³¹ Jasper van den Boom, *What Does the Digital Markets Act Harmonize? Exploring Interactions Between the DMA and National Competition Laws,* 19 EUR. COMPETITION J. 57, 58 (2023). (“the DMA relies on article 114 of the Treaty for the Functioning of the European Union (TFEU) as its legal basis, it is required that the DMA promotes the functioning of the internal market in light of the objectives set out in article 26 TFEU.”)

¹³² See Tim Wu, *Antitrust and Industrial Policy: A Misunderstood Relationship* (Columbia Public Law Research Paper Working Paper, 2025) 11-12

¹³³ Dina I. Waked, *Antitrust Goals in Developing Countries: Policy Alternatives and Normative Choices,* 38 SEATTLE U. L. REV. 945, 945 (2015); See also, Eric Biber, *Too Many Things to Do: How to Deal with the Dysfunctions of Multiple-Goal Agencies,* 33 HARV. ENVTL. L. REV. 1 (2009).

¹³⁴ Julian Nowag, *When the DMA’s Ambitious Intentions Interact with the EU’s Constitutional Set-Up: A Future Drama in Three Acts,* 12 J. ANTITRUST ENFT 302 (2024).

¹³⁵ Geoffrey A. Manne, Lazar Radic & Dirk Auer, *Regulate for What? A Closer Look at the Rationale and Goals of Digital Competition Regulations,* 22 BERKELEY BUS. L.J. 201 (2025).

¹³⁶ Giuseppe Colangelo & Alba Ribera Martínez, *The Metrics of the DMA’s Success,* 16 EUR. J. RISK REG. 1017 (2025).

The DMA complementarity relationship with competition law will also add another layer of complexity.¹³⁷ While designed to complement traditional competition law, many DMA obligations derive from ongoing antitrust cases, raising questions about how each framework will interact.¹³⁸ Similarly, digital competition regulation must navigate existing sectoral regulations including, data protection, consumer protection, and artificial intelligence, creating enforcement complexity. This balancing act is not confined to substantive law but extends to overlapping institutions, competing mandates, and budgets. For adopting countries, balancing these various priorities while maintaining focus on core objectives represents a significant institutional challenge, particularly for jurisdictions with limited resource and regulatory capacity.¹³⁹

2. Lower Gatekeeper Thresholds

Gatekeeper designation, one of the most consequential components of DMA customization because it determines which platform and service are regulated. Together with existing competition law cases, and the EU operates in a multi-jurisdiction and large market where the largest platforms are relatively easy to identify. The DMA impact assessment explored multiple threshold options, ranging from broader inclusion (10–15 firms) to narrower designation (5–7 firms), and finalized on the narrow designation: Alphabet (Google), Amazon, Microsoft, Apple, ByteDance (TikTok) and Meta (Facebook).¹⁴⁰ However, TikTok did not appear much in early discussion but designated as Gatekeeper and remain the only one platform that appealed their gatekeeper status to the court.¹⁴¹ Moreover, we have many DMA designated decisions showing the process, criteria, procedures and how standards are applied in gatekeeper designated.¹⁴²

In many adopting jurisdictions, however, markets are smaller or more fragmented, and platform power may be concentrated in a narrower set of services. Moreover, many markets have domestic champions, regional champions or superapps. These structural differences create pressure to recalibrate designation criteria. As for notable trends, there are many names to the platforms that will be regulated, the UK's Strategic Market Status (SMS), The India's Systematically Significant Digital Enterprises (SSDE),

we have less detail on which platform are designated and why]designation are available for UK and Japan. However, there are hints in reports and sometimes signaling expected scope through official statements. for example, Brazil's 2025 draft indicating a designation range of five to ten firms.¹⁴³

¹³⁷ Viktoria H.S.E. Robertson, *The Complementary Nature of the Digital Markets Act and the EU Antitrust Rules*, 12 J. ANTITRUST ENFT 325, 325 (2024)

¹³⁸ Jacques Crémer et al., *Enforcing the Digital Markets Act: Institutional Choices, Compliance, and Antitrust*, 11 J. ANTITRUST ENFT 315, 316. (2023).

¹³⁹ Giorgio Monti & Alexandre de Streel, *Interplay Between the DMA and Other Regulations* (CERRE Issue Paper, Mar. 2025).

¹⁴⁰ European Commission, Commission Staff Working Document: Impact Assessment Report Accompanying the Proposal for a Regulation of the European Parliament and of the Council on Contestable and Fair Markets in the Digital Sector (Digital Markets Act) (2020) 148. <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52020SC0363>>

¹⁴¹ Commission Decision of 5 Sept. 2023 Relating to a Proceeding Under Article 3 of Regulation (EU) 2022/1925 (Case DMA.100040—ByteDance—Online Social Networking Services);

¹⁴² Friso Bostoen & Giorgio Monti, *The Rhyme and Reason of Gatekeeper Designation Under the Digital Markets Act*, J. ANTITRUST ENFORCEMENT 1, 26 (2025).

¹⁴³ [Mlex article on Brazil statement]; Lilla Nóra Kiss, "The Brussels Effect Comes to Brasília: Why Its New Digital Markets Bill Misses the Mark" (*Information Technology and Innovation Foundation*, 17 October 2025). <<https://itif.org/publications/2025/10/17/the-brussels-effect-comes-to-brasilia-why-its-new-digital-markets-bill-misses-the-mark/>>

Table 5: The Customization of Gatekeeper Designated Criteria.

Jurisdiction		Significant Impact on the Market		Important gateway for business users to reach end user					
Country	Population (million)	Annual turnover in 3 years	Average market capitalization	End user (monthly)	Business user (Yearly)	Continued period (year)			
EU	448	€ 7.5 billion	€ 65 billion	45 million	10,000	3			
South Korea	51.6	\$2.3 billion (KRW 30 trillion)	\$23 billion	10 million	50,000 (Monthly)	3			
India	1417	Global ~\$3 billion India ~\$482.8 million	\$75 million	10 million	10,000	3			
Brazil	215.3	(~\$9 billion global 900 million domestic	-	One systematic factor (e.g. strong network effects, vertical integration, control of large datasets, a strategic intermediation role)					
Australia	26.6	not specified in proposal							
South Africa	63.21	not specified as binding guidelines							

Table 5 compares how jurisdictions have approached designation criteria and illustrates three recurring patterns. First, many jurisdictions lower quantitative thresholds: for turnover, users, or both, to reflect smaller market size and structures. South Korea and India, for example, adopt reduced turnover and user benchmarks relative to the DMA, which increases the likelihood that platforms beyond the EU's core set of gatekeepers may fall within scope. Second, several jurisdictions expand administrative discretion by leaving thresholds incomplete, relying on standards, or adopting hybrid tests that provide regulators greater flexibility. While this approach may help authorities respond to fast-moving markets, it can also increase uncertainty for firms and shift important boundary-setting decisions to later stages of implementation. Third, the combined effect of lower thresholds and greater discretion could lead to fragmentation of digital competition regulation, specially the focus from a small number of platform to potential coverage of local or regional champions.

A possible designation challenge in other jurisdiction is the prevalence of “super apps” in several jurisdictions, but is less discussed in the context of the DMA.¹⁴⁴ Super apps bundle multiple functions such as messaging, payments, transport, and food delivery within a single application. The UK’s CMA has highlighted service integration as an emerging trend in digital markets, suggesting that gatekeeping dynamics may increasingly arise as platforms expand into adjacent services.¹⁴⁵ Well-known examples include WeChat in China and KakaoTalk in South Korea.¹⁴⁶ In India, Tata Neu has super app features.¹⁴⁷ By contrast, super apps is less successful in the United States and the European Union,

¹⁴⁴ Simonetta Vezzoso, *Super-Apps and the Digital Markets Act*, 12 J. ANTITRUST ENFORCEMENT 331, 332 (2024).

¹⁴⁵ CMA, *Trends in Digital Markets: A CMA Horizon Scanning Report*, 18 (Dec. 14, 2023),

¹⁴⁶ Chang Che & Jin Yu Young, *South Korean Super App Goes Down, Putting a Halt on Life*, N.Y. TIMES (Oct. 19, 2022), <https://www.nytimes.com/2022/10/19/world/asia/korea-kakao-ceo.html> [https://perma.cc/EWE7-4WN4]

¹⁴⁷

Kamya Pandey, Thought Exercise: What Would Happen If the Digital Competition Bill in Its Current Form Was Applied to Tata Neu?, MEDIANAMA (May 2, 2024), <https://www.medianama.com/2024/05/223-thought-exercise-digital-competition-bill-applied-to-tata-neu/> [https://perma.cc/VKZ7-TU8Z]; <https://www.medianama.com/2024/03/223-zomato-swiggy-ex-ante-regulations-negatively-affect-indian-startups/> [https://perma.cc/GY66-7PY2]

reflecting differences in consumer behavior and regulation.¹⁴⁸ There is also a nuanced relationship of super apps with app store, a dispute between Apple and WeChat shows that super apps can constrain app store gatekeeping power, shifting competitive dynamics that policy makers could take into consideration.¹⁴⁹

3. Obligations

The EU's DMA obligations are rooted in EU's previous enforcement experience, with each obligation tailored to specific services and conduct.¹⁵⁰ In practice, these obligations can be viewed as components, each subject to customization by different jurisdictions. While drafts or expert report may not list these obligations in detail or in a complete form. There is some information that could be compared. The specificity of these obligations significantly influences public consultations and negotiation points. When wholesale opposition to the law becomes untenable, stakeholders such as platforms often pivot to attempting to dilute specific obligations that most affect their operations.

Table 6: Scope of Proposed Digital Competition Regulations

	EU	JAPAN	S. KOREA	AUSTRALIA	INDIA	BRAZIL	S. AFRICA
Inter-mediation	X		X		X	X	X
Ads	X	X	X	X	X	X	X
Video	X		X		X	X	X
Search	X	X	X	X	X	X	X
Operating System	X	X	X	X	X	X	X
Browser	X	X	X	X	X	X	X
Social Network	X		X		X	X	X
N-IICS (Chat)	X		X		X	X	X

*South Africa, included food delivery, hotel booking.

4. Fines

Fines as part of digital competition regulation's legal design should be considered not only as a penalty but also within a deterrence framework. Mega-fines in digital markets can foster compliance by providing the expected cost for gatekeepers engaging in anti-competitive conduct, but their deterrent effect also depends on the probability of detection and prosecution.¹⁵¹ Moreover, fines also serve a signaling function and provide leverage for soft enforcement, such as negotiated compliance or settlements.¹⁵² Finding an optimal fine is a challenging task, but in principle fines should aim to be "effective, proportionate,

¹⁴⁸ Sara Morrison, *Welcome to X, the Wannabe "Super App" Formerly Known as Twitter*, VOX (Apr. 18, 2023), <https://www.vox.com/technology/2023/4/18/23687125/elon-musk-twitter-x-super-app-wechat> [<https://perma.cc/W2J7-95CG>]

¹⁴⁹ Tiffany Tsai & Chuyue Tian, *What the Super-App Clash Between Apple and WeChat Reveals About Platform Competition*, PROMARKET (May 5, 2025), <https://www.promarket.org/2025/05/05/what-the-super-app-clash-between-apple-and-wechat-reveals-about-platform-competition/> [<https://perma.cc/8KGW-FDAT>]

¹⁵⁰ See full list in Annex 2

¹⁵¹ Umberto Nizza and Cristina Poncibò, *Antitrust Mega Fines in Digital Markets and Their Impact on Compliance: An Overview of EU and US Approaches*, 8-9 (TTLF Working Paper No 115, 10 December 2024)

¹⁵² Or Brook, Do EU and U.K. Antitrust "Bite"? A Hard Look at "Soft" Enforcement and Negotiated Penalty Settlements, 68 ANTITRUST BULL. 477, 483-484 (2023).

and dissuasive,” with expected liability exceeding expected benefit.¹⁵³ These concerns are amplified in digital markets, where existing competition regimes are viewed as already under-deterrent and gatekeepers have “deep pockets” that may weaken incentives if fines are discounted as a “cost of doing business” rather than serving as an effective deterrence mechanism.¹⁵⁴ Finally, it should be noted that fines operate within a broader enforcement ecosystem, such as private litigation, which could complement public enforcement and improve the deterrence effects.¹⁵⁵

While jurisdictions may customize fines differently based on local conditions and enforcement capacity, fines has not been the focus of customization and show notable convergence. Across many DMA-inspired proposals, global turnover has become the dominant base for calculating fines, a consequential choice for multinational platforms. Only a few outliers have relied primarily on domestic revenue such as older draft from Brazil’s p and the U.S. AICOA. At the same time, jurisdictions continue to vary in rate, escalation, and structure (including high ceilings for repeated infringements and supplementary penalties for non-compliance or misinformation). These design choices reflect different deterrence preferences and institutional capacity of each countries.

Table 7: Current Drafts and Fines Structure

Country	Legislative Status	Fines	
		Violations & Repeated infringements	Rate
European Union	Enforced	10% up to 20%	Global turnover
United Kingdom	Enforced	5% up to 150,000	Global turnover
Japan	Enforced	20% / increased up to 30%	Conduct turnover
India	Draft (abandon)	10%	Global turnover
Brazil	Draft	20%	Brazil revenue

D. Stakeholder Dynamics from Customization

Diffusion is not merely a technocratic process of transplanting rules but political, as policymaker learn from the political consequences of policies.¹⁵⁶ One crucial legal design choices or customization is the scope, what is regulated and who bears the cost of the regulation, which will influence the stakeholders and create coalitions to support or oppose within the legislative journey. The EU’s experience with the DMA illustrates how design choices and scope drew clear boundaries around regulated gatekeepers, and enabling a broad countervailing coalition to emerged. Gatekeepers are concentrated interest group, in the sense that they are a small but organized group of firms that ave incentives to engage with DMA-like regulation.¹⁵⁷ It is well documented on how much resource was deployed during the DMA drafting abd enforcement process.¹⁵⁸ However, Tarrant argued that

¹⁵³ Adnan Tokić, *Optimal Fines in EU Competition Law—An Economic Analysis*, 16 J. EUR. COMPETITION L. & PRAC. 196, 196 (2025).

¹⁵⁴ Amelia Fletcher et al., *The Effective Use of Economics in the EU Digital Markets Act*, 20 J. COMPETITION L. & ECON. 1, 5 (2024).

¹⁵⁵ Filippo Lancieri, *Rethinking the Key Role of Private Antitrust Enforcement*, 114 GEO. L.J. 1, 4 (forthcoming 2026).

¹⁵⁶ Fabrizio Gilardi & Fabio Wasserfallen, *The Politics of Policy Diffusion*, 58 EUR. J. POL. RES. 1245, 1250 (2019).

¹⁵⁷ See JAMES Q. WILSON, *THE POLITICS OF REGULATION* 369 (1980)

¹⁵⁸ Laurens Cerulus, Hanne Cokelaere, Marianne Gros & Bartosz Brzeziński, *Ranked: The 10 Most Intensely Lobbied EU Laws*, POLITICO (Apr. 22, 2025), <https://www.politico.eu/article/european-parliament-law-legislation-lobbying-technology-sustainability-amendments/> [https://perma.cc/N55V-5UJ6]; *Digital Markets Act: Big Tech’s Pushback Faces Up to a Bold EU*, SOMO (July 30, 2024) <https://www.somo.nl/digital-markets-act-one-year/> [https://perma.cc/U5XQ-TFXY]; Corporate Europe Observatory, *Uncovering Big Tech’s Hidden Network: Undisclosed Affiliations Distort Digital Markets Act’s Public Workshops*, CORPORATE

despite the significant lobbying resources deployed by gatekeepers, a wide range of actors, including politicians, business users, consumer organizations, and national policymakers, successfully mobilized in support of the DMA.¹⁵⁹ EU Civil society was active in the legislative process such as The European Consumer Organisation (BEUC). Non-gatekeepers such as Epic Games and Spotify provided representation of non-gatekeeper platforms which has already brought cases against big tech while supporting the DMA's objectives.¹⁶⁰ Y-combinator, a US-based start up accelerator sent letter in support, arguing that DMA is in line with values that promotes American innovation.¹⁶¹ During the public consultation, the DMA attracted 2,863 responses and more than 300 position papers.¹⁶² Moreover, analysis show there are some alignment in the language and position of non-gatekeeper stakeholder.¹⁶³ Ultimately, Tarrant noted that Parliament adopted the ex-ante regulation approach by a clear majority and was not contested in principle, while the primarily debated were over questions of scope and enforcement mechanisms.¹⁶⁴

It should be noted that gatekeepers are not a monolithic bloc.¹⁶⁵ Platform ecosystems are deeply entangled, with firms serving as suppliers and customers to one another.¹⁶⁶ While gatekeepers may occasionally converge in resisting specific obligations, their divergent business models and competitive entanglements limit durable coordination. Unified opposition position emerges only around simplified positions, such as rejecting regulation altogether, which narrows the possibility unfied voice to amend a particular part or obligation of the regulation.

However, the customization trend of lower legal threshold can also alters this equation by shifting the coalitions line, by capturing more platforms, far exceeding the EU's six designated gatekeepers. This could paradoxically strengthens coordination among the already concentrated interest group to mobilizes against the law. As a result, the countervailing forces will be more framgmented, especially from the platforms. Moreover, some jurisdiction might have an active civil society and academia, but it might be fragmented and fail to be a potential countervailing support.

South Korea provides a illustrative example, proposals that extended beyond global gatekeepers to encompass domestic champions (Kakao and Naver) triggered stronger opposition that effectively stalled legislative momentum, including platform seller

EUROPE OBSERVATORY (Oct. 29, 2024) <https://corporateeurope.org/en/2024/10/uncovering-big-techs-hidden-network> [<https://perma.cc/3NGU-C7WR>]

¹⁵⁹ Andy Tarrant, 'Lobbying and the EU's Digital Markets Act' in David Coen and Alexander Katsaitis (eds), *Handbook on Lobbying and Public Policy* (Edward Elgar 2024) 444, 447-448.

¹⁶⁰ Spotify , *Time to Play Fair: A Letter to the European Commission on Apple's Lack of DMA Compliance*, Spotify (Mar. 1, 2024) <https://newsroom.spotify.com/2024-03-01/a-letter-to-the-european-commission-on-apples-lack-of-dma-compliance/> [<https://perma.cc/AB22-GQYQ>]

¹⁶¹ Maxwell Zeff, *Y Combinator Urges the White House to Support Europe's Digital Markets Act*, TECHCRUNCH (Mar. 13, 2025), <https://techcrunch.com/2025/03/13/y-combinator-urges-the-white-house-to-support-europe-s-digital-markets-act/> [<https://perma.cc/SX23-FEG9>]

¹⁶² European Commission, *Summary Report on the Open Public Consultation on the Digital Services Act Package* (Dec. 15, 2020) [<https://digital-strategy.ec.europa.eu/en/library/summary-report-open-public-consultation-digital-services-act-package>] [<https://perma.cc/5PEH-CSEQ>]

¹⁶³ Fabiana Di Porto, Tatjana Grote, Gabriele Volpi & Riccardo Invernizzi, *I See Something You Don't See: A Computational Analysis of the Digital Services Act and the Digital Markets Act*, 6 STAN. COMP. ANTITRUST 2 (May 21, 2021).

¹⁶⁴ Andy Tarrant, 'Lobbying and the EU's Digital Markets Act' in David Coen and Alexander Katsaitis (eds), *Handbook on Lobbying and Public Policy* (Edward Elgar 2024) 449

¹⁶⁵ Vikas Kathuria, 'Assessing India's Ex-Ante Framework for Competition in Digital Markets' (ProMarket, 29 May 2024) <<https://www.promarket.org/2024/05/29/assessing-indias-ex-ante-framework-for-competition-in-digital-markets/>>

¹⁶⁶ Friso Bostoen, 'Ecosystem Entanglement' (unpublished manuscript 2025) <<https://kgi.georgetown.edu/wp-content/uploads/2024/12/Ecosystem-entanglement-KGI-draft-30.01.25.pdf>>

association that was concerned about the rule “trickle down” the cost to small business.¹⁶⁷ Moreover, the legislative draft and public consultation process was not transparent, making it hard to understand what happened. In India, the draft and expert report included initial consultative of platforms and trade association, a summary and simplified process show clear divisions between U.S. platforms pushing back and domestic stakeholder supporting DMA-like regulation. Outside of the consultative process, industry group consisting of both U.S. Big tech and local Indian startups clashed over regulatory approaches.¹⁶⁸

By contrast, Japan and Australia adopted more targeted approaches, limiting regulatory scope to specific sectors. Japan’s Smartphone Act includes app store, browsers, search engine.¹⁶⁹ Supported by market studies and public consultations from before the legislation was drafted. While Australia conduct report by sector and had public consultation within the timeframe of the report. In the draft proposal, the report identify priorities sector such as app market, ad tech and social media.¹⁷⁰ These approaches likely reduce exposure of domestic platforms and easing resistance.

III. THE PUSH AND PULL FACTORS OF DIGITAL COMPETITION REGULATION

This section analyzes the diverse pathways countries are taking to develop digital competition regulations. While the European Union's Digital Markets Act (DMA) has emerged as an influential template globally, jurisdictions are following different routes shaped by their unique economic and political contexts.

Despite the criticisms outlined in the previous section, DMA-like regulations continue to gain traction globally. The diffusion of DMA-like regulations can be understood through the lens of push and pull factors. Push factors originate from the EU and the global regulatory landscape, actively promoting the adoption of the DMA model.

Table 8: The DMA Template and Push and Pull Factors

Layer 1: Objective: Fairness and contestability + complementary to competition law [Pull] Resonance with Broader Policy Objectives.		
Layer 2: Legal Framework		
[Push] EU's Regulatory Model Recognition Absence of Competing Models	[Pull] The Promise of Less Regulatory Burden Detailed but Adaptable template:	
[1] Gatekeeper designation Threshold and core service	[2] Obligations List of obligations	[3] Fines Rates/repeated violation
Layer 3 Implementation Phase		
Designation Process Market studies	Compliance reports Non-compliance investigation and cases	

¹⁶⁷ Jin Yu Young and Daisuke Wakabayashi, *The Antitrust Enforcer Ained at Big Tech. Then Came the Backlash*, N.Y.TIMES. (Feb. 16, 2024), <https://www.nytimes.com/2024/02/16/business/korea-fair-trade-commission-antitrust.html> [<https://perma.cc/QWS7-RXHA>]

¹⁶⁸ Sarvesh Mathi, *Why some startups are disagreeing with IMAI's stance on digital competition bill and ex-ante regulations*, MEDIANAMA (Jun. 21, 2023), <https://www.medianama.com/2023/05/223-indian-startup-founders-criticise-iamai/> [<https://perma.cc/G37Z-3QXA>]

¹⁶⁹ Simon Vande Walle, *Big in Japan: The Design and Limits of Japan's Mobile Software Competition Act 10* (SSRN Manuscript, December 2025).

¹⁷⁰ Australia draft proposal documents.

A. Push Factors

EU's Regulatory Model Recognition

The Brussels Effect is the most cited explanation for the spread of the DMA.¹⁷¹ News headlines frames emerging platform regulation as “country X’s DMA.”¹⁷² The Brussels Effect helps explain the international visibility and agenda-setting role of the DMA and EU institutions.¹⁷³ However, as Bradford emphasizes, *de facto* Brussels Effect depends on conditions: market size, regulatory capacity, non-divisibility, enforcement, not uniformly present across adopting jurisdictions. Non-divisibility proves decisive, as gatekeepers have opted for differentiation rather than global harmonization. Meta’s non-advertising subscription option for Facebook and Instagram has not been extended outside Europe.¹⁷⁴ Apple’s Appstore and alternative payment process creates fragmented versions from regulations in Japan and South Korea.¹⁷⁵

Helena Drewes and Alexander Kirk describe the “elusive longarm of the DMA,” extraterritorial effects will be indirect as it depends “whether a gatekeeper has strong incentives to differentiate between an EU and a non-EU version of the respective core platform service in question, and whether it is technically possible and economically feasible to do so.”¹⁷⁶ Therefore, extraterritorial effects will vary by obligation, they argued that interoperability and data access requirements may be more successful compared to restrictions on self-preferencing or data use.¹⁷⁷

Moreover, this recognition benefits the diffusion through democratic channels. As Katerina Linos theorizes, law diffuses not only via technocratic networks but also through popular movements. Politicians strategically invoke well-known foreign policies to signal competence and reassure voters that their proposals are mainstream and legitimate.¹⁷⁸ The DMA fits this account.¹⁷⁹ EU competition enforcement and the DMA were widely reported, often emphasizing high-profile cases and “mega-fines” imposed on U.S. Big Tech firms (“Europe fines [Big tech] X billion euro”).¹⁸⁰ Margrethe Vestager’s prominence of EU competition policy and how gatekeeper reaction further reinforced this

¹⁷¹ Anu Bradford, *The Brussels Effect*, 107 NW. U. L. REV. 1, 27 (2012). There are two distinct mechanisms. The *de jure* Brussels Effect refers to foreign governments emulating EU-style rules, whereas the *de facto* Brussels Effect operates through market forces: firms voluntarily adopt EU standards globally to avoid the costs of maintaining differentiated products across jurisdictions.

¹⁷² Ronan Murphy, *Mapping the Brussels Effect: European Union Digital Regulations Are Spreading Across the Globe*, CEPA (Mar. 19, 2025), <https://cepa.org/comprehensive-reports/the-brussels-effect-goes-global/> [https://perma.cc/ZH7D-KPHQ]

¹⁷³ First, a sufficiently large market that firms cannot afford to abandon; second, regulatory capacity to set and enforce rules; third, relatively stringent standards; fourth, inelastic regulatory targets that cannot circumvent rules by relocating; and fifth, non-divisibility, meaning that maintaining separate product versions for different jurisdictions would prove costly. The classic examples includes the GDPR global influence on data protection and more recently Apple’s USB-C chargers for iPhone after the EU mandated in 2024.

¹⁷⁴ European Commission, *Meta Commits to Give EU Users Choice on Personalised Ads Under DMA*, EUROPEAN COMMISSION. (Dec. 8, 2025), https://digital-markets-act.ec.europa.eu/meta-commits-give-eu-users-choice-personalised-ads-under-digital-markets-act-2025-12-08_en [https://perma.cc/E9S6-53HR]

¹⁷⁵ Tripp Mickle, How Regulations Fractured Apple’s App Store, N.Y. TIMES (Mar. 4, 2024), <https://www.nytimes.com/2024/03/04/technology/app-store-europe-law.html> [https://perma.cc/U5SX-SSVM]

¹⁷⁶ Helena Drewes & Alexander Kirk, *Extraterritorial Effects of the Digital Markets Act: The “Elusive Long Arm” of European Digital Regulation* (SSRN Working Paper, Mar. 18, 2024) 14

¹⁷⁷ Drewes and Kirk (n176) 20

¹⁷⁸ KATERINA LINOS, THE DEMOCRATIC FOUNDATIONS OF POLICY DIFFUSION: HOW HEALTH, FAMILY AND EMPLOYMENT LAWS SPREAD ACROSS COUNTRIES (OXFORD UNIVERSITY PRESS 2013) 4–5.

¹⁷⁹ Frédéric Jenny, *Competition Law And Digital Ecosystems: Learning To Walk Before We Run*, 30 INDUS. & CORP. CHANGE 1143, 1143 (2021).

¹⁸⁰ Umberto Nizza & Cristina Poncibò, *Antitrust Mega Fines in Digital Markets and Their Impact on Compliance: An Overview of EU and US Approaches* (Stanford–Vienna Transatlantic Tech. L. F., Working Paper No. 115, Dec. 10, 2024).

perception.¹⁸¹ Academics and policy brief provide available information for policy makers worldwide to use as reference and starting point in their jurisdiction.

Absence of Alternative Competing Models

A second push factor accelerating the diffusion of ex-ante platform regulation was the absence of alternative and competing regulatory models during the DMA's formative period. While Japan and UK were at an early stage and could be compared in principle.¹⁸² While international organizations such as the OECD and the International Competition Network (ICN) have long facilitated dialogue and peer learning in competition policy, they have not produced templates for ex-ante platform regulation, but provide analytical frameworks and best-practice inventories.¹⁸³ Nations Conference on Trade and Development (UNCTAD), known for focusing on developing countries also produced reports and went further to create a model law similar to the DMA.¹⁸⁴ Policymakers seeking concrete regulatory solutions therefore faced limited alternatives beyond the EU framework.

The absence of alternatives was reinforced by US developments.¹⁸⁵ While Biden-era figures like Lina Khan increased antitrust enforcement visibility, the US provided momentum for scrutiny of Big Tech without offering competing regulatory templates.¹⁸⁶ Policymakers seeking solutions faced limited alternatives beyond the EU framework. An analysis show that Lina Khan FTC's made antitrust discourse and compliant language more accessible.¹⁸⁷ In 2021, the Indian report cited US proposals and China platform guidelines as consensus on the issue.¹⁸⁸

B. Pull Factors

Resonance with Broader Policy Objectives.

The DMA's stated objectives, fairness and contestability have resonated strongly with policymakers beyond Europe. EU competition law diffusion has benefited from embracing multiple and ideologically appealing objectives, including fairness, market integration, and SME protection.¹⁸⁹ For many developing economies, this framing lowers

¹⁸¹ Sarah Lyall, 'Who Strikes Fear into Silicon Valley? Margrethe Vestager, Europe's Antitrust Enforcer' (New York Time 5 May 2018) <<https://www.nytimes.com/2018/05/05/world/europe/margrethe-vestager-silicon-valley-data-privacy.html>>

¹⁸² Tom Wheeler, Commentary: The UK and EU Established position as regulatory first movers while the US watches (Brookings, 8 March 2023).<<https://www.brookings.edu/articles/the-uk-and-eu-establish-positions-as-regulatory-first-movers-while-the-us-watches/>>

¹⁸³ OECD, 'Ex Ante Regulation and Competition in Digital Markets' (December 2021); OECD, 'G7 Inventory of New Rules for Digital Markets' (October 2022)

¹⁸⁴ UNCTAD, 'Harnessing the Interaction between Digital Platforms and MSMEs: Recommended Best Practices for Digital Platforms (RDP) (2023); UNCTAD, 'Enforcing Competition Law in Digital Markets and Ecosystems: Policy Challenges and Options' (24 April 2024).

¹⁸⁵ The White House, 'Executive Order on Promoting Competition in the American Economy' (Federal Register, 9 July 2021) <<https://www.federalregister.gov/documents/2021/07/14/2021-15069/promoting-competition-in-the-american-economy>>; Cecilia Kang, 'Biden Nominates Lina Khan, a Leading Critic of Big Tech, to Join the White House (New York Times, 5 March 2021) <<https://www.nytimes.com/2021/03/22/business/linakhan-ftc.html>>

¹⁸⁶ Ryan Brutger and Amy Pond, 'International economic relations and American support for antitrust policy' (2025) 27 Business and Politics 163-165; Nick Dyer-Witheford and Alessandra Mularoni, 'Framing Big Tech: News Media, Digital Capital and the Antitrust Movement' (2021) 9 Political Economy of Communications 6

¹⁸⁷ Sean Norick Long, 'The Antitrust Stack: A Computational Analysis of Lina Khan's Legacy' (Stanford Computational Antitrust, 2025). 1

¹⁸⁸ Committee on Digital Competition Law, Report of the Committee on Digital Competition Law (February 2024) 43-89.

¹⁸⁹ Bradford, Chilton, Linos and Weaver, *supra* note (n x) 758

domestic resistance by aligning competition policy with broader concerns about development, equity, and distributional effects.¹⁹⁰ Moreover, empirical study shows that goals are relatively emphasis differently across institutions, commissioners, and time periods, where fairness gain prominence during Commissioner Vestager's tenure.¹⁹¹ The DMA's elevation of fairness as a core objective may amplify its salience within EU competition law and beyond.¹⁹²

Platform regulation continues this dynamic. The DMA articulates two core objectives: fairness, ensuring equitable treatment of business users and consumers,¹⁹³ and contestability, enabling non-dominant firms to overcome structural barriers to entry.¹⁹⁴ These goals have been widely endorsed in EU independent expert reports but also other jurisdiction, lending additional legitimacy to the framework.¹⁹⁵ Many jurisdictions share the EU's position as net consumers of foreign platform services, making the DMA's problem definition appear, at least in principle, well suited to their circumstances. There are exceptions of national champions such as South Korea (Naver and Coupang), South Africa (Takealot) and others.¹⁹⁶

However, scholars have noted the need for further articulation of these concepts. Fairness, in particular, has been criticized as vague and ambiguous, potentially granting excessive discretion to regulators. Innovation remains similarly contested.¹⁹⁷ Proponents argue that enhanced contestability and fairness, if well implemented, need not decrease innovation and may even stimulate it. critics point to regulatory burdens and unintended consequences to innovation. These debates, unresolved in the EU context, are now being reproduced in adopting jurisdictions, suggesting that conceptual ambiguity does not impede diffusion, even if it complicates subsequent enforcement.

Moreover, conceptual ambiguity of these objectives can accelerate diffusion, but prove challenging in the implementation phase.¹⁹⁸ Fairness has been criticized as vague and potentially expansive,¹⁹⁹ while the relationship between platform regulation and innovation remains contested, with proponents arguing that enhanced contestability need not undermine innovation and critics warning of regulatory burdens and unintended consequences.²⁰⁰ The DMA's complementary principle,²⁰¹ which supplements rather than replaces existing competition law, allows platform-specific rules to be layered onto

¹⁹⁰ Bradford, Chilton, Linos and Weaver (n x) 758

¹⁹¹ Konstantinos Stylianou and Marios Iacovides, 'The Goals of EU Competition Law: A Comprehensive Empirical Investigation' (2022) 42 *Legal Studies* 620.

¹⁹² Stylianou and Iacovides (n 191) 623, 641-642

¹⁹³ Scott Morton and others (n **Error! Bookmark not defined.**) 973.

¹⁹⁴ Friso Bostoen, 'Understanding the Digital Markets Act' (2023) 68 *Antitrust Bulletin* 263.

¹⁹⁵ Luís Cabral and others, 'The EU Digital Markets Act: A Report from a Panel of Economic Experts' (2021)

¹⁹⁶ E-commerce is a unique sector with various national champions competing with Amazon or Chinese platforms. For example, Rakuten in Japan, Coupang in South Korea, Takealot in South Africa, Tokopedia in Indonesia, Shopee in Southeast Asia, and Argentina's MercadoLibre in Latin America. Gunn Jiravuttipong and Haeyoon Kim, 'Middle Powers Digital Antitrust Efforts in the Age of Trump' (Tech Policy Press 17 March 2025) <<https://www.techpolicy.press/middle-powers-digital-antitrust-efforts-in-the-age-of-trump/>>

¹⁹⁷ Anu Bradford, 'The False Choice Between Digital Regulation and Innovation' (2024) 19 Northwestern University Law Review 377.

¹⁹⁸ Giuseppe Colangelo 'In Fairness We (Should Not) Trust: The Duplicity of the EU Competition Policy Mantra in Digital Markets' (2023) 68 *Antitrust Bulletin* 1.)

¹⁹⁹ Scott Morton and others (n X.) 1005.

²⁰⁰ Teece DJ and Kahwaty HJ, 'Is the Proposed Digital Markets Act the Cure for Europe's Platform Ills? Evidence from the European Commission's Impact Assessment' (BRG Institute 12 April 2021).

²⁰¹ The principle of complementarity can be found throughout the DMA. In its recitals, the DMA emphasizes that it is complementary to Article 101 TFEU.

established frameworks, lowering adoption costs while shifting coordination and enforcement challenges to the implementation stage.²⁰²

Detailed but Adaptable template:

The DMA has a detailed template with adaptable features. In general, precise rules, compared to standards is an attractive blueprint to jurisdiction with less resource and administrative capacity.²⁰³ However, and the DMA provides a detailed and prescriptive regulatory framework, it's also has clear components that allow jurisdictions to tailoring (include and exclude) specific gatekeepers within their domestic market. Gatekeepers and threshold can be adjusted and obligations can also be tailoring based on the competition harm that is the concerns. These choices can be informed by their own jurisdiction enforcement experience or genealogy. This balance between precision and flexibility lowers the political and administrative cost of adoption: governments can replicate the recognizable “DMA architecture” even as they adjust thresholds, obligations, and institutional design to local contexts.

This adaptability aligns with what Thibault Schrepel identifies as the rise of adaptive regulatory instruments in recent EU digital legislation, including mechanisms for iterative updating, delegated rulemaking, and embedded experimentation.²⁰⁴ Schrepel notes that contemporary digital regulation increasingly relies on design elements, information gathering, sunrise and sunset clauses, update-friendly structures, procedural feedback loops, that allow lawmakers to “future-proof” rules without sacrificing legal certainty.²⁰⁵

The Pusuit Of Change And Promise of Less Regulatory Burden

A further pull factor driving the adoption of platform regulation is the pursuit for change rooted in dissatisfaction with traditional competition law.²⁰⁶ Antitrust enforcement is recognized as time consuming, resource-intensive, and dependent on complex economic assessments.²⁰⁷ By the early 2020s, commentators described a global “tipping point” in efforts to rein in Big Tech, reflecting a shared view among enforcers that existing tools were inadequate.²⁰⁸ The EU’s prolonged Google Shopping litigation has come to symbolize these concerns and is frequently cited alongside domestic enforcement frustrations in expert reports and policy debates.²⁰⁹ Closely related is the promise of reduced regulatory burden, as capacity constraints and information asymmetries are recurring challenges for competition authorities.²¹⁰ The DMA's gatekeeper designation

²⁰² Jacques Crémér and others, ‘Enforcing the Digital Markets Act: Institutional Choices, Compliance, and Antitrust’ (2023) 11 *Journal of Antitrust Enforcement* 315

²⁰³ Hans-Bernd Schäfer, ‘Rules versus Standards in Rich and Poor Countries: Precise Legal Norms as Substitutes for Human Capital in Low-Income Countries’ (2006) 14 *Supreme Court Economic Review* 113-114

²⁰⁴ Thibault Schrepel, ‘Adaptive Regulation’ (working paper, 2025).

²⁰⁵ the DMA includes: (1) the DMA empowers the Commission to adjust gatekeeper obligations through delegated acts and to clarify procedural elements; (2) broad and open-ended review clause (Art 53); (3) anticipates revisiting foundational concepts, as Article 19 enables modification of gatekeeper classifications and obligations

²⁰⁶ Madhavi Singh, ‘Antitrust Delayed Is Antitrust Denied’ *Project Syndicate* (16 December 2025) <<https://www.project-syndicate.org/commentary/meta-antitrust-win-shows-why-regulators-must-focus-on-preventive-measures-big-tech-by-madhavi-singh-2025-12>>

²⁰⁷ Australian Government Treasury, ‘A New Digital Competition Regime: Proposal Paper’ (December 2024) 37-39;

²⁰⁸ Paul Mozur, Cecilia Kang, Adam Satariano and David McCabe, ‘A Global Tipping Point for Reining In Tech Has Arrived’ (New York Times, 30 April 2021) <<https://www.nytimes.com/2021/04/20/technology/global-tipping-point-tech.html>>.

²⁰⁹ Ministry of Corporate Affairs (Government of India), *Report of the Committee on Digital Competition Law (February 2024) 92 [2.11]; Australian Competition and Consumer Commission (ACCC), Digital Platform Services Inquiry: Interim Report (September 2022) 8-9, 48-49.

²¹⁰ Michal S Gal, ‘When the Going Gets Tight: Institutional Solutions When Antitrust Enforcement Resources Are Scarce’ (2010) 41 *Loyola University Chicago Law Journal* 417, 439.

process and its clear obligations aim to streamline enforcement. By establishing predetermined criteria, the framework bypasses complex market definition and harm assessments that characterize traditional competition law.²¹¹

Although often framed as “self-executing,” the early enforcement reveal the limits of this promise. The DMA experience on designation rebuttals and non-compliances investigation requires much resource and administrative.²¹² We have also observed how platforms are developing counterstrategies referred to as a “whack-a-mole” challenge for regulators.²¹³ The notion of “clear rules and self-executing” regulations have proven to be a myth, as Cristina Caffarra puts it “What is achievable under this law has been significantly hyped, and claims that rules would be self-executing...have been unrealistic.”²¹⁴ Every country that is going to pursue digital competition regulation will need to confront and find ways to adapt to this reality.

IV. THE GEOPOLITICAL TURN OF DIGITAL COMPETITION REGULATIONS (2025-PRESENT)

Platform regulation has entered a new geopolitical phase.²¹⁵ The diffusion dynamics that characterized the first wave, now intersect with geopolitical contestation and developments from other shifting strategic priorities. While path dependencies persist in UK and Japan,²¹⁶ the external and domestic conditions shaping adoption have changed, raising the political and economic costs of DMA-style regulation. We discussed the shifting landscape from the US pressure, the changes within Europe and domestic aspect.

A. The US Push Back of Platform Regulations.

U.S. opposition has emerged as a central external constraint on the diffusion of platform regulation. Under the Trump administration, the administration has taken an increasingly assertive posture toward platform regulation.²¹⁷ A February 2025 memorandum on “Defending American Companies and Innovators” signaled a willingness to treat foreign digital regulation as a trade and security issue.²¹⁸ This position was reinforced through official statements following DMA enforcement actions and by linking digital regulation to broader trade negotiations. National Security Council spokesperson Brian

²¹¹ Amelia Fletcher and others, ‘The Effective Use of Economics in the EU Digital Markets Act’ (2024) 20 Journal of Competition Law & Economics 6-7.

²¹² Friso Bostoen and Giorgio Monti, ‘The Rhyme and Reason of Gatekeeper Designation under the Digital Markets Act’ (2025) Journal of Antitrust Enforcement 1

²¹³ Margrethe Vestager, *A Whack-a-Mole Approach to Big Tech Won’t Do, Says Europe’s Antitrust Chief*, Economist, June 4, 2024. ; Jens-Uwe Franck & Martin Peitz, *The Digital Markets Act and the Whack-A-Mole Challenge*, 61 COMMON MKT. L. REV. 299 (2024).

²¹⁴ Cristina Caffarra, *Of Hope, Reality, and the EU Digital Markets Act*, TECH POLICY PRESS (May 6, 2024),

²¹⁵ Aziz Z Huq, ‘The Geopolitics of Digital Regulation’ (2025) 92 University of Chicago Law Review 833.

²¹⁶ Japan Fair Trade Commission, Mobile Software Competition Act Guidelines (July 2025); Japan Fair Trade Commission, Designation of Specified Software Operators under the Act on Promotion of Competition for Specified Smartphone Software (31 March 2025) Competition and Markets Authority, Digital Markets Competition Regime Guidance (19 December 2024); Competition and Markets Authority, SMS Investigation into Google’s General Search and Search Advertising Services (14 January 2025)

²¹⁷ The Economist ‘Europe Faces a New Age of Gunboat Digital Diplomacy: Can the EU Regulate Donald Trump’s Big Tech Bros?’ (The Economist, 23 January 2025) <<https://www.economist.com/europe/2025/01/23/europe-faces-a-new-age-of-gunboat-digital-diplomacy>>

²¹⁸ The White House, ‘Presidential Memorandum: Defending American Companies and Innovators from Overseas Extortion and Unfair Fines and Penalties’ (21 February 2025) <<https://www.whitehouse.gov/presidential-actions/2025/02/defending-american-companies-and-innovators-from-overseas-extortion-and-unfair-fines-and-penalties/>>

Hughes characterized the enforcement as “economic extortion.”²¹⁹ FTC Chairman Andrew Ferguson articulated a preference for “the scalpel of enforcement over “the sledgehammer of regulation.”²²⁰ Tech leaders and their lobbying power have aligned their advocacy with the changing political rhetoric.²²¹

Trade policy has become the principal lever of pressure. The 2025 USTR report characterized the DMA as a “digital trade barrier.” Others indicated that relaxation of digital rules could facilitate tariff reductions on steel and aluminum,²²² and officials raised the possibility of Section 301 investigations.²²³ In response, EU officials are pushing back against US Stance. Despite speculation about enforcement changes, Teresa Ribera Rodríguez, the new EU competition commissioner, has confirmed that Brussels will not back down on enforcement.²²⁴ EU civil societies are also pushing back against any de-escalation of regulatory enforcement.²²⁵ However, the pressure seems to be escalating, threats are now direct towards individuals, as Thierry Breton an ex-commissioner who worked on the DMA received a US visa ban due to DSA and free speech within the US.²²⁶

This approach has extended beyond Europe. However, South Korea has faced particularly intense scrutiny, including congressional action and the cancellation of bilateral trade meetings, despite the application of its draft rules to domestic firms. The 2025 USTR report specifically pointed out the South Korea draft, even two large Korean companies were likely designated.²²⁷ No other countries with drafts were specifically identified. Congressional action followed: Representative Carol Miller introduced the U.S.–Republic of Korea Digital Trade Enforcement Act authorizing Section 301 measures against Korean digital policies, first in September 2024 and reintroduced in May 2025.²²⁸ House Judiciary Committee members demanded the KFTC brief Congress on its proposed designation

²¹⁹ Brendan Bordelon and Gabby Miller, ‘After EU Fines, Big Tech Wants Trump to Swoop In’ (Politico 23 April 2025) <<https://www.politico.com/news/2025/04/23/european-fines-big-tech-trump-00306670>>

²²⁰ US House of Representatives, Committee on the Judiciary, Letter to Teresa Ribera, Executive Vice-President for a Clean, Just, and Competitive Transition, European Commission (23 February 2025).

US House of Representatives, Committee on the Judiciary, ‘Anti-American Antitrust: How Foreign Governments Target U.S. Businesses’ (hearing ,16 December 2025).

²²¹ Aitor Hernández-Morales, Zuckerberg Urges Trump to Stop the EU from Fining US Tech Companies, (Politico, 11 January 2025) <<https://www.politico.eu/article/zuckerberg-urges-trump-to-stop-eu-from-screwing-with-finng-us-tech-companies/>>

²²² Philip Blenkinsop, ‘US Demands “Balanced” EU Digital Rules before It Cuts Steel Tariffs’ (Reuters, 25 November 2025). <<https://www.reuters.com/world/china/eu-urge-us-apply-more-july-trade-deal-including-cutting-steel-tariffs-2025-11-24/>>; Ari Hawkins, ‘Geer Raises Possibility of Section 301 Probe into EU Digital Policies’ (Politico, 18 December 2025) <<https://subscriber.politicopro.com/article/2025/12/geer-raises-possibility-of-section-301-probe-into-eu-digital-policies-00697973>>

²²³ Office of the United States Trade Representative (USTR), *2025 National Trade Estimate Report on Foreign Trade Barriers* (USTR 2025) 153–54.

²²⁴ David Meyer, ‘Europe Refuses to Back Down on Regulating U.S. Big Tech Despite Trump Threats and “Economic Machismo”’ (Fortune, 25 February 2025) <<https://fortune.com/2025/02/25/europe-refuses-back-down-regulating-us-big-tech-trump-threats-economic-machismo/>>

²²⁵ Anu Bradford, R Daniel Kelemen and Tommaso Pavone, ‘Europe Could Lose What Makes It Great: U.S. Pressure and Domestic Rancor Threaten the EU’s Regulatory Superpower’ (Foreign Affairs, 21 April 2025) <<https://www.foreignaffairs.com/europe/europe-could-lose-what-makes-it-great>>

²²⁶ Sudip Kar-Gupta and Charlotte Van Campenhout, ‘Europe Slams Visa Bans after US Takes Fresh Swing at Allies over “Censorship”’ (Reuters, 24 December 2025). <<https://www.reuters.com/world/europe/france-condemns-us-visa-ban-imposed-ex-eu-commissioner-breton-2025-12-24/>>

²²⁷ Office of the United States Trade Representative (USTR), *2025 National Trade Estimate Report on Foreign Trade Barriers* (USTR 2025) 252

²²⁸ H.R. 9876, 118th Cong (2024); Cho Yong-Jun, ‘America First, Korea Second? How Trump Impacts Korea’s Fight Against Big Tech’ (Korea JoongAng Daily, 21 January 2025) <<https://koreajoongangdaily.joins.com/news/2025-01-21/business/industry/America-first-Korea-second-How-Trump-impacts-Koreas-fight-against-Big-Tech/2226450>>

criteria.²²⁹ In December 2025, USTR cancelled the annual KORUS Joint Committee meeting, citing discriminatory digital proposals.²³⁰ No other jurisdiction has faced similar intensity of targeted legislation and congressional summons.

In general, the increase pressure from the US will add another layer of calculation to adopting ex-ante regulation to jurisdictions to consider this, it will also change how the law is debate and lobby. While in the early stage, the absence of alternative models that once amplified the DMA model, as other model become clearer, it will provide another alternative. This is at the design level, but also at the rhetoric level of how people refer to the EU model. The cost of adopting an EU model has increased.

B. Changes within Europe

Yet the shifting landscape is not solely a product of American pressure. Debates surrounding competitiveness, simplification, and geopolitical dependency are transforming the EU itself, and will shape how other jurisdictions perceive its regulatory model.²³¹ The Draghi report on competitiveness was critical of GDPR's impact and call for a "strong enforcement of the DMA provisions."²³² The Commission has since introduced a simplification package, while the DMA is not included in simplification, this broader recalibration carries implications for diffusion. A Politico report frames this shift toward executive-driven policymaking as prioritizing flexibility, speed, and centralized decision-making over the depth, stability, and predictability.²³³

Leadership and institutional changes signal this reorientation. Margrethe Vestager, who led competition enforcement, and Thierry Breton, whose influence spanned digital policy, industrial policy, and strategic autonomy, have both departed.²³⁴ The digital portfolio is now diffused across several commissioners which represents a different institutional setting.²³⁵ The visibility and credibility of the previous generation and to the extended their model has been well received by policymakers and media beyond EU. Whether the new generation of commissioners achieve comparable salience remains to be seen. As media coverage shaped the diffusion mechanism in the first phase, amplifying EU enforcement as a signal of regulatory competence that politicians elsewhere could invoke will still be a crucial factor.

The DMA itself is now up for its official three-year review and another round of public consultation.²³⁶ Apple has demanded complete repeal; Google has called for a

²²⁹ ho Yong-Jun, 'America First, Korea Second? How Trump Impacts Korea's Fight Against Big Tech' (*Korea JoongAng Daily*, 21 January 2025) <<https://koreajoongangdaily.joins.com/news/2025-01-21/business/industry/America-first-Korea-second-How-Trump-impacts-Koreas-fight-against-Big-Tech/2226450>>

²³⁰ Ari Hawkins, Phelim Kine and Daniel Desrochers, 'USTR Cancels South Korea Trade Meeting over Digital Regulation Push' (*Politico*, 17 December 2025). <<https://subscriber.politicopro.com/article/2025/12/ustr-cancels-south-korea-trade-meeting-over-digital-antitrust-push-00696819>>

²³¹ Pieter Haeck and Ellen O'Regan, 'Brussels Is Done Being the World's Digital Policeman' (*Politico Europe*, 25 November 2025). <<https://www.politico.eu/article/brussels-police-world-digital-tech-us-china-regulations>>

²³² Mario Draghi, *The Future of European Competitiveness: In-Depth Analysis and Recommendations* (Report to the European Commission, September 2024). 300

²³³ Politico Research & Analysis Division, 'Burning through the Rulebook: Europe's Omnibus Fever' (*Politico*, 16 December 2025). 54

²³⁴ Justin Hendrix, 'Thierry Breton Resigns—What Does It Mean for European Tech Regulation?' (*Tech Policy Press*, 21 September 2024) <<https://www.techpolicy.press/thierry-breton-resigns-what-does-it-mean-for-european-tech-regulation>>

²³⁵ Politico Research & Analysis Division, 'Burning through the Rulebook: Europe's Omnibus Fever' (*Politico*, 16 December 2025). 53

²³⁶ European Commission, 'Consultation on the First Review of the Digital Markets Act' (European Commission, 3 July 2025) <https://digital-markets-act.ec.europa.eu/consultation-first-review-digital-markets-act-2025-07-03_en>

reset.²³⁷ These headline-grabbing submissions coincide with growing analysis of DMA impacts and implementations, compliance reports and enforcement outcomes, generating empirical record that was absent during the first diffusion phase.²³⁸ Commission spokesperson Thomas Regnier dismissed platform demands as undermining “the company's narrative of wanting to be fully cooperative.”²³⁹ Policymakers and academics worldwide will be watching the developments, as Europe is experiencing what most adopting jurisdictions have not yet reached. How Brussels reflects on the past and navigates the new phase of balancing enforcement against competitiveness concerns, internal pressure against external criticism, will signal whether the DMA remains the dominant template in an increasingly fragmented landscape.

C. Rethinking Domestic Priorities

The shifts in US policy and EU reshape the external push factors analyzed above, but each jurisdiction's regulation trajectory will ultimately depend on its own domestic conditions and response. Any platform regulatory initiative will now be framed as a test of international relations with Washington, but it is equally a test for the jurisdiction itself; of its regulatory capacity, political coalitions, and strategic priorities.²⁴⁰

Artificial intelligence is reshaping the strategic priorities of states in ways that could complicate platform regulation's momentum. ChatGPT's launch in November 2022 occurred mid-way through the DMA legislative process has shifted political attention and resources from platform regulation. On a high policy level, industrial policy, competitiveness, and digital sovereignty potentially subordinating fairness and contestability to other strategic considerations.²⁴¹ In AI regulation diffusion, Lancieri, Edelson, and Bechtold argue that both states and companies will behave strategically to protect their interests as “being a technology leader in AI systems is of such vital importance that governments are willing to use a combination of regulation and their physical control over infrastructure as a lever to shape AI governance in their favor.”²⁴²

AI also complicates the DMA itself.²⁴³ while not directly apply in the original design, some have argued that it is a flexible and immediate framework.²⁴⁴ Moreover, the Commission's cloud computing investigation signals that digital market regulation is entering a phase where AI infrastructure becomes central.²⁴⁵ Jurisdiction adopting DMA-like law could be asked to clarified their position and enforcement priority on AI.

²³⁷ Edith Hancock, ‘Apple Asks EU to Repeal Bloc's Landmark Digital Markets Act’ *Wall Street Journal* (25 September 2025) <<https://www.wsj.com/tech/apple-asks-eu-to-repeal-blocs-landmark-digital-markets-act-8d250aac>>; Apple, ‘The Digital Markets Act's Impacts on EU Users’ (*Apple Newsroom*, 24 September 2025) <<https://www.apple.com/newsroom/2025/09/the-digital-markets-acts-impacts-on-eu-users/>>; Oliver Bethell, ‘The Digital Markets Act: Time for a Reset’ (*Google Blog*, 25 September 2025) <<https://blog.google/around-the-globe/google-europe/the-digital-markets-act-time-for-a-reset/>>

²³⁸ Alba Ribera Martínez, ‘The Credibility of the DMA's Compliance Reports’ (2025) 48(1) *World Competition* 14

²³⁹ Max Grier, ‘EU Commission Lashes Out at Apple for Wanting Landmark Digital Law Scrapped’ *Politico Europe* (25 September 2025) <<https://www.politico.eu/article/eu-commission-apple-digital-markets-act/>>

²⁴⁰ David McCabe and Jin Yu Young, ‘Apple and Google's Fight in Seoul Tests Biden in Washington’ *New York Times* (23 August 2021) <<https://www.nytimes.com/2021/08/23/technology/apple-google-south-korea-app-store.html>>

²⁴¹ Ganesh Sitaraman and Karun Parek, ‘The Global Rise of Public AI’ (Vanderbilt Policy Accelerator, 5 June 2025).

²⁴² Filippo Lancieri, Laura Edelson and Stefan Bechtold, ‘AI Regulation: Competition, Arbitrage and Regulatory Capture’ (2025) 26(1) *Theoretical Inquiries in Law* 239.

²⁴³ Megan Kirkwood, ‘Will the EU Designate AI under the Digital Markets Act?’ (*Tech Policy Press*, 26 September 2025) <<https://www.techpolicy.press/will-the-eu-designate-ai-under-the-digital-markets-act/>>.

²⁴⁴ Andreas Schwab, ‘Digital Markets Act and Artificial Intelligence Services’ (2024) *Concurrences* 5; Friso Bostoen and Jan Krämer, *Is the Digital Markets Act Ready for Agentic AI?* (CERRE, July 2025).

²⁴⁵ European Commission, ‘Commission Launches Market Investigations on Cloud Computing Services under the Digital Markets Act’ (European Commission, 18 November 2025).<<https://digital-markets->>

Big tech is also actively shaping transnational rules in global AI governance. Chinmayi Arun, the Silicon Valley effect, argue that AI companies leverage on global value chains and global market, many state and regulatory are overwhelmed by the outsized influence.²⁴⁶ This leverage could spill over to the diffusion of platform regulations. One example is gatekeepers are also at the forefront of the gold rush of global AI infrastructure investment.²⁴⁷ As investor, partnering with government and domestic business with job creation promise. This will create more dependency and leverage for gatekeepers in the domestic policy of any country.

There are growing attention the tensions and potential complementarities between antitrust and industrial policy. Daniel Sokol argue sound antitrust law is inherently in tension with industrial policy due to lack of procedural fairness and possible political intervention. Others, most notably Tim Wu, reject this dichotomy and instead reframe antitrust as a component of industrial policy, arguing that competition enforcement can discipline bottleneck industries and enable ecosystem-level innovation, while complementary tools such as subsidies provide targeted support.²⁴⁸

V. CASE STUDIES: DIFFERENT PATHWAYS OF DIGITAL COMPETITION REGULATIONS

Through comparative case studies, this section illuminates the key factors determining each country's regulatory approach. The analysis identifies two distinct patterns: developed economies Japan and Australia have pursued targeted, service-specific interventions for discrete markets like app stores and digital advertising. Australia, conducted analysis on various sector and suggest targeting similar approach. In contrast, BRICS nations such as Brazil and India have embraced a more broader approach adopting DMA-like frameworks that regulate the multi-sector sector, India first draft have been withdrawn, while Brazil first draft is also stalled, with a new draft emerging. South Korea is also another roller coaster jurisdiction that has seen it's the multi-sector sector withdrawn from pushed back.

A. *The Narrow Approach: Japan and Australia*

1. Japan

Japan represents another interesting case of regulatory caution and customization in the diffusion of ex-ante digital competition rules. Similar to South Korea, it has an app store regulation, before passing a more DMA-like law that focuses in the mobile phone and app store markets. Leading up to the adoption of the law, there were many reports and public consultations along the way. However, unlike South Korea's regulatory volatility, Japan has taken a quieter and more incremental.

The first major step was the enactment of the Act on Improving Transparency and Fairness of Digital Platforms (TFDPA) in 2020.²⁴⁹ Often likened to the EU's Platform-to-Business (P2B) Regulation, the TFDPA focuses on increasing transparency in transactions

act.ec.europa.eu/commission-launches-market-investigations-cloud-computing-services-under-digital-markets-act-2025-11-18_en>

²⁴⁶ Chinmayi Arun, *The Silicon Valley Effect*, 61 STAN. J. INT'L L. (forthcoming 2025).

²⁴⁷ Khalid Alaamer, *This is the State of Play in the Global Data Centre Gold Rush*, WORLD ECON. F. (Apr. 22, 2025), <https://www.weforum.org/stories/2025/04/data-centre-gold-rush-ai/>

²⁴⁸ Tim Wu, *Antitrust and Industrial Policy: A Misunderstood Relationship* (Columbia Public Law Research Paper Working Paper, 2025) 11-12

²⁴⁹ Japan Fair Trade Commission, *Press Release: Market Study Report on Mobile OS and Mobile App Distribution*, Japan Fair Trade Commission. (Feb. 9, 2023) [<https://perma.cc/9P2C-UC9R>].

involving app stores and online marketplaces.²⁵⁰ Major platforms—including Amazon Japan, Rakuten, LY Corporation, Apple, Google, and Meta—have been subject to its requirements. Concurrently, Japan pursued sector-specific market assessments, particularly in the smartphone and app store markets.²⁵¹

A shift in policy direction came in 2022 under Prime Minister Fumio Kishida, though from within the ruling party. While Kishida's initial economic reform agenda did not mention platform regulation explicitly, subsequent speeches and diplomatic visits—especially during Japan's G7 chairmanship—signaled alignment with EU-style regulation.²⁵² During this period, the JFTC's Second Report on Mobile Phone and App Store Competition acknowledged the need to explore ex-ante regulation. It concluded that Japan should consider legal frameworks “to ensure fair and equitable competition,” informed by developments in Europe and the United States.²⁵³ Japan also used its 2022 G7 chairmanship to promote international cooperation on platform regulation.²⁵⁴ This initiative emphasized the harmonization of regulatory concepts such as gatekeeper designation, appeal rights, and quantitative thresholds. These international efforts were not merely diplomatic—they reflected and reinforced Japan's evolving domestic agenda.²⁵⁵

In 2024, Japan adopted the Smartphone Software Competition Promotion Act (SSCPA), making it one of the first jurisdictions outside the EU to enact legislation directly inspired by the DMA.²⁵⁶ The SSCPAs narrower in scope, focusing specifically on smartphone software, but incorporates many DMA-like remedies, including rules on app stores, browsers, and operating systems. Article 1 frames the law's goals as contributing to “the improvement of people's lives and the sound development of the national economy.”²⁵⁷ According to the Market Study, Google's Android and Apple's iOS dominate the mobile operating systems market in Japan, with market shares of 53.4% and 46.6%, respectively. Apple's devices, designed as a walled garden, control 100% of the app distribution market, while Android holds 97.4%, even though it operates on an open-source system. Consequently, the SSCPAs seeks to address and mitigate the effects of these companies' overwhelming dominance in the market.²⁵⁸

Trade related discussion came in March 2025, the American Chamber of Commerce in Japan (ACCJ) denounced the SSCPAs as discriminatory, arguing that it disproportionately burdens U.S. firms like Apple and Google, while exempting domestic

²⁵⁰ Ministry of Economy, Trade and Industry, *The Act on Improving Transparency and Fairness of Specified Digital Platforms (TFDPA)*, METI. (Feb. 2, 2024) [<https://perma.cc/LFN8-96QV>]; See also, Ministry of Economy, Trade and Industry, *Designation of Digital Platform Providers Subject to Specific Regulations Under the Act on Improving Transparency and Fairness of Digital Platforms*. METI. (Apr. 1, 2021) [<https://perma.cc/C46E-VRK6>] (“under the TFDPA Japan has designated Amazon, Rakuten, Yahoo, Apple and Google.”)

²⁵¹ Japan Fair Trade Commision, *Press Release: Market Study Report on Mobile OS and Mobile App Distribution*, Japan Fair Trade Commision. (Feb. 9, 2023) [<https://perma.cc/9P2C-UC9R>].

²⁵² Shane Tews, *Japan's Precarious Digital Market Crossroads*, AEIDEAS, (Jan, 2023) [<https://perma.cc/26CT-UB7E>]

²⁵³ Cabinet Secretariat, *Competition Assessment of The Mobile Ecosystem Interim Report Summary*, KANTEI (Apr 26, 2022) [<https://perma.cc/MU6B-9PVH>]

²⁵⁴ OECD, G7 INVENTORY OF NEW RULES FOR DIGITAL MARKETS, 2023 G7 JOINT COMPETITION POLICY MAKERS AND ENFORCERS SUMMIT. [<https://perma.cc/8Y9T-U8AY>]

²⁵⁵ Shane Tews, *Japan's Precarious Digital Market Crossroads*, AEIDEAS, (Jan, 2023), <https://www.aei.org/technology-and-innovation/japans-precarious-digital-markets-crossroads/> [<https://perma.cc/26CT-UB7E>]

²⁵⁶ Masako Wakui, *The Smartphone Act: Japan's New Legislation That Regulates Google and Apple*, J. EUR. COMPETITION L. & PRAC. (Feb. 3, 2025)

²⁵⁷ Alba Ribera Martínez & Sangyun Lee, *The Japanese Smartphone Act: Teaching Competition Law New Tricks*, KLUWER COMPETITION L. BLOG (July 2, 2024)

²⁵⁸ *Id*

competitors such as Yahoo Japan and large Chinese platforms.²⁵⁹ The ACCJ also warned that the Act raises compliance costs for small U.S. app developers, increases security risks, and weakens the intellectual property of American firms. These concerns were submitted to the Office of the U.S. Trade Representative (USTR) for possible inclusion in its National Trade Estimate Report. However, unlike the South Korea case, Japan's Smart Phone Act was not included in the NTE report.²⁶⁰ There were only mentions of JFTC released guidelines on applying the Antimonopoly Act (AMA) and the possible discriminatory The Act on Improving Transparency and Fairness of Digital Platforms (the Digital Platform Act) imposes additional obligations on large companies designated by METI. It is not clear why the Smartphone Act was not included.

Japan's evolution demonstrates the power of regulatory diplomacy in shaping diffusion. Its model is not one of simple imitation, but of selective convergence shaped by institutional legacies, diplomatic strategy, and domestic political continuity. As such, Japan may emerge as a middle-power model for jurisdictions seeking to balance alignment with global standards and domestic regulatory autonomy.

2. Australia

Australia exemplifies a high-capacity jurisdiction with a long history of monitoring global developments and customizing competition law to fit local context and market structure.²⁶¹ The Australian Competition and Consumer Commission (ACCC) has conducted multiple digital platform inquiries, including the Digital Advertising Services Inquiry (2020–2021) and the Digital Platform Inquiry (2017–2019),²⁶² while pursuing enforcement actions paralleling those in other jurisdiction.²⁶³ While Australia has been called a fast follower,²⁶⁴ Australia has also shown willingness to be the first mover in other policy issue such as the recent ban on social media for children under sixteen.²⁶⁵ These developments reflect both regulatory capacity and legislative willingness to address digital platform concerns.

The development of digital competition regulation is characterized by extensive public inquiry process: the five-year Digital Platform Services Inquiry, mandated by ministerial direction in February 2020.²⁶⁶ The mandate required the inquiry to issue interim reports every six months on specific topic and sectors, each preceded by discussion papers,

²⁵⁹ Riho Nagao, *Japan's New Smartphone Law Could Exacerbate U.S. Trade Friction*, NIKKEI ASIA (Mar. 26, 2025), <https://asia.nikkei.com/politics/international-relations/japan-s-new-smartphone-law-could-exacerbate-u-s-trade-friction>. [<https://archive.ph/fL3YG#selection-2647.0-2807.339>]

²⁶⁰ 2025 NTE Report – Japan p.236 under Digital Platform Regulations.

²⁶¹ Anu Bradford, Adam Chilton and Katerina Linos. *Dynamic Diffusion*, J. INT'L ECON L. (2024) (“Australia was selected as a case study in the dynamic diffusion article and known for its customization but play close attention to the developments in leading jurisdiction such as US or EU.”)

²⁶² *Id*

²⁶³ Yane Svetiev, The Re-Orientation of Digital Platform Regulation: Treading Water or Experimenting?, in *Repositioning Platforms Under Digital Market Law* (Dušan V. Popović & Rainer Kulms eds. 253, 253).

²⁶⁴ Alba Ribera Martínez, *A Fast Follower Ex-Ante Regime: Australia's Proposed New Digital Competition Regime*, KLUWER COMPETITION L. BLOG (Dec. 9, 2024), <https://legalblogs.wolterskluwer.com/competition-blog/a-fast-follower-ex-ante-regime-australias-proposed-new-digital-competition-regime> [<https://perma.cc/3A69-4XF2>]

²⁶⁵ Byron Kaye & Renju Jose, *Australia Begins Enforcing World-First Teen Social Media Ban*, REUTERS (Dec. 11, 2025), [https://www.reuters.com/legal/litigation/australia-social-media-ban-takes-effect-world-first-2025-12-09/#:~:text=SYDNEY%20Dec%202010%20\(Reuters\),companies%20and%20free%20speech%20advocates,](https://www.reuters.com/legal/litigation/australia-social-media-ban-takes-effect-world-first-2025-12-09/#:~:text=SYDNEY%20Dec%202010%20(Reuters),companies%20and%20free%20speech%20advocates,) [<https://perma.cc/P646-6VUG>]

²⁶⁶ ACCC, *Digital Platform Services Inquiry 2020–25: Ministerial Direction*, ACCC (Feb. 10, 2020), <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platform-services-inquiry-2020-25/ministerial-direction>, archived at <https://perma.cc/N2ZS-7UP6> (last visited Jan. 9, 2026).

public consultations, and some with commissioned research.²⁶⁷ The reports covered across distinct sectors such as social media, online marketplaces, advertising, browsers/search.²⁶⁸ Moreover, the public consultation process designed as the sector-by-sector approach effectively narrows debate and shapes coalition dynamics by focusing stakeholder attention on specific issues within each report. For example, the September 2021 report on web browsers and search services attracted feedback not only from Google and Apple but also from DuckDuckGo, Microsoft (Bing), Oracle, and app developers, a coalition structure shaped by the inquiry's precise issue focus.²⁶⁹

The inquiry process also demonstrates learning and revisiting to confirm the recommendation towards a new digital competition regulation model. The September 2022 report was the first to discuss potential reform options, citing frameworks from the UK, EU, and US (the 2021 congressional bills), as well as sectoral approaches like South Korea's app store legislation.²⁷⁰ The June 2025 final report reaffirmed the earlier recommendations with an update analysis of previously examined sector and also address emerging issues in cloud services, generative AI, and gaming, which recommended a whole-of-government approach and institutional capacity-building.²⁷¹ The report also contains the most comprehensive database of digital competition enforcement across G20 jurisdictions: 267 cases categorized by platform, matter type (public and private), service, and status, including Amazon, Apple, Google, Meta, Microsoft, Booking.com, Yandex, Alibaba, Baidu, Tencent, Kakao, Naver.²⁷²

Moreover, the inquiry's sectoral updates also reveal how market conditions continue to evolve during extended regulatory processes. In online marketplaces, earlier reports concluded the sector remained competitive and had not "tipped" like other digital markets.²⁷³ However, the 2025 report documents significant shifts, Temu and Shein have grown rapidly since 2023, with 3.8 million and 2 million Australian customers respectively in the twelve months to August 2024, as well as notable trends in US such as TikTok Shop and traditional retailers expanding online presence (Big W and Bunning market place).²⁷⁴

One particular feedback unique to Australian process inherent prolonged consultation process was raised by an academic institution, is "consultation fatigue," when repeated requests for input on overlapping topics lead to decreased engagement and lower-quality submissions, particularly affecting non-governmental organizations and university research centers.²⁷⁵ This highlights a tension in deliberative regulatory processes, thorough consultation builds legitimacy but may exhaust stakeholder, and even government that might have less resource than Australia.

²⁶⁷ ACCC, Comisond research (Oct 2020 28) <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platform-services-inquiry-2020-25/accc-commissioned-research>; ACCC, Commissioned Research (2020) <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platform-services-inquiry-2020-25/interim-reports>

²⁶⁸ ACCC, *Project overview: Digital Platform Service Inquiry 2020-2025*, ACCC (31 Mar. 2025), <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platform-services-inquiry-2020-25> [<https://perma.cc/Y9FE-DY6J>]

²⁶⁹ <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platform-services-inquiry-2020-25/september-2021-interim-report>

²⁷⁰ ACCC, Digital Platform Services Inquiry: Discussion paper for Interim Report No.5: Updating competition and consumer law for digital platform service. (Feb. 2022), 70, 110-116 <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platform-services-inquiry-2020-25/interim-reports>

²⁷¹ ACCC, Digital Platform Services Inquiry: Final Report (Mar. 2025). 13-18 <https://www.accc.gov.au/system/files/digital-platform-services-inquiry-final-report-march2025.pdf>, [<https://perma.cc/VE24-TE48>]

²⁷² *Id* (Recommendation 6: Whole-of-government approach) 23.

²⁷³ ACCC, Digital Platform Services Inquiry: March 2022 interim report. (31 March 2022) 82 ("Epiogue: will the market Tip?")

²⁷⁴ *Id* (3.3 General Online Retial Maketplace)167-169

²⁷⁵

The Australia government, specifically the treasury, release the proposal paper: a new competition regime in December of 2024, the public consultation was scheduled to on the proposal from February 2025, therefore conclusion and exact draft is currently underway.²⁷⁶

B. *The Broad Approach: South Korea, Brazil and India*

Convergence with multi-sector DMA-like approaches seems to be the trend in BRICS Countries such as Brazil and India. South Korea is another case that has switched between several draft which influenced by many political changes. The rapid developments, customization and legislative process in these jurisdiction has led to legislative pushback from the industry and other stakeholder.²⁷⁷ All the cases in this group have not been stalled and withdrawn, with more market investigation or revision in process.²⁷⁸

1. South Korean

South Korea offers the most dynamic case studies in the global diffusion of digital competition regulation. As a technologically advanced jurisdiction with high regulatory capacity, its recent developments have been described as a “roller-coaster ride.”²⁷⁹ The country’s trajectory has swung dramatically: from an initial commitment to proposing ex-ante regulation, to embracing self-regulation under a new pro-business administration, to unexpectedly introducing a DMA-style bill following a major platform scandal—only to later abandon that bill in the face of industry backlash and shift toward amending existing competition law.²⁸⁰ The current status of reform remains uncertain.²⁸¹ Meanwhile, U.S. officials, including the current USTR have increasingly cited South Korea as a cautionary tale, stated it of crafting regulation that unfairly targets American platforms, shields domestic champions, and inadvertently benefits Chinese competitors.²⁸²

In 2021, South Korean lawmakers were among the first to pass legislation forcing app store operators to allow alternative payment systems. In response, Apple allowed external payment options but imposed a 26% commission on such transactions, a practice not replicated in most other jurisdictions.²⁸³ In the meanwhile, at the OECD, South Korea

²⁷⁶ The Treasury, *A New Digital Competition Regime: Proposal Paper* (Dec. 2024),

²⁷⁷ Victor Oliveira Fernandes, *Lost in translation? Critically assessing the promises and perils of Brazil's Digital Markets Act proposal in the light of international experiments*, 52 Computer Law & Security Review, April 2024. ; Manish Singh, US Tech Giants Say Indian Panel's Recommended Act “Absolutist and Regressive,” Tech Crunch, 8 January 2023; Hadi Houalla, Turkey's DMA Spinoff Is Another Threat to Global Innovation, ITIF (Feb. 26, 2024), .

²⁷⁸ Charles McConnell, *Indian Digital Competition Bill Faces Further Delays Ahead of Potential Market Study*, DCR (July 22, 2025), <https://globalcompetitionreview.com/article/indian-digital-competition-bill-faces-further-delays-ahead-of-potential-market-study> [https://perma.cc/EQM2-QL4U]

²⁷⁹ Sangyun Lee, *Lessons from Korea's Roller-Coaster Ride Toward Platform (Non)Regulation*, Truth on the Market (Sept. 25, 2024),

²⁸⁰ Troy Stangarone, South Korea's Risky Bet on Online Regulation, THE DIPLOMAT, (Apr. 3, 2025). [https://perma.cc/KBM2-KF7C]

²⁸¹ Haeyoon Kim, *Tech Regulation Is a High-Wire Act for South Korea*, FIN. TIMES (Feb. 25, 2025) [https://archive.ph/iETvL]

²⁸² Jamieson Greer, *A New Fight Is Brewing Over U.S.-Korea Trade. This Time May Go Differently.*, Barron's (Jan. 26, 2024) [https://www.barrons.com/articles/korea-trade-tech-companies-regulation-2a1b1827]; Robert C. O'Brien, *South Korea's Proposed Tech Regulations Would Be a Gift to China*, The Hill (Dec. 28, 2023) [https://thehill.com/opinion/national-security/4379108-south-koreas-proposed-tech-regulations-would-be-a-gift-to-china/] (“O'Brien is the U.S. national security advisor from 2019 to 2021.”)

²⁸³ David McCabe and Jin Yu Young, *Apple and Google's Fight in Seoul Tests Biden in Washington*. N.Y.TIMES, (Aug. 27, 2021). [https://perma.cc/KP9J-XP2K];

made a statement that it is considering ex-ante regulations.²⁸⁴ However, the new president pursued a pro-business agenda and the administration's Presidential Transition Committee announced plans to "develop a system of self-regulation for the online platform market" alongside "necessary minimum regulatory measures to ensure fair trade," and established a Platform Policy Council to oversee this process.²⁸⁵

The deregulatory stance was short-lived. In December 2023, the Korea Fair Trade Commission (KFTC), with presidential backing, proposed a DMA-like bill targeting dominant digital platforms.²⁸⁶ This reversal was driven in part by public backlash against negative platform scandal. In 2022, a fire at a Kakao data center caused a nationwide outage of messaging, ride-hailing, and payment services.²⁸⁷ President Yoon condemned Kakao's market tactics as "tyrannical" and "unethical," criticizing the company for undercutting competitors only to raise prices after securing monopoly status.²⁸⁸

The KFTC Chair, a former law professor, publicly described the growing burden of addressing digital platform issues, emphasizing the agency's challenges to regulate both domestic champions and foreign tech giants.²⁸⁹ Moreover, he highlighted that some industry-led self-regulation initiative involving food delivery apps and small vendors, achieved its first significant milestone by setting up measures to handle dispute among themselves. These rules, he argued, closely resembled provisions from the new proposed bill.²⁹⁰ However, electoral dynamics seems to play a crucial role too. The bill was introduced ahead of the 2024 legislative elections, in which the ruling party sought to win over small business owners, taxi drivers, and delivery workers—groups historically aligned with the opposition and adversely affected by the current public backlash against digital platform dominance.²⁹¹ A 2023 survey by the Korea Federation of Micro Enterprises found that 84% of small merchants supported stronger regulation of online platforms.²⁹²

Despite this momentum, the bill faced intense domestic and international resistance.²⁹³ Korean tech giants Naver and Kakao lobbied heavily against it, arguing it would stifle innovation and inadvertently benefit Chinese competitors. Internationally, the U.S. Chamber of Commerce denounced the proposal as "deeply flawed," warning that it could violate Korea's trade commitments and arbitrarily target foreign firms.²⁹⁴ The Chamber urged the KFTC to adopt "transparency and open dialogue" before moving forward²⁹⁵ Ultimately, the political gamble did not pay off. President Yoon's party lost the 2024 congressional elections, and the proposed DMA-style bill has since stalled.

²⁸⁴ OECD, *Ex Ante Regulation and Competition in Digital Markets*, OECD. (Dec. 15, 2022) [<https://perma.cc/3WHJ-FCVZ>];

²⁸⁵ Byoung-II Oh, *A Digital Policy Report Card for South Korea*, CARNEGIE ENDOWMENT (Feb. 28, 2024), [<https://perma.cc/N3AB-DE74>].

²⁸⁶ Jin Yu Young and Daisuke Wakabayashi, *The Antitrust Enforcer Ained at Big Tech. Then Came the Backlash*, N.Y.TIMES. (Feb. 16, 2024) [<https://perma.cc/QWS7-RXHA>] ("The timing has been complicated by a critical general election in April. Mr. Yoon's conservative People Power Party is looking to wrest control of the legislature from the opposition Democratic Party of Korea, which holds a significant majority.")

²⁸⁷ *Id*

²⁸⁸ *Id*

²⁸⁹ *Id*

²⁹⁰ *Id*

²⁹¹ Jin Yu Young and Daisuke Wakabayashi, *The Antitrust Enforcer Ained at Big Tech. Then Came the Backlash*, N.Y.TIMES. (Feb. 16, 2024) [<https://perma.cc/QWS7-RXHA>]

²⁹² Jin Yu Young and Daisuke Wakabayashi, *The Antitrust Enforcer Ained at Big Tech. Then Came the Backlash*, N.Y.TIMES. (Feb. 16, 2024) [<https://perma.cc/QWS7-RXHA>] ("refer to KFME survey")

²⁹³ *Id*

²⁹⁴ Charles Freeman, *U.S. Chamber Warns Against Rush to Pass Korea's Online Platform Competition Promotion Act; Calls for Transparency and Dialogue*. U.S. CHAMBER OF COMMERCE. [<https://perma.cc/RRZ6-9DAS>]

²⁹⁵ *Id*

Even with the bill abandon, trade tensions and discussion of discrimination still refers to the proposed legislation.²⁹⁶ The U.S. Trade Representative's 2025 National Trade Estimate Report on Foreign Trade Barriers states that "the United States continues to urge Korea to improve its engagement with this sector by enhancing transparency and providing meaningful opportunities for stakeholder input."²⁹⁷ Republican Representative Carol Miller introduced the U.S.–Republic of Korea Digital Trade Enforcement Act, which would authorize the U.S. government to invoke Section 301 of the 1974 Trade Act to counteract digital policies enacted by foreign countries.²⁹⁸ The bill was introduced in September of 2024, the bill was reintroduced again in May 2025.²⁹⁹

2. Brazil

Brazil illustrates how digital competition regulation are pursued in parallel tracks starting with legislative and later executive, across different administrations. As a key player in Latin America and BRICS, Brazil's trajectory demonstrates another regional first mover and engagement with international organization to shape regulatory development.³⁰⁰ The country's path has also unfolded against significant platform tensions in other areas of digital regulation, including misinformation debates that led to a court ban of X and broader geopolitical pressures.³⁰¹

The first bill, Bill No. 2,768/2022, was introduced by Congressman João Maia of then-President Bolsonaro's Liberal Party in November 2022. The draft assigned ANATEL, the telecommunications regulator, as the primary enforcement agency, with principle-based obligations covering transparency, non-discrimination, data portability, and merger oversight. Its customization choices followed the lower threshold trend and unclear designation, potentially capturing a wider range of platforms was also a point of debate.³⁰² Although the draft references the DMA, its explanatory note stated that it aimed to create a "less detailed" framework to enable faster regulatory response.³⁰³ The goals received

²⁹⁶ Haeyoon Kim & Simon Lester, *Digital Trade Wars 2: New US Legislation Labels KFTC's Tech Regulation Discriminatory, But Is It?*, KEI: The Peninsula (Oct. 11, 2024). [<https://keia.org/the-peninsula/digital-trade-wars-2-new-us-legislation-labels-kftcs-tech-regulation-discriminatory-but-is-it/>]

²⁹⁷ 2025 NTE Report – Korea p.252 ("In 2024, the Korean Government, including the Korea Free Trade Commission and the National Assembly, considered proposals to regulate certain suppliers of digital services that meet global and national revenue thresholds. These proposals would apply to a number of large U.S. companies operating in the Korean market. The proposals also appear to apply to two large Korean companies, but exclude a number of other major Korean companies as well as companies from other countries. The proposals include a number of *ex ante* prohibitions and obligations that would apply to companies to address competition issues in the Korean market")

²⁹⁸ See H.R. 9876, 118th Cong. (2024); Cho Yong-Jun, *America First, Korea Second? How Trump Impacts Korea's Fight Against Big Tech*, Korea JoongAng Daily (Jan. 21, 2025, 6:00 AM), [<https://koreajoongangdaily.joins.com/news/2025-01-21/business/industry/America-first-Korea-second-How-Trump-impacts-Koreas-fight-against-Big-Tech/2226450>]

²⁹⁹ Yohap, *US Lawmaker Reintroduces Bill Against Korea's Regulatory Efforts That Could Harm US Digital Firms*, Korea Times (May 7, 2025, 9:58 AM KST), [<https://www.koreatimes.co.kr/foreignaffairs/20250507/us-lawmaker-reintroduces-bill-against-south-koreas-regulatory-efforts-that-could-harm-us-digital-firms>]

³⁰⁰ Paulo Henrique de Oliveira, *Brazil Points the Way Forward for Competition Policy and Digital Sovereignty in the Global South*, TECH POLICY PRESS (Oct. 6, 2025), <https://www.techpolicy.press/brazil-points-the-way-forward-for-competition-policy-and-digital-sovereignty-in-the-global-south> [<https://perma.cc/9C8X-QVDK>]

³⁰¹ Ben Derico & Ione Wells, *Brazil Lifts Ban on Musk's X After It Pays \$5m Fine*, BBC NEWS (Oct. 9, 2024), <https://www.bbc.com/news/articles/c5y06vzk3yjo> [<https://perma.cc/JE9J-DZ77>]

³⁰² Alba Ribera Martínez, *Brazil Seeks to Amend Its Competition Law: A Regulatory Model à la Allemande*, KLUWER COMPETITION L. BLOG (Oct. 20, 2025), <https://legalblogs.wolterskluwer.com/competition-blog/brazil-seeks-to-amend-its-competition-law-a-regulatory-model-a-la-allemande/>, [<https://perma.cc/A7RS-AU22>]

³⁰³ See Anna Moskal & Marcella Brandao Flores da Cunha, *Is the Digital Markets Act a Global Standard for Ex Ante Digital Regulation? Insights from Brazil, India and Japan*, 14 CAMBRIDGE INT'L L.J. 52, 62 (2025) ("citing para 9 of the Bill No. 2,768/2022")

criticism of being vague and opaque.³⁰⁴ The proposal list social objective and principles included "reducing regional and social inequality, fostering innovation and enhancing social participation."³⁰⁵ Multiple public hearings and consultations were held in late 2023, but by April 2024, the appointed rapporteur indicated limited progress, citing a decision to wait for further developments on the Fake News Bill and to "observe how the DMA is being implemented in the EU, in particular, so we have more solid elements to implement and discuss the regulation of digital markets in Brazil, "Therefore the bill remains formally in committee but is widely considered stalled.³⁰⁶

A second initiative emerged following President Lula's election victory in late 2023, driven by the executive branch with clear political support, the first competition law intititative from the administration.³⁰⁷ The Ministry of Finance launched a public consultation in January 2024, receiving 72 contributions from participants whose nationality and background the resulting report documents.³⁰⁸ The report, "Digital Platforms: Competition Aspects and Regulatory Recommendations for Brazil," published in October 2024, provided an analytical framework and policy recommendations.³⁰⁹

A report on the public consultation position also offering unique dynamics. Mercado Livre, the Argentine e-commerce company and Latin America's largest digital platform by market capitalization, argued for market investigations before regulation, contending that Brazil's e-commerce market remains unconcentrated, a position Amazon echoed.³¹⁰ The active presence of Chinese platforms like TikTok, Shopee, and Shein in Brazilian e-commerce further illustrates the region's distinctive competitive dynamics.³¹¹ Similarly, Airbnb, not an DMA gatekeeper, also provided input along similar rationale of tailored sector investigation.³¹² This is likely due to the possible expansion of platforms that could be regulated. However, Mercado Livre acknowledged that other digital markets may warrant intervention, pointing to Apple's app ecosystem currently under CADE investigation.³¹³ Google, while contesting the effects of DMA in Maps, supported CADE as the appropriate regulator.³¹⁴

Bill No. 4675/2025, the "Fair Digital Competition Bill," was introduced on September 17, 2025. Rather than creating a standalone regime, it amends Brazil's traditional competition law (Law No. 12,529/2011) to establish a framework for monitoring and imposing obligations on systemically relevant platforms. Designation applies to the entire economic group and remains in effect for a minimum of ten years, with specific obligations

³⁰⁴ Megan Kirkwood, *Stopping the Brussels Effect: Big Tech and Brazil's Digital Markets Bill*, TECH POL'Y PRESS (June 18, 2024), <https://www.techpolicy.press/stopping-the-brussels-effect-big-tech-and-brazils-digital-markets-bill/>, archived at <https://perma.cc/Z2M7-WFZC>

³⁰⁵ *Id*

³⁰⁶ Dario da Silva Oliveira Neto, *Some Remarks on the Comments Submitted to the Brazilian Public Consultation on Economic and Competitive Aspects of Digital Platforms Held by the Ministry of Finance*, KLUWER COMPETITION L. BLOG (June 4, 2024), <https://legalblogs.wolterskluwer.com/competition-blog/some-remarks-on-the-comments-submitted-to-the-brazilian-public-consultation-on-economic-and-competitive-aspects-of-digital-platforms-held-by-the-ministry-of-finance/> [https://perma.cc/Z8YJ-ZKZ5]

³⁰⁷ Oliveira Neto, *supra* note X.

³⁰⁸ <https://www.gov.br/participamaisbrasil/concorrencia-plataformas-digitais>

³⁰⁹ SECRETARIAT OF ECONOMIC REFORMS, BRAZIL. MINISTRY OF FINANCE, DIGITAL PLATFORMS: COMPETITION ASPECTS AND REGULATORY RECOMMENDATIONS FOR BRAZIL (2024), 17-21.

³¹⁰ Oliveira Neto, *supra* note X.

³¹¹ Alex González Ormerod, *MercadoLibre Is a Massive Fish in a Medium-Sized Pond*, REST OF WORLD (Apr. 26, 2023), <https://restofworld.org/>. <https://restofworld.org/2023/newsletter-latin-america-mercadolibre-vs-amazon-2023/> [https://perma.cc/X64S-PBZK]; Melissa Amezcua, *TikTok Shop Battles Shein and Temu in Latin America's E-Commerce Race*, REST OF WORLD (June 23, 2025), <https://restofworld.org/2025/tiktok-shop-latin-america-shein-temu/> [https://perma.cc/AJN3-HLDP]

³¹² Oliveira Neto, *supra* note X.

³¹³ Oliveira Neto, *supra* note X.

³¹⁴ Oliveira Neto, *supra* note X.

subject to further specification through a code of conduct.³¹⁵ Beyond competition, the bill articulates broader policy goals including reducing barriers to entry, protecting the competitive process, and promoting freedom of choice.³¹⁶ Lastly, the bill was also received high-level political recognition as President Lula referenced platform regulation in his September 2025 UN General Assembly address, signaling commitment to this agenda, together with the sustainable data center agenda.³¹⁷

3. India

The push for ex-ante digital competition regulation in India gained momentum in early 2022 when the Parliamentary Standing Committee on Commerce first examined the issue³¹⁸ This was followed in early 2023 by the Parliamentary Standing Committee on Finance, which recommended new regulatory measures to curb Big Tech's market power. In response, the Committee on Digital Competition Law (CDCL) was established on February 6, 2023, publishing its 151-page report a year later, on February 27, 2024.³¹⁹ The report assessed the Indian regulatory landscape, examined international precedents, and concluded that a "fit-for-purpose" competition regime was necessary. This culminated in the Digital Competition Bill, 2024 (DCA), annexed to the report.³²⁰

Despite its rapid timeline, the DCA differs from the EU's DMA in several critical ways. For example, the draft has lowered the gatekeeper thresholds, the Systemically Important Digital Intermediaries (SIDIs) face significant lower revenue and user thresholds.³²¹ Similarly, the bill grants broad powers to the Competition Commission of India (CCI), including exemptions for certain firms and qualitative discretion in gatekeeper designation. Moreover, there has been a selective obligation with MFN-clause ban left out.³²² Another divergence aspect is that the agency takes a more unilateral approach, no mandatory regulatory dialogue with SSDEs, making the India's framework places the burden solely on the CCI to define obligations.³²³ Lastly, there are undefined terms that could lead to over burden, such as its expansive use of transparency obligations. The DCB requires SSDEs to operate in a "transparent" manner, but does not define what transparency entails.³²⁴

³¹⁵ Alba Ribera Martínez, *Brazil Seeks to Amend Its Competition Law: A Regulatory Model à la Allemande*, KLUWER COMPETITION L. BLOG (Oct. 20, 2025), <https://legalblogs.wolterskluwer.com/competition-blog/brazil-seeks-to-amend-its-competition-law-a-regulatory-model-a-la-allemande/> [https://perma.cc/A7RS-AU22]

³¹⁶ Dario Oliveira Neto, *Will Brazil Subtly Sweep Consumer Welfare Under the Rug?*, TRUTH ON THE MARKET (Oct. 28, 2025), <https://truthonthemarket.com/2025/10/28/will-brazil-subtly-sweep-consumer-welfare-under-the-rug/> [https://perma.cc/QX8C-P3PX] ("Bill 4,675/2025 introduces three new objectives for ex-ante digital regulation in Art. 47-B: (i) reduction of barriers to entry; (ii) protection of the competitive process; and (iii) promotion of freedom of choice.")

³¹⁷ Laís Martins, At UNGA, *Lula Defends Democracy and Brazil's Efforts to Regulate Tech, but Slips on Data Centers*, TECH POLICY PRESS (Sept. 25, 2025), <https://www.techpolicy.press/at-unga-lula-defends-democracy-and-brazils-efforts-to-regulate-tech-but-slips-on-data-centers/> [https://perma.cc/J5PY-7827]; President Luiz Inácio Lula da Silva, *Speech at the Opening of the General Debate of the 80th United Nations General Assembly*, GOV.BR (Sept. 23, 2025), <https://www.gov.br/planalto/en/follow-the-government/speeches-statements/2025/09/president-lula2019s-speech-at-the-opening-of-80th-un-general-assembly> [https://perma.cc/4TZT-Y2GU]

³¹⁸ Find official citation but now refer from report.

³¹⁹ CCI, "Report of the Committee on Digital Competition Law"

³²⁰ CCI, Draft bill (in report Annex IV) "Draft Digital Competition Bill, 2024"

³²¹ Cite to draft bill

³²² Vikas Kathuria, *Assessing India's Ex-Ante Framework for Competition in Digital Markets*, PROMARKET (May. 29, 2024), [https://perma.cc/KP46-BNVP].

³²³ *Id*

³²⁴ *Id*

The Internet and Mobile Association of India (IAMAI) initially opposed ex-ante rules, citing concerns over innovation and regulatory overreach.³²⁵ However, a leadership shift within IAMAI in 2023 saw Indian tech CEOs publicly criticize IAMAI's stance, arguing that its leadership was dominated by foreign tech firms.³²⁶ While large Indian firms such as Reliance Jio and Paytm generally support tougher digital competition laws, some startup founders are skeptical. A group of Indian startup founders, including Mapmy India CEO Rohan Varma, Matrimony.com CEO Murugavel Janakiraman, and Shark Tank investor Anupam Mittal, publicly criticized IAMAI for its alignment with foreign tech firms.³²⁷ They argued that the “status quo has failed” and that India's competition law must evolve to address entrenched platform dominance.

US scholars have also been very active in pushing back on this law.³²⁸ The International Center for Law & Economics (ICLE) argued that India's digital economy is at an earlier development stage and that ex-ante regulations could deter investment and stifle domestic innovation.³²⁹ ICLE also raised the lack of resources and expertise for such an ambitious framework.³³⁰ Another foreign actor is the Information technology and innovation foundation.³³¹ and the Computer and Communication industry Association.³³²

The Indian approach highlights the challenges of balancing international regulatory trends with local market dynamics, and the complexities of stakeholder interests in shaping digital competition policy.

C. *Alternatives to Digital Competition Regulations*

1. South Africa

South Africa are indirectly converging towards a DMA-like approach through mechanisms such as binding market studies. The South African Competition Commission's Online Intermediation Platforms Market Inquiry (OIPMI) has relied heavily on European enforcement and the DMA.³³³ Critics have pointed out that some aspects have gone beyond the scope of the DMA.³³⁴

This paper categorized this as an indirect DMA model following UCTAD's observation that the “South Africa Competition Commission's rejection of a new

³²⁵ Sarvesh Mathi, *Why IAMAI's submission opposing ex-ante rules in India is surprising*, MEDIANAMA (March 15, 2024) [<https://perma.cc/G37Z-3QXA>]

³²⁶ Sarvesh Mathi, *Why some startups are disagreeing with IAMAI's stance on digital competition bill and ex-ante regulations*, MEDIANAMA (Jun. 21, 2023) [<https://perma.cc/G37Z-3QXA>]

³²⁷ Sarvesh Mathi, *Why some startups are disagreeing with IAMAI's stance on digital competition bill and ex-ante regulations*, MEDIANAMA (Jun. 21, 2023) [<https://perma.cc/G37Z-3QXA>]

³²⁸ Dirk Auer, Geoffrey A. Manne, Viswanath Pingali, Lazar Radic, & Mario A. Zúñiga, *ICLE Comments on India's Draft Digital Competition Act*, INT'L CTR. FOR L. & ECON. (Apr. 22, 2024); Lazar Radic, *India Should Question Europe's Digital-Regulation Strategy*, TRUTH ON THE MARKET (April 12, 2024) [<https://perma.cc/DTM7-VG8J>]

³²⁹ *Id.* The DCA prioritizes aiding competitors over benefiting consumers, risking innovation and consumer welfare by imposing preemptive constraints.

³³⁰ Dirk Auer, Geoffrey A. Manne, Viswanath Pingali, Lazar Radic, & Mario A. Zúñiga, *ICLE Comments on India's Draft Digital Competition Act*, INT'L CTR. FOR L. & ECON. (Apr. 22, 2024) [<https://perma.cc/75UM-VB2J>]; Joseph V. Coniglio & Lilla Nóra Kiss, *Comments to the Indian Ministry of Corporate Affairs Regarding Digital Competition Law* (May 15, 2024). [<https://perma.cc/37GF-VYAU>]

³³¹ Communication and

³³² The Computer & Communications Industry Association, *CCLA Comments on the Report on Digital Competition Prepared by the Indian Ministry of Corporate Affairs' Committee on Digital Competition Law and Draft Digital Competition Bill*, CCIANET.ORG (Mar. 12, 2024) [<https://perma.cc/354Z-75DY>]

³³³ Competition Commission South Africa, *Online Intermediation Platforms Market Inquiry – Final Report and Decision*. (July 2023)

³³⁴ Lazar Radic and Geoffrey A. Manne, *South Africa's Competition Proposal Take Europe's DMA Model to the Extreme*, Truth on Market. (August, 15 2023).

regulatory regime, was likely influence by its ability to make legally binding and enforceable order as an outcome of the market study to address the immediate competition concerns it had identified.³³⁵ The South African Competition agency issued the Online Intermediation Platforms Market Inquiry, a legally binding market study, analyzing 7 industries and several cross-industry topics. Likely influence by the multi-sector purpose approach. The goals of the OIPMI are clear: to increase visibility and opportunities for smaller South African platforms to compete with international players, enable more intense platform competition, offer more choice and innovation, reduce prices for consumers and business users, provide a level playing field for small businesses, and promote a more inclusive digital economy, especially for historically disadvantaged groups.³³⁶

The report has also relied heavily on European enforcement and the DMA, as best highlighted in one remedial order against Google, the South Africa Commission stated that it will consider a compliance with the remedial order when Google implement changes under the DMA, “with relevant adaptations to South Africa in consultation with the Commission.”³³⁷

2. China and Russia

China and Russia represent jurisdictions where traditional competition law and regulatory power have lead to the decision to not adopting any new regulatory regime, and other tailoring approaches should be view on their unique political and economic contexts.

In China, domestic tech giants like Alibaba, Tencent, and ByteDance have long dominated the market, shielded by government policies that limit foreign competition.³³⁸ China's regulatory approach has been marked by swift and significant shifts, including a major revision of its competition laws followed by the widely publicized tech industry crackdown and lost trillions in value.³³⁹ Empirical research on enforcement action against Alibaba shown that the announcement of an antitrust investigation announcement leads to a negative abnormal stock market response for Alibaba, but penalty announcement is positively corresponded abnormal returns, while stock market, exceeding .³⁴⁰ At one point, China considered implementing “super app” guidelines, though this initiative was not fully realized.³⁴¹ These developments highlight China's capacity for rapid policy changes and enforcement actions, setting it apart from other major digital economies.³⁴²

Similarly, historically Russia has demonstrated agility in enforcing competition laws, often targeting major US platforms. In some cases, these enforcement actions have led to market exits by global tech giants, highlighting the country's approach to digital sovereignty. For instance, Apple faced a \$2 million fine from Russia's antitrust agency, reflecting a broader trend of strong regulatory action.³⁴³ More recently, YouTube was fined with a total of 20 decillion and the regulator even said that the fine was symbolic.

³³⁵ UNCTAD, p.9

³³⁶ Lazar Radic, Geoffrey A. Manne & Dirk Auer, *Regulate for What? A Closer Look at the Rationale and Goals of Digital Competition Regulations*, 22.1 Berkeley Bus. L.J. (forthcoming Aug. 2024).

³³⁷ *Id* p.33 (“68.2 Google must implement changes undertaken in the EEA to comply with article 6(5) of the DMA and such implementation, with relevant adaptation to South Africa in consultation with the commission, will be considered in compliance with the remedial action above.”)

³³⁸ However, recent years have seen a notable shift as Chinese companies like Temu and Shein expand aggressively into Western markets, introducing new dynamics to global competition. Amanda Mull, *Temu Is Speedrunning American Familiarity*, The Atlantic (Feb. 12, 2024), .

³³⁹ Lilian Zhang, *A Timeline of China's 32-Month Big Tech Crackdown that Killed the World's Largest IPO and Wiped Out Trillions in Value*, South China Morning Post (July 15, 2023).

³⁴⁰ Kenneth Khoo, Sinchit Lai & Chuyue Tian, *The Impact of Antitrust Enforcement on China's Digital Platforms: Evidence from SAMR v. Alibaba*, 83 INT'L REV. L. & ECON. 1, 26.(2025).

³⁴¹ Sandra at CHUK

³⁴² Angela Huyue Zhang, *Agility Over Stability: China's Great Reversal in Regulating the Platform Economy*, 63 HARV. INT'L L. J. 495 (2022).

³⁴³ Reuters, *Apple Pays \$13.7 Mln Russian Fine, Antitrust Agency Says*, REUTERS (Jan. 22, 2024),

Moreover, these two country also represent a case of national champions and homegrown technology firms that benefited from digital regulations. For example, the popular Russia search engine Yandex initiated competition inquiries against Google and was key to the a mega fine in Russia and Turkey.³⁴⁴ However, Yandex also represents the case that, even national firms are at risk in non-democratic government as the company have been receiving significant pressure from the Russia government to divest of its Russia, which is now completed in June of 2024.³⁴⁵

There are concerning trends in other parts of the world. For example, Indonesia's ban on TikTok's online retail operation was prompted by Indonesian president citing that "platforms were contributing to a decline in sales for domestic businesses by flooding the market with imports."³⁴⁶ While the ban ultimately benefited local e-commerce giant GoTo, TikTok returned to buy GoTo by forming a \$1.5 billion joint venture with the same competitor it had initially sought to challenge.³⁴⁷ This case highlights the discriminatory targeting and enforcement practices that can arise in the digital economy, but also the twist and turn that could lead to a gatekeeper. Tiktok is also increasing being ban in various countries because of national security concerns.³⁴⁸ This example underscores the complex interplay of political and economic factors in shaping digital competition policy.

VI. THE CONTESTED FUTURE OF DIGITAL COMPETITION REGULATIONS

This section considers key trends for countries thinking about shaping the future of digital competition regulations.

A. *Pro-active Experimentalism*

Countries considering digital competition regulation now have access to evidence of enforcement and alternative models which was unavailable during the first wave of diffusion.³⁴⁹ Therefore, this paper advocates for an experimentalist approach which requires learning from difference and recursive problem-solving.³⁵⁰ This involves active monitoring of pioneering frameworks, comparison across alternative regulatory models, and iterative adjustment as enforcement details emerge.

Three years into DMA implementation, substantial information has accumulated. Gatekeeper designation decisions reveal how quantitative thresholds operate in practice, compliance reports expose diverse strategies gatekeepers deploy to satisfy or circumvent obligations, and non-compliance investigations signal enforcement priorities and resource constraints.³⁵¹ Scholars have documented the whack-a-mole challenge regulators face as

³⁴⁴ The New York Times (2015), "Russia Authorities Rules Google Broke Antitrust Regulations."; New York Times (2017), "Turkey to Investigate Antitrust Complaints Against Google"

³⁴⁵ Alexander Marrow, *Yandex Split Finalised as Russian Assets Sold in \$5.4 bln Deal*, REUTERS (July 15, 2024), <https://www.reuters.com/markets/deals/yandex-nv-finalises-54-bln-deal-sell-russian-businesses-2024-07-15/#:~:text=Yandex's%20Dutch%20parent%20company%20Yandex,Yandex%20co%2Dfounder%20Arkady%20Volozh>. [https://perma.cc/ASP8-ZQAR]

³⁴⁶ Sheila Chiang, *TikTok Halts E-Commerce Service in Indonesia Following Ban*, CNBC (Oct. 3, 2023), [\[https://perma.cc/MM6V-TDBX\]](https://perma.cc/MM6V-TDBX).

³⁴⁷ Olivia Poh, Dong Cao And Faris Mokhtar, *After Indonesian Curbs on TikTok Shop, ByteDance Pursues E-Commerce Ambitions With New Local Partnership*, Times. (December, 2023) [https://perma.cc/D9CT-R4YR]

³⁴⁸ Meaghan Tobin, *TikTok Is Facing Legal Backlash Around the World*, N.Y. TIMES (Jan. 9, 2025), <https://www.nytimes.com/2025/01/09/technology/tiktok-ban-global-legal-battles.html> [https://perma.cc/MEH2-VPLQ]

³⁴⁹ Alberto Bacchigella & Thomas Tombal, *Agency Insights: The First Steps of the DMA Adventure*, 12 J. ANTITRUST ENVT 189, 189 (2024);

³⁵⁰ YANE SVETIEV, *EXPERIMENTALIST COMPETITION LAW AND THE REGULATION OF MARKETS* 15 (2020).

³⁵¹ See Alba Ribera Martínez, *The Requisite Legal Standard of the Digital Markets Act's Designation Process*, 20 J. COMPETITION L. & ECON. 1,1 (2024); Friso Bostoen & Giorgio Monti, *The Rhyme and Reason of*

platforms develop counterstrategies to circumvent the DMA.³⁵² Emerging enforcement evidence also enables more informed regulatory design than was possible when earlier adopters initiated their legislative processes.³⁵³

Experimentalism also means learning from the diversity of regulatory models now emerging such as the UK's DMCC model, which empowers regulators to negotiate tailored obligations with individual platforms.³⁵⁴ The Japan and Australia sector-specific regulations supported by detailed market studies. Moreover, agencies will need to think more about the interplay between existing antitrust law and regulation. As Bietti argues, antitrust and sectoral regulation should be understood as “dynamically co-constitutive” rather than separate domains, regulators can pool from different remedial approaches depending on context rather than assuming one model fits all circumstances.³⁵⁵ Observing how these alternative models perform provides a natural experiment from which later adopters can draw lessons.

Another critical aspect of this approach is understanding the political economy behind legislative development and shifts. Previous section has discussed the “regulatory pendulum” as politicians issue and revoke regulation issue by their previous government.³⁵⁶ South Korea “roller-coaster ride” provides a prime example of this regulatory pendulum in full swing. Certain policy choice may also influenced by digital industrial policy, the promotion of one won digital platforms.³⁵⁷ Another example is UK Prime Minister announced and signal changes to CMA from the previous conservative party with a for a growth-focused competition regulation.³⁵⁸

The lobbying aspect is also an important area to monitor, both the US and EU cases demonstrate that platforms are willing to allocate substantial resources to monitor and influence regulatory discussions.³⁵⁹ For example, lobbying efforts in the UK were successful in modifying procedural aspects of the DMCC, particularly the appeal mechanism, which now allows challenges based on the merits of a decision.³⁶⁰ This trend could set a precedent for how platforms engage with regulatory frameworks globally and policy makers and civil society should be aware of such arguments to engage in the discussed constructively.

Gatekeeper Designation Under the Digital Markets Act, J. ANTITRUST ENFORCEMENT 1,1 (2025); Alba Ribera Martínez, The Credibility of the DMA's Compliance Reports, 48 WORLD COMPETITION 3, 3 (2025);
³⁵² Jens-Uwe Franck & Martin Peitz, *The Digital Markets Act and the Whack-A-Mole Challenge*, 61 COMMON MKT. L. REV. 299, 299 (2024).

³⁵³ See

³⁵⁴ Tom Bristow, *Rishi Sunak performs delicate balancing act in Big Tech lobbying battle*, POLITICO EU, (Nov. 15, 2023) [<https://perma.cc/L6TC-AANY>]

³⁵⁵ Elettra Bietti, *Experimentalism in Digital Platform Markets: Antitrust and Utilities' Convergence*, 2024 U. ILL. L. REV. 1227, 1227. (2024)

³⁵⁶ Jeff Rosen, *The Regulatory Pendulum*, NAT'L AFFS. (Fall 2024) <https://www.nationalaffairs.com/publications/detail/the-regulatory-pendulum>, archived at [<https://perma.cc/3HGV-N8JQ>]

³⁵⁷ Petros Boulieris et al., *New Industrial Policy Design and Competition: A Computational Approach* (Mar. 12, 2025) (unpublished manuscript). ;

³⁵⁸ Alistair Smout, *UK Pledges Regulatory Overhaul to Try to Win Over Investors*, Reuters (Oct. 14, 2024). See Also, CPI, *UK Prime Minister Pressures CMA for Growth-Focused Antitrust Regulations*, CPI (Oct. 15, 2024). (“quoting the PM on the role of the Competition and Markets Authority (CMA) in fostering a more growth-oriented environment.”)

³⁵⁹ Pietro Lombardi, *Big Tech boosts lobbying spending in Brussels*, POLITICO EU, (Mar. 22, 2022), <https://www.politico.eu/article/big-tech-lobbying-brussels-digital-markets-act-digital-services-act/> [<https://perma.cc/BT5C-PHUU>]

³⁶⁰ Tom Bristow, *Rishi Sunak performs delicate balancing act in Big Tech lobbying battle*, POLITICO EU, (Nov. 15, 2023), <https://www.politico.eu/article/rishi-sunak-uk-performs-balancing-act-in-tech-lobbying-battle/> [<https://perma.cc/L6TC-AANY>]

B. Governance & Institutional Consideration

Countries adopting DMA-like regulations must take their own institutional context into consideration, as DMA was also designed upon the institutional setting and assumptions. As Frédéric Jenny stated “[d]igital platform cases are generic and not country specific, that is, the problematic behaviors identified in these cases affect users in the same way everywhere. The same cannot be said of competition authorities’ powers and resources: they are country specific and certainly not the same everywhere.”³⁶¹ Similarly, DMA will also possess “sponge-like” characteristics that could absorb domestic peculiarities and the risk of capture.³⁶² This asymmetry between universal problems and variable capacity has implications for regulatory design. Frameworks built upon assumptions about EU institutions and resources may function differently when transplanted to jurisdictions with weaker enforcement capacity, less regulatory independence, or fewer technical specialists. Otherwise, adopters risk stagnation similar to what has occurred with many transplanted antitrust laws.

There are also governance in the mechanisms of Digital Competition Regulations, that should be discuss in each jurisdiction. For example, Australia highlights in its proposal draft and public consultation on the question about review of decisions, potential cost recover arrangement, exemptions that could be included. This is good practice that should be consider by every drafts and debate among stakeholder. Another area is the third-party enforcement mechanisms, as the DMA has been criticized for excluding meaningful third-party enforcement mechanisms, creating technocratic insularity that could magnified in countries with weaker civil society institutions.³⁶³

Another persistent challenge is ensuring institutional independence and managing corporate influence. The OECD report, recognizing that while corporate engagement can enhance policy relevance, distinguishing legitimate engagement from undue influence remains difficult, particularly as influence mechanisms can be “overt, subtle and strategic.”³⁶⁴ The OECD provide a set of tools for authorities to safeguard against undue influence while preserving beneficial corporate engagement including transparency framework, balanced stakeholder engagement and targeted conflict of interest rules.³⁶⁵ The UK's appointment of a former Amazon executive as antitrust regulator chair illustrates how conflicts of interest can undermine regulatory development legitimacy.³⁶⁶ There are also increase reports on lobbying networks from other region around the world.³⁶⁷ Without

³⁶¹ Julia Anderson, *To regulate or not to regulate: an old age question in the digital age – EBRD*, in *Competition policy in eastern Europe and central asia*. OECD-GVH Regional Centre for Competition in Budapest (Hungary) Newsletter No. 21, January 2023. (“describing regulatory initiative about the proposed measures differ substantially across jurisdictions. A fragmented legislative landscape for platforms...At the OECD, we believe that broad divergence can threaten the effectiveness of new regulatory efforts in this area”)

³⁶² Ariel Ezrachi, *Sponge*, 5 J. ANTITRUST ENFT 49, 49 (2017).

³⁶³ Katalin J. Cseres & Laurens C. de Korte, *Participation of Third Parties in the Public Enforcement of the Digital Markets Act: Between Democracy and Technocracy*, J. ANTITRUST ENFT, 51 (Mar. 6, 2025) (“criticized the lack of formal role of third-party enforcement mechanism in the DMA”)

³⁶⁴ OECD, *Corporate Influence In Competition Policymaking*, No.32 OECD ROUNDTABLES ON COMPETITION POLICY PAPERS (May 19, 2025)

³⁶⁵ OECD, *Corporate Influence in Competition Policymaking: Best Practice Roundtables on Competition*, OECD (June 20, 2025), <https://www.oecd.org/en/events/2025/06/corporate-influence-in-competition-policymaking.html> [<https://perma.cc/8MF7-6XWU>]

³⁶⁶ Paul Sawers, *Coalition ‘Concerned’ over UK Appointing ex-Amazon Exec as Antitrust Regulator Chair*, TechCrunch (Feb. 7, 2025),

³⁶⁷ Vikas Kathuria & Shilpi Bhattacharya, *India’s Think Tanks Double Up as Lobbyists, Give No Disclosures. Hurt Policymaking*, THE PRINT (Nov. 5, 2025), <https://theprint.in/opinion/indias-think-tanks-double-up-as-lobbyists-give-no-disclosures-hurt-policymaking/2777429/> [<https://perma.cc/T4EV-6J4A>];

additional discussion and focus on governance, the customization trends we observe risk creating captured and frameworks that will fail to achieve their stated objectives.

C. International Coordination: Agencies Network and Digital Trade

The future of global digital competition regulation will also be influence at the international level depending on how coordination among enforcement agencies through international organizations and digital trade agreements continues. Influence will shift from rule diffusion toward strategic alliances, coalition-building, regulatory dialogue and capacity-building across jurisdictions.³⁶⁸ In the phase ahead, coordination will increasingly determine whether regimes converge, fragment into regional blocs, or coexist through “interoperable” but non-identical enforcement practices. These strategic alliances may also provide stability and sustain regulatory dialogue under geopolitical pressure.

International organizations will provide essential infrastructure for regulatory discussion and knowledge sharing. The OECD and ICN have facilitated many discussions have been publishing best practice that could influence practice in both policy making and enforcement.³⁶⁹ The OECD and G7's inventory of ex-ante approach rules will also be a trusted source of information to show the different regulatory development, but also could shed further work on enforcement experiences.³⁷⁰ Similarly, UNCTAD that produced reports and model law for small and medium-sized enterprises (SMEs) could be a focal point for many smaller jurisdictions.³⁷¹ BRICS would likely play an increasing role in the knowledge sharing in membership and participating state. Technical assistance from “intermediary jurisdictions” has also contributed to convergence in digital competition regulation, even when the original rules are draft differently.³⁷² Countries that has experience in digital competition regulation, such as Australia, UK, Japan and the EU could provide technical assistance on these matter that could influence how other jurisdiction think and enforce these topic.³⁷³

Trade agreements have not played a role in the diffusion of digital competition regulation and the framing of non-trade barrier of digital competition regulation have provide a deterrence effect. However, digital trade agreements have emerged as powerful tools for the diffusion of digital rules and offer opportunities to enhance regulatory coherence in competition policy, but could also present challenges on regulatory autonomy.³⁷⁴ Amelia Fletcher argues that trade can be both enabling and contrasting

Big Tech’s Tactics: Mapping Thousands of Lobbying Actions, Bills and Lawsuits Across the World, CRIKEY (Sept. 10, 2025), <https://niemanreports.org/big-tech-lobby-agencia-publica-south-america-investigative-journalism/>

³⁶⁸ Maximilian Schlenker, *The Brussels Effect in Retreat: Normative Power in a Regionalized World*, Eur. Governance (Sept. 10, 2025), <https://europeanrelations.com/the-brussels-effect-in-retreat/> [https://perma.cc/49NT-W9WK]

³⁶⁹ OECD, *Recommendations and Best Practices on Competition Law and Policy website*, (April 28, 2023)

³⁷⁰ OECD, *G7 Inventory of New Rules for Digital Markets* (Oct. 2022), submission to the G7 Joint Competition Policy Makers and Enforcers Summit.

³⁷¹ UNCTAD, Harnessing the interaction between Digital Platforms and MSMEs: recommend Best Practices for Digital Platforms (RDP) [https://perma.cc/6FJD-KYGU]

³⁷² Wendy Ng, *From Divergence to Convergence: The Role of Intermediaries in Developing Competition Laws in ASEAN*, J. ANTITRUST ENFT (Sept. 27, 2021)

³⁷³ INTERNATIONAL COMPETITION NETWORK [ICN], LESSON TO BE LEARNT FROM THE EXPERIENCE OF YOUNG COMPETITION Agencies 40 (2019), Timothy T. Hughes et al., *International Technical Assistance: The Federal Trade Commission’s Experience And Challenges For The Future*, in Antitrust in Emerging and Developing Countries 203 (2015 ed. 2015). D. Daniel Sokol & Kyle W. Stiegert, *Exporting Knowledge Through Technical Assistance and Capacity Building*, 6 J. COMPETITION L. & ECON. 233 (2010).

³⁷⁴ See Robert D. Anderson & Peter Holmes, *Competition Policy and the Future of the Multilateral Trading System*, 5 J. INT'L ECON. L. 531 (2002),

factor.³⁷⁵ Trade agreements can facilitate regulatory alignment, promote communication on digital market issues, and enable coordinated enforcement actions. However, they may also constrain regulators' abilities to address critical issues such as data protection and algorithmic transparency, if trade liberalization often takes priority over other policy objectives.³⁷⁶ Moreover, some scholars are now writing on digital trade and it has also appeared in many regional agreements.³⁷⁷

CONCLUSION

This paper has traced the remarkable spread of EU-inspired, ex-ante digital competition regulation and showed why the Digital Markets Act (DMA) has become the default template. A detailed statutory blueprint, the lack of rival models, and growing unease with the dominance of U.S. tech giants together made the DMA an irresistible point of reference for policymakers across the globe. Yet diffusion is not total convergence. From Japan's cautious, sector-specific approach to Brazil's and India's bold attempt at a full-spectrum regime, countries are bending the DMA to fit domestic politics, market structures, and enforcement capacities. Many customized the law with regulatory powers that go well beyond Brussels's original design, legal innovation intended to tailor to the local context and solve local problems, but also risk overreach and administrative stagnation. These national experiments are already reshuffling political coalitions. In South Korea, for example, American platforms and local champions joined forces to resist stricter rules—an alliance that underscores how fluid stakeholder interests in the digital world are shaped by the shifting regulation design and business model. Meanwhile, the very speed of adoption also creates a new coordination puzzle: without stronger cross-border cooperation, fragmented rules give global platforms room to play regulators off one another, especially in smaller economies.

What happens next will determine far more than the future of antitrust doctrine or digital competition regulation, it will shape how societies balance competition, innovation, and sovereignty in the digital age. As legislatures refine and sometimes reinvent DMA-style frameworks, researchers must track not just legal texts but the on-the-ground outcomes they produce. The contestation is no longer a between the US and EU, but a crowded, fast-moving arena in which BRICS powers, and midsized economies alike are trying to introduce the rules of digital competition.

The success or failure of these regulatory efforts will not only shape the future of the competition in digital markets but also decide what kind of internet we inherit: a splintered web of rival regulatory blocs, a streamlined system of shared guardrails, or a shifting patchwork of various playbooks loosely stitched together by soft-law and guidelines. The future of global digital competition regulation remains fiercely contested, and whether geopolitical tensions push states to align or decouple, will determine which of these futures takes hold.

³⁷⁵ Amelia Fletcher, *International Pro-competition Regulation of Digital Platforms: Healthy Experimentation or Dangerous Fragmentation?*, 39 OXFORD REV. ECON. POL'Y 12 (2023).

³⁷⁶ Mira Burri & Kholofelo Kugler, *Regulatory Autonomy in Digital Trade Agreements*, 27 J. INT'L ECON. L. 397 (2024).

³⁷⁷ Mira Burri, María Vásquez Callo-Müller & Kholofelo Kugler, *The Evolution of Digital Trade Law: Insights from TAPED*, 23 World Trade Rev. 190 (2024)

ANNEX I

Annex 1: Countries Criteria for Case Selection

Countries	GDP per capita (state capacity)			Regime (V-dem)		DPA Score Digital Competition Enforcement	
	Classification	Estimate (USD)	Rank	Classification by Lührmann (2018)	Score	Activity	Rank
European Union (EU)	High income	37,150	26 th	Liberal Democracy	-	46	1 st
United States (US)	High income	76,399	7 th	Liberal Democracy	0.82	27	4 th
United Kingdom (UK)	High income	45,850	22 nd	Liberal Democracy	0.84	34	2 nd
Germany	High income	48,433	20 th	Liberal Democracy	0.86	23	5 th
Australia	High income	64,491	10 th	Liberal Democracy	0.86	11	9 th
Japan	High income	33,815	30 th	Liberal Democracy	0.83	12	12 th
South Korea	High income	32,255	30 th	Electoral Democracy	0.81	29	3 rd
China	Upper Middle	12,720	63 th	Closed Autocracy	0.07	16	6 th
Brazil	Upper Middle	9,460	76 th	Electoral Democracy	0.68	8	16 th
Turkey	Upper Middle	10,616	71 th	Electoral Autocracy	0.28	15	7 th
India	Lower Middle	2,389	140 th	Electoral Autocracy	0.40	14	8 th
Russia	Upper Middle	15,345	59 th	Electoral Autocracy	0.21	10	14 th
South Africa	Upper Middle	6,777	92 th	Electoral Democracy	0.69	6	17 th
Thailand	Upper Middle	6,909	90 th	Closed Autocracy	0.21	-	-

Source: [World Bank GDP per capita 2022](#), [V-dem](#) 2022 electoral democracy, Classification Regime of the world 2021. Digital Policy Alert.²³⁰ [ideas to improve rearrange the countries based on GDP or DPA score]

A Theoretically Informed Sampling. – Using the Data From (Annex 1)

Classification	Regime	Countries
High Income (High Capacity)	Liberal Democracy	Leading Model: European Union (EU), United States (US) Others: Germany, United Kingdom (UK), Australia, Japan
	Electoral Democracy	South Korean
	Electoral Autocracy	None
	Closed Autocracy	China*
Middle Income (Moderate Capacity)	Liberal Democracy	None
	Electoral Democracy	Brazil, South Africa
	Electoral Autocracy	Turkey, India, Russia
	Closed Autocracy	Thailand
	Closed Autocracy	Others

ANNEX II

Annex II: Website, Database and Trackers on Global Digital Competition Regulation.

Year	Author/Article	Methods/Metrics Tracking Development	Coverage & #Countries
2025	Shaping Competition in the Digital Age (SCiDA)	Articles, blogs, podcast and commentaries on Germany, UK and EU. Database covering Germany, UK and EU.	[Active] 3+
2025	Ronan Murphy (CEPA), Mapping the Brussels Effect. ³⁷⁸	Metric: Discussion, Proposed and Adopted. Methods: Global Map and short case studies	March 2025 26
2024	Kati Suominen (CSIS), The Spread of DMA-Like Competition Policies Around the World. ³⁷⁹	Metrics: Law, Bill/draft regulations/guideline, Study plan and No study yet but indication of interest. Global Map, Elements and key theme, Firms that likely be target, Fines	July 2024 16
2025	International Center for Law and Economics (ICLE), Digital Competition Regulation Around the world series.	Articles, blogs, public consultation comments grouped by theme and country specific.	2021-2026 [active] 10+
2025	Megan Kirkwood, Digital Markets Act Roundup Series ³⁸⁰	Monthly commentary on DMA developments, with observation on another jurisdiction.	Monthly 2024-2025 [active] 1+
2025	Digital Policy Alert Threads: The Digital Market Framework. ³⁸¹ Threads: Enforcement of the Digital Market Act. ³⁸²	Metric: activities under deliberation, under investigation, adopted, in force and conclude. Track policy activities overtime, especially national implementation, with map and list.	2020- 2025 [active] 27
2025	Information Technology & Innovation Foundation (ITIF) Aegis Project Policy Analyst. ³⁸³	Track policy that effects US platforms, filter by reason, type of policy and status (win, loss, TBD)	[active] +
2025	Kluwer Competition Law Blog ³⁸⁴	Articles on various jurisdiction.	2019-2025 [active] +
2025	Digital Policy Alert Threads: Competition Enforcement in the Digital Economy. ³⁸⁵	Track policy activities overtime, especially enforcement cases and list, with map and list. 609 Changes in 60 countries	2010-2025 [active] 60

³⁷⁸ Ronan Murphy, *Mapping the Brussels Effect: European Union Digital Regulations Are Spreading Across the Globe*, CEPA (Mar. 19, 2025), <https://cepa.org/comprehensive-reports/the-brussels-effect-goes-global/> [https://perma.cc/ERX3-33F6]

³⁷⁹ Kati Suominen, *The Spread of DMA-Like Competition Policies Around the World: Current State, Concerning Elements, and Discrimination Against U.S. Businesses*, CSIS, (July 9, 2024), <https://www.csis.org/analysis/spread-dma-competition-policies-around-world> [https://perma.cc/T4FF-93T5]

³⁸⁰ Megan Kirkwood, Digital Markets Act Roundup: March 2025, TECH POLICY PRESS (Apr. 8, 2025), <https://www.techpolicy.press/digital-markets-act-roundup-march-2025/> [https://perma.cc/26BG-26QR]

³⁸¹ Digital Policy Alert, The Digital Market Framework, <https://digitalpolicyalert.org/threads/Digital-Markets-Act-legal-framework> (last visited Sept. 24, 2025).

³⁸² Digital Policy Alert, Competition Enforcement in the Digital Economy, <https://www.digitalpolicyalert.org/competition-enforcement-in-the-digital-economy> (last visited Sept. 24, 2025).

³⁸³ <https://itif.org/publications/knowledge-bases/big-tech/>

³⁸⁴ Kluwer Competition Law Blog, <https://competitionlawblog.kluwercompetitionlaw.com/>.

³⁸⁵ Digital Policy Alert, Competition Enforcement in the Digital Economy, <https://digitalpolicyalert.org/threads/competition-enforcement-in-the-digital-economy>