Knight Georgetown Institute

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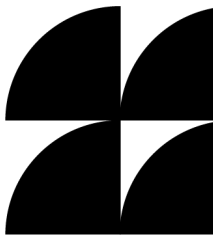
Designing the Technical Committee for the United States v. Google Search Antitrust Remedy

A Blueprint for Effective Implementation



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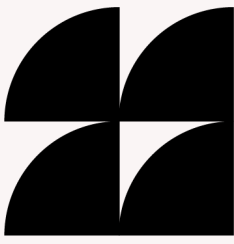
About the Knight-Georgetown Institute

The Knight-Georgetown Institute (KGI) is dedicated to connecting independent research with technology policy and design. KGI serves as a central hub for the growing network of scholarship that seeks to shape how technology is used to produce, disseminate, and access information. KGI is designed to provide practical resources that policymakers, journalists, and private and public sector leaders can use to tackle information and technology issues in real time. Georgetown University and the Knight Foundation came together to launch the institute in 2024. Learn more about KGI at https://kgi.georgetown.edu.



Executive Summary

In December 2025, the U.S. District Court for the District of Columbia ordered remedies in the *U.S. v. Google* search antitrust case. The remedy order includes technical measures designed to promote competition in online search, requiring Google to share data and license its technology to competitors, among other provisions. Implementing and enforcing these obligations will require technical expertise and robust monitoring mechanisms to ensure compliance and effectiveness over time.

To support the implementation of the remedies, the Court mandated the creation of a Technical Committee (TC), an independent body of experts. While both Google and the Plaintiffs have appealed the Court's rulings, the creation of the TC is proceeding. A similar TC was instrumental in the successful implementation of remedies in the *U.S. v. Microsoft* antitrust case two decades ago.

As a nascent technical body, the TC will be grappling with a range of novel responsibilities as well as questions related to governance, staffing, external engagement, technology fundamentals, and market dynamics. This report provides a practical blueprint for the formation, structure, and operation of the TC. It is designed to serve as a resource for the TC, the Court, the litigants, and other stakeholders with an interest in ensuring that the TC is crafted to most effectively serve the goals of the remedial order.

Drawing on insights from independent researchers and industry experts, the blueprint describes the key elements of a successful TC:

Expertise, staffing, and resources. The TC's responsibilities demand expertise spanning software and AI engineering, privacy and security, business analysis, product management, and law. To maintain operational flexibility and avoid delays, the TC should function like a small, technically sophisticated organization, supported by a predictable annual budget rather than relying on case-by-case funding approvals that could impede timely implementation.

Clear procedures for engagement with QCs and third parties. The TC must engage systematically with Qualified Competitors (QCs) and other affected stakeholders in order to reduce information asymmetries. This requires clear complaint and dispute resolution procedures with standardized submission channels, indicative timelines (with disputes lasting beyond 30 days treated as presumptively problematic), and escalation pathways to the Court when delays are attributable to Google. QCs will need robust protections against retaliation in order to engage candidly.

Proactive monitoring grounded in technical verification and market outcomes. The TC should implement proactive, technically-grounded compliance oversight rather than waiting for problems to surface. Key elements of such oversight include regular data reporting from Google's Compliance Officer covering QC access timelines, data volumes, latency, complaint logs, and syndication

performance; pre-deployment testing of compliance mechanisms before they are formally adopted; and clear benchmarks and key performance indicators to assess ongoing compliance.

Licensing frameworks that preserve competitive utility. The TC has a formative role to play in crafting the licensing frameworks envisioned in the remedial order. Shared user data must be priced at marginal cost, delivered frequently to ensure freshness, and include rich query metadata, all while utilizing robust privacy safeguards. Syndication licenses for both search results and search text ads must guarantee parity in latency and performance with Google's own products and provide competitors with meaningful negotiation flexibility.

Preparedness for a contested implementation environment. Prior enforcement experience under European competition law suggests that Google has incentives to resist remedial measures by exploiting procedural ambiguities and adopting formally compliant but suboptimal designs. The TC will need to act proactively to detect strategic noncompliance before it becomes widespread.

The Google TC can draw vital lessons from how the Microsoft TC navigated technical challenges. The Microsoft TC succeeded largely because it maintained deep access to Microsoft's organizational and technical infrastructure, including an on-site presence at its offices, the ability to interview employees and access source code, and the authority to test products. The Microsoft TC played an indispensable role in resolving technical uncertainties and translating broad decree language into quantifiable compliance benchmarks.

Ultimately, a well-structured and fully empowered TC is essential to achieving procompetitive outcomes in online search. Operationalizing the TC as described in this blueprint will be key to realizing the benefits of the remedies.

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I. Introduction

Following the landmark ruling in the *U.S. v. Google* search antitrust case, which found that Google had illegally maintained monopolies in both general search and search text advertising,[1] U.S. District Court Judge Amit P. Mehta issued his Final Judgment in December 2025 outlining the required remedies.[2] The decision imposed a set of behavioral measures aimed at lowering barriers to entry, including requirements for Google to share its search index and user-interaction data, as well as to syndicate key aspects of its technology. It also called for the creation of a Technical Committee (TC), an independent body of experts responsible for supporting remedy implementation and compliance.

The formation of a robust TC is a critical step in the effective implementation of these remedies. The TC is envisioned as a body responsible for translating high-level legal obligations into concrete, functional technical requirements, as well as continuously monitoring compliance to ensure the remedies achieve their intended effect. The systems involved are likely to be complex, and the implementation environment is likely to be contested. Drawing on insights from the *U.S. v. Microsoft* antitrust case as well as lessons from competition enforcement abroad, this report provides a practical blueprint for the formation, structure, and operation of the TC, informed by insights from independent researchers and industry experts.

While Google and the Plaintiffs have appealed the Court's liability and remedies rulings,[3] they have not sought to stay the preparatory work associated with implementing the remedies.[4] The TC can and should be fully formed and equipped to execute its responsibilities while the appellate review process proceeds in parallel. This will prepare the technical and oversight systems necessary for implementation once Google's obligations take effect.

Shortly after the Court's Remedy Opinion was issued,[5] in October 2025, the Knight-Georgetown Institute (KGI) convened experts at the *Future of Search Competition Workshop 2025* to discuss implementation of the remedies. Participants coalesced around the TC as a key vehicle for facilitating effective implementation of the Final Judgment. Although this blueprint was shaped by the views of workshop participants, the content of the blueprint represents the views of KGI and the blueprint contributors alone. The content of the blueprint should not be attributed to individual participants, who may or may not agree with some or all of the views expressed herein. The list of workshop participants is included in the appendix.

This blueprint is intended to serve as a resource for the TC, the Court, the litigants, competitors, and others affected by the remedies. It describes the structural features necessary for the TC to succeed:

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[1] United States District Court for the District of Columbia, "Memorandum Opinion" (hereafter "Google Liability Opinion").
[2] United States District Court for the District of Columbia, "Final Judgment" (hereafter "Google Final Judgment").
[3] See Colorado et al., "Plaintiff States' Notice of Cross-Appeal"; Google, "Notice of Appeal"; United States Department of Justice et al., "Notice of Cross-Appeal."
[4] See Google, "Memorandum of Points."
[5] United States District Court for the District of Columbia, "Memorandum Opinion" (hereafter "Google Remedy Opinion").

sufficient expertise, staffing, and resources; clear procedures for engagement with QCs and third parties; proactive monitoring grounded in technical verification and market outcomes; licensing frameworks that preserve competitive utility rather than nominal access; and preparedness for a contested implementation environment. The collection of these elements will be necessary for remedial enforcement to yield real rather than illusory benefits.

The blueprint is organized as follows. Sections II and III outline the TC's key roles, staffing, and resource needs. Section IV sets out processes for engagement with QCs, third parties, and the Court. Section V makes the case for proactive monitoring and the operational tools needed in practice. Section VI outlines key principles for data-sharing and syndication template licenses. Section VII explores the lessons of European enforcement to the compliance setting. Section VIII contextualizes the blueprint's insights within the history of the *Microsoft* remedy. Section IX concludes the blueprint.

II. Personnel

As with any new organization, the most consequential decisions to be made at the TC's founding are personnel decisions. The people hired as TC members, staff, and consultants will determine whether it is capable of successfully carrying out its remit. Staffing choices will directly affect the TC's ability to detect strategic noncompliance, interrogate technical claims, and resolve disputes.

This section provides recommendations for the composition of the TC and the structure of its resourcing needs, informed by practical experience in technical oversight and investigatory roles, as well as on the historical experience of the Microsoft TC. The analysis proceeds from the premise that the TC should function as an expert operational body, not merely an advisory panel.

A. Expertise and Skills

The TC will need to be populated by members, staff, and consultants with significantly varied expertise and backgrounds. The TC has a diverse array of responsibilities (hereafter referred to as the five "core responsibilities") that span (1) qualification and recertification of QCs, (2) oversight of user data sharing, (3) implementation of search syndication, (4) implementation of search text ads auction transparency and syndication, and (5) general support for compliance.[6] No single discipline is sufficient to execute these functions.

The TC's responsibilities also require expertise beyond what the Court has ordered for the TC members themselves. The Court has stipulated that "TC members shall be experts in some combination of software engineering, information retrieval, artificial intelligence, economics, behavioral science, and data privacy and data security."[7] This requirement closely mirrors the criteria used in the selection of the Microsoft TC, which demanded "experts in software design and programming."[8] The

[6] United States District Court for the District of Columbia, "Google Final Judgment."
[7] Ibid., § VII.A.2.
[8] United States District Court for the District of Columbia, "Final Judgment" (hereafter "Microsoft Federal Final Judgment"), § IV.B.2.

five TC members will need to hire staff and consultants to ensure that the requisite depth of expertise is present on the committee across these competencies as well as the domains listed above. Including only a subset of these will leave the development and oversight of the remedy provisions subject to uneven implementation.

Staffing needs will also change over the course of the remedy period. Several of the TC's obligations, such as certification, frameworks, template license development, and initial system assessment, will require intensive effort during the early phase of the remedy period. Other responsibilities, including monitoring, auditing, and dispute resolution, will persist throughout the duration of the Final Judgment. As in the Microsoft TC, staffing levels and skill composition should therefore be expected to fluctuate in response to implementation demands rather than remain static.[9]

Looking broadly across the TC's core responsibilities, the TC requires collective expertise across the following domains:

Technology	Software and systems engineering
	Artificial intelligence
	Information retrieval
	Security and privacy engineering
Business	Business analysis
	Product management
	Corporate strategy
Law	Business law
	Contract law
	Privacy and consumer protection law
Social science	Economics
	Behavioral science

[9] United States District Court for the District of Columbia, "Memorandum Opinion" (hereafter "Microsoft Extension Opinion"), 29-40.

B. Software, Systems, and AI Engineering

As a technical body, the TC will obviously require the inclusion of software, systems, and AI engineering experts. Hands-on engineering expertise (not merely engineering management or product expertise) will be vital for the TC to be able to generally evaluate Google's claims about technical feasibility and its justifications for carrying out its remedial obligations in certain ways.[10] In the Microsoft remedy, engineering expertise was essential to assessing the technical feasibility of remedies and setting quantifiable benchmarks for compliance.[11] The Google TC will similarly need technical experts with domain knowledge of search and ads (ideally with specific knowledge about the mechanics of syndication), as well as AI-related techniques (such as grounding and fine-tuning) in order to be able to resolve disputes and investigate complaints that may arise from different kinds of competitors affected by the remedies.

The TC has also been tasked with specific functions that require engineering expertise:

- **Recommending user-side data-sharing frequency:**[12] The Court will consult with the TC to determine the frequency of user-side data sharing. Providing the Court with sound advice requires an understanding of how user-side data is or could be used in search and AI products, since the frequency of data sharing will impact the utility of the data towards the goals of the remedy order.

- **Determining that data sharing is fully functional:**[13] The TC is tasked with supporting the Plaintiffs to ensure that the user-side data-sharing mechanism and safeguards are fully functional, which may require developing manual or automated tests and benchmarks. As described below, this was a key function of the Microsoft TC during implementation of that case's interoperability remedy.

- **Determining QCs' compliance with syndication query share:**[14] The TC will help establish methods for measuring whether the share of QCs' syndicated query results complies with the tapering rate. Given that this is not something commonly measured today, the TC would benefit from engineering experts who can propose and/or implement measurement systems, or assess proposals from QCs about how these shares are to be measured.

[10] Himes et al., "Antitrust Enforcement and Big Tech," 82.
[11] Ibid., 82.
[12] United States District Court for the District of Columbia, "Google Final Judgment," § IV.B.2.
[13] Ibid., § IV.C.1.
[14] Ibid., § V.B.5.

C. Security and Privacy

The TC will need to have at least two different categories of security and privacy expertise. First, in evaluating QCs, the TC will need to engage in traditional security compliance functions, including recommending reasonable data security standards, conducting security and privacy audits, and establishing procedures for (re)certification. These functions require knowledge of industry best practices and hands-on experience with audits and certification, as is typically found in information security and compliance teams. The bulk of this work will likely involve the straightforward application of existing security and privacy standards and frameworks to QCs.[15]

Second, oversight of user-side data sharing will require a different form of expertise. The TC will need experts who understand the formal methods and mathematical frameworks needed to define and test privacy properties and guarantees, and how they can be practically applied. These privacy experts should also be in a position to provide valuable input about which purpose limitations to embed in data-sharing licensing agreements[16] and the limitations Plaintiffs can impose on the information Google shares with QCs about dataset construction.[17]

D. Business Knowledge and Analysis

Business analysis and product knowledge will be essential across all five core responsibilities. Individuals with experience in these areas should be included to complement the Court's requirement for economics and behavioral science expertise among the members. The tasks described below require individuals with knowledge of the competitive landscapes and trajectories of the relevant markets, with the ability to assess or develop plans in the way that a business analyst, corporate strategist, or product leader would:

- **Qualifying competitors**:[18] Assessing the sufficiency of QCs' plans to invest and compete in or with the search and search text ads markets requires the ability to do rigorous assessments of business plans in light of market dynamics, while avoiding unnecessary procedural barriers to participation.

- **Data sharing**:[19] Advising the Court about the number and frequency of disclosures of user-side data requires an understanding of the utility of user-side data across a variety of search and AI products. Product leads or managers with relevant experience may be well-suited for this role (in addition to engineers, as described below).

[15] See, e.g., American Institute of Certified Public Accountants, "SOC 2"; Center for Internet Security, "CIS Critical Security Controls"; International Organization for Standardization, "ISO/IEC 27001"; National Institute of Standards and Technology, "The NIST Cybersecurity Framework 2.0"; National Institute of Standards and Technology, "NIST SP 800-53"; MITRE, "ATT&CK."
[16] United States District Court for the District of Columbia, "Google Final Judgment," § IV.C.3.
[17] Ibid., § IV.C.2.
[18] Ibid., § IX.V.
[19] Ibid., § IV.

- **Search syndication**:[20] Assisting with the development of a tapering rate for the proportion of QCs' queries that may be syndicated would benefit from an understanding of how syndication affects product quality and firms' choices about how to compete.

- **Search text ads auctions and syndication:**[21] Reviewing ad auction changes and syndication agreement terms requires an understanding of how Google's conduct affects advertisers' incentives, publishers' ability to monetize their content, and the competitive prospects of alternative ad platforms. These are not purely technical questions; they require business judgment grounded in experience with real-world products and markets.

E. Business, Contract, and Privacy Law

The TC is tasked with supporting the development of three template licenses governing user-side data sharing, search results syndication, and search text ads syndication.[22] While substantive engineering and product knowledge related to these domains will be important to developing the templates, legal expertise derived from having developed contracts governing similar arrangements in the market is equally critical. The structure and wording of license terms will shape operational realities, risk allocation, and the incentives of both Google and QCs, and will also influence downstream outcomes, including the user search experience and the distribution of value among advertisers and publishers.

Experienced product, contract, and privacy lawyers would bring valuable knowledge about how specific provisions affect enforceability, and downstream business decisions. Their involvement will help ensure that license templates are neither so vague that they invite strategic evasion nor so rigid that they deter participation or innovation.

F. Leadership and Cross-Cutting Expertise

Much of the TC's work could be naturally divided into discrete projects aligned with each of its core responsibilities. However, several of these projects share similar requirements or objectives: establishing audit processes, creating license templates, and taking an investigatory approach to complaints. If the TC organizes itself into project teams assigned to each core responsibility, the TC leadership should also create opportunities for individuals working on these cross-cutting topics to collaborate and learn from one another. Cross-committee collaboration on these topics will also help to ensure that the implementation of common requirements is streamlined for both QCs and Google.

Prioritizing individuals with investigatory experience would be useful across the board. Beyond the TC's discrete tasks specified in the remedy order, the TC will be called on to respond to complaints and assess compliance by both Google and QCs. It will be the expert body with the technical tools and access to investigate a wide variety of potentially open-ended matters that may arise during the

[20] Ibid., § V.
[21] Ibid., § VI.
[22] Ibid., § IV.C.3, V.B.11, VI.B.12.

remedy period. The TC should therefore include individuals who have operated in investigatory roles in public service, consulting, research, or internally at technology firms.

Perhaps the TC's most important task will be building trust with the Court. The TC chair will need to prioritize responsive and authoritative communication with the Court, demonstrating consistently and clearly the soundness of the TC's guidance and decisions. In the Microsoft case, the TC's service built trust and streamlined enforcement through close coordination and communication with the Court. The Microsoft TC offered an up-to-date perspective through regular reports on the progress of remedy implementation,[23] and was able to flag ongoing challenges or compliance issues.[24]

G. Confidentiality and the Burden on Institutional Expertise

The Final Judgment imposes strict confidentiality requirements on TC members and staff, including a prohibition on public statements regarding TC activities.[25] These provisions mirror those applied to the Microsoft TC.[26]

Confidentiality necessarily limits external scrutiny and the development of a public record regarding remedy implementation. Unlike typical regulatory regimes, where transparency can supplement institutional capacity, the TC will operate largely outside public view. As a result, accountability will depend heavily on the quality, clarity, and credibility of the TC's internal analysis and reporting to the Plaintiffs and the Court.

This structure places heightened importance on personnel choices. The TC should be staffed with individuals capable of independently evaluating technical systems, data disclosures, and design choices, and of clearly characterizing the completeness and effectiveness of Google's compliance efforts. Where public oversight is constrained, the TC's internal expertise and judgment become the primary safeguards against ineffective or superficial compliance.

III. Resourcing

The TC's ability to fulfill its mandate will depend not only on who is appointed, but on whether it is adequately resourced and afforded sufficient operational flexibility. Given the breadth of responsibilities outlined in Section II, resource constraints would directly translate into enforcement constraints. A technically complex remedy cannot be implemented effectively by an institution that must ration expertise, delay investigations, or seek approval for routine operational decisions.

The Final Judgment appropriately recognizes this reality by granting the TC broad investigatory powers, including access to source code, algorithms, documentation, data, personnel, systems,

[23] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.B.8.e.
[24] Ibid., § IV.B.8.f.
[25] United States District Court for the District of Columbia, "Google Final Judgment," § VII.A.8.
[26] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.B.9.

equipment, and facilities.[27] It further requires Google to fund all staff and consultants "reasonably necessary" for the TC to carry out its duties, subject to approval by the Plaintiffs.[28] These provisions establish a strong foundation, but their effectiveness will turn on how they are operationalized in practice.

The TC should be resourced at a level commensurate with the scale and complexity of the remedies it is charged with implementing. The appropriate benchmark is not a traditional advisory body, but a small, technically sophisticated organization capable of sustained investigations and compliance processes. Individuals involved in the *Microsoft* remedy have described the TC in that case as functioning like a small company[29]–a comparison that is instructive here.

To operate effectively, the TC will require a predictable annual budget with sufficient flexibility to respond to emerging issues. Investigations into potential noncompliance, particularly those involving technical systems or data pipelines, often cannot be anticipated in advance and may require rapid deployment of specialized expertise. Requiring case-by-case budget approvals for personnel changes or investigative initiatives would risk delay and undercut the TC's ability to respond proportionately to resistance or evasion.

Flexibility can be preserved through high-level budget envelopes and periodic reporting to the Plaintiffs and the Court, rather than granular ex ante approvals. This balance mirrors the approach taken in the *Microsoft* case, where the Court directed that TC members serve at the defendant's expense and that reasonably necessary staff and consultants be funded without imposing procedural bottlenecks that would impede implementation.[30]

IV. External Engagement

Effective implementation of the Final Judgment requires more than monitoring Google's formal compliance. Because remedies operate through changes in market behavior, the TC should engage systematically with firms and stakeholders affected by the remedies[31] in order to assess whether they are functioning in practice. Experience from prior remedies demonstrates that without disciplined processes for external input, oversight bodies risk becoming dependent on the representations of the regulated firm itself. External engagement is therefore not ancillary to enforcement; it is a core mechanism through which the TC can reduce information asymmetries, detect circumvention, and avoid potential capture. The TC should structure its engagement to ensure that information flows are timely, reliable, and protected from retaliation.

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[27] United States District Court for the District of Columbia, "Google Final Judgment," § VII.
[28] Ibid., § VII.A.7.i.
[29] Schnell, "Frequently Asked Questions."
[30] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.B.8.h, IV.B.8.i.
[31] United States District Court for the District of Columbia, "Google Final Judgment," § IX (defining "third-party browser" as any browser not owned by Google, "third-party GenAI product" as any GenAI product not owned by Google, and "third-party general search service" as any web search service with the same or similar functionalities as Google Search that is not owned by Google).

A. Engagement with QCs

For the TC to effectively provide expert assistance in enforcing the Final Judgment, QCs and other impacted stakeholders will be among the best-positioned sources of information about whether data-sharing and syndication obligations are working as intended. QCs have direct incentives to identify implementation failures, discriminatory treatment, and design choices that undermine the remedies' competitive objectives. At the same time, engagement with QCs and other impacted stakeholders must be structured to minimize delay, avoid excessive burdens, and protect against retaliation.

1. Clear Procedures and Escalation Pathways

The TC should establish clear procedures and escalation pathways governing its interactions with QCs, including (re)certification, complaint handling, dispute resolution, and escalation. QCs must understand what information is required, how it will be evaluated, when decisions will be made, and how adverse determinations can be challenged. It is essential that the TC avoid becoming a "black box" and instead adopt transparent decision-making and explanations of major outcomes. Lack of systematic dialogue and opacity in how stakeholder input is utilized can present significant implementation obstacles.[32] Over time, opacity may also discourage QCs from engaging with the TC, undermining the information flows necessary for effective oversight.

QCs must be able to submit confidential information to the TC without fear that it will be shared with Google. Conversely, when Google takes actions that affect QC access, such as denying, conditioning, or delaying data sharing or syndication, Google should be required to substantiate those decisions with technical and economic evidence that the TC can evaluate based on a complete record.

2. Streamlined Complaint and Dispute Resolution

Time and resources spent working with the TC and negotiating with Google entail significant opportunity costs for rivals. To prevent such delay from becoming a barrier to participation, the TC should implement streamlined yet robust complaint and dispute processes for QCs and other impacted stakeholders. These processes should be designed to capture essential information, minimize unnecessary documentation, and ensure that disputes are resolved expeditiously.

The TC should establish standardized complaint forms and submission channels (for example, a secure web portal and dedicated email) that enable QCs to describe the issue and provide supporting materials. QCs should further have the ability and opportunity to provide additional evidence, technical specifications, or remedy proposals at any stage.

On receipt of a complaint, the TC should promptly acknowledge the complaint and communicate a triage timeline, including whether the matter will be handled through informal engagement, formal investigation, or immediate escalation. In the *Microsoft* case, the TC played a leading role in investigating complaints, kept the Plaintiffs apprised of its work, and collaborated closely with the Compliance Officer to facilitate a response or resolution when possible from Microsoft.[33]

[32] Feasey and Monti, *DMA Process and Compliance*.
[33] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.

Drawing on the *Microsoft* experience, the TC should establish indicative resolution timelines and treat periods longer than 30 days for core operational disputes as presumptively problematic absent strong justification. Where delays are attributable to Google and impede the remedy's objectives, the TC should document the impact and recommend to the Plaintiffs that they seek appropriate relief from the Court. In cases of pervasive delay, this may include recommending that the Court consider extending the remedial period to compensate for lost time.

Beyond individual complaints, the TC should actively aggregate and classify submissions to identify patterns of conduct. The TC's periodic reports to the Plaintiffs[34] should include anonymized and aggregated summaries of complaint patterns. This analysis should inform both the TC's ongoing monitoring priorities and any recommendations to refine or strengthen the remedy.

B. Multistakeholder Forums and Ongoing Dialogue

Bilateral case handling alone is insufficient to surface broader implementation challenges. As such, the TC should create structured opportunities for systematic dialogue with QCs, independent experts, and other stakeholders to identify recurring implementation problems and broader market trends. These forums may be useful for surfacing cross-cutting issues that do not appear clearly when disputes are viewed in isolation. They can also serve as opportunities for the TC to learn from a broader array of independent experts than those among its members, staff, and contractors.

Specifically, the TC should convene regular, non-public workshops and working groups, chaired by TC staff, with agendas set by the TC but informed by QCs and other relevant participants.

Obligation-specific working groups can focus on issues such as data formats, API specifications, privacy safeguards, and testing methodologies, while rapid-response forums can be used to address emerging problems when multiple firms raise similar concerns. Coordinated submissions by groups of QCs facing common obstacles should be encouraged, both to reduce duplicative effort and to give the TC a clearer picture of systemic issues. These workshops are conceptually similar to the review sessions regularly sponsored by the Microsoft TC[35] as well as the private, company-specific EU Digital Markets Act (DMA) compliance workshops convened by the European Commission in recent years.[36]

These engagements should remain narrow enough to support concrete solutions to specific implementation problems, yet broad enough to inform the TC's assessment of whether the remedies are promoting competition. In this way, the TC can connect granular implementation work with

[34] United States District Court for the District of Columbia, "Google Final Judgment," § VII.A.7.f (requiring reporting every three months for three years, and thereafter every six months until expiration of the Final Judgment).
[35] Himes et al., "Antitrust Enforcement and Big Tech," 81.
[36] For example, the European Commission organized a Google DMA compliance workshop held in 2024 to surface concerns and inform subsequent European Commission investigations. See European Commission, "Alphabet DMA compliance workshop." The broader public DMA compliance workshops, which have provided minimal opportunities for meaningful discussions of concerns, need not be replicated.

high-level indicators of whether competition is being restored in the search and search text ads markets.

C. Confidentiality and Protection against Retaliation

Robust confidentiality and protection against retaliation are non-negotiable prerequisites for meaningful external engagement. Concerns about exposure of sensitive information or commercial retaliation would severely chill the candid input from QCs, third parties, and experts on which the TC relies. To ensure it receives high-quality, unvarnished information about how remedies operate in practice, the TC should establish and enforce clear, cross-cutting protective protocols.

All submissions from external entities must be treated as confidential by default. They should only be disclosed to Google or its external advisors when strictly necessary to investigate a specific issue, and even then subject to robust safeguards, the ability to redact content, and, where feasible, the submitter's prior consent. The TC should establish protocols allowing for anonymous complaints and the aggregated reporting of systemic concerns to Google, protecting the identity of individual firms while ensuring patterns of noncompliance are surfaced. For in-depth technical collaborations, interactions should be governed by NDAs or similar frameworks. Participation in any TC-convened forum must not require public disclosure of a participant's specific problems or business strategies; these must be safe spaces for problem-solving.

D. Engagement with the Court

Finally, the TC should maintain a direct and transparent relationship with the Court. The TC should endeavor to keep the Court abreast of developments and challenges during implementation of the remedies and escalate disputes to the Court's attention in real time as needed. A key step will be regularly sharing joint status reports with the Court documenting implementation in detail, including updates from enforcers, Google, and relevant QCs. This best practice was employed by the Microsoft TC, which contributed to status reports every three and later every six months, helping to streamline enforcement and build trust with the Court.[37]

[37] See, e.g., United States Department of Justice et al., "Joint Status Report" (October 19, 2005); United States Department of Justice et al., "Joint Status Report" (June 19, 2007); United States Department of Justice et al., "Joint Status Report" (August 7, 2009); United States Department of Justice et al., "Joint Status Report" (January 14, 2011).

V. Ensuring Compliance

Effective oversight cannot rely solely on formal reporting or episodic review. Monitoring must be proactive and technically informed, and grounded in empirical verification of market outcomes. This section sets out the principles and key activities that must guide the TC's compliance work, which encompasses its oversight of both Google's fulfillment of its obligations and QCs' adherence to the terms of their access and use.

A. Proactive Monitoring

QCs have strong reasons to ensure that both data sharing and syndication function as intended, whereas Google is incentivized to minimize the impact of these obligations in the market. This asymmetry militates toward a monitoring strategy that prioritizes proactive oversight of Google's conduct.

Proactive monitoring is also likely to create efficiencies. Continuous oversight incentivizes timely completion of required projects and lowers the likelihood of successful noncompliance. Early engagement by the TC can surface implementation challenges before they are formalized and shared with QCs, reducing the need for enforcement proceedings and intervention by the Court later.[38] This approach mirrors practices adopted by the Microsoft TC.[39]

B. Data-Reporting and Maintenance Requirements

The TC should establish data-reporting and maintenance requirements and ensure this is a core responsibility of Google's internal Compliance Officer.[40] A recurring pattern in interactions with large technology firms is to claim that they "do not keep this data" when such information could demonstrate noncompliance or otherwise support the interests of rivals. The TC should proactively close this loophole.

A key priority should be regularly obtaining information from Google to establish basic facts about compliance with the Final Judgment. This responsibility should be handled by Google's internal Compliance Officer, whom the Final Judgment charges with ensuring that Google retains all relevant documents related to the remedies and all complaints and responses.[41]

To facilitate status reports to the Court, the TC should require regular reporting every 60 or 90 days from Google's Compliance Officer to ensure feedback can be incorporated in advance of any

[38] Himes et al., "Antitrust Enforcement and Big Tech," 77.
[39] United States Department of Justice et al., "Joint Status Report" (October 19, 2005); United States Department of Justice et al., "Joint Status Report" (June 19, 2007); United States Department of Justice et al., "Joint Status Report" (August 7, 2009); United States Department of Justice et al., "Joint Status Report" (January 14, 2011).
[40] United States District Court for the District of Columbia, "Google Final Judgment," § VII.A.7.c.
[41] Ibid., § VII.B.4.

deadlines established for reporting to the Court. Data categories that will be especially relevant to remedy compliance including the following:

Transactional Data

- The list of QCs both applying for and obtaining user-side data, index data, syndicated search results, and/or syndicated search text ads.
- Pricing information to the extent licensing terms differ in price based on which feeds or search modules are shared and/or syndicated.
- A checklist of "access steps" required of each individual QC to avail itself of data sharing and syndication.
- For each request, the date of (a) the QC's initial contact, (b) proposed agreement with the QC, (c) executed agreement, and (d) flow of user-side data and/or syndicated results to the QC.
- The number of times user-side data has been shared with QCs over a given reporting period.
- Information about the latency, reliability, and performance (e.g., transfer speeds and error rates) of data sharing sufficient to determine whether Google is meeting its performance obligations.
- The volume and size of user-side data shared with QCs, including:
    - A description of the method used to anonymize the user queries and prevent re-identification or linking queries back together,[42]
    - The percentage of distinct queries not included in the dataset, and
    - A description of the metadata shared for each query.
- Complaints submitted to Google by QCs:
    - The number of complaints submitted and a brief description of each complaint, and
    - The date upon which each complaint was filed, the status of each complaint, and the date that each complaint was resolved.
- The list of QC license violations identified by Google, including breaches of data-sharing and syndication agreements.

Syndication data

- The types of data syndicated to each QC.
- The frequency and nature of technical performance issues with Google's syndication services (e.g., downtime, latency, and bugs).
- The query volumes syndicated to each QC (in comparison to Google's syndication with non-QC partners).
- The queries for which QCs requested syndicated results.
- Data necessary to compare the latency, error rates, and result completeness across syndicated responses for identical queries.
- The frequency and nature of changes to search text ads auctions.

[42] For purposes of compliance verification, this description should include sufficient technical detail to allow the TC to evaluate whether anonymization techniques meaningfully reduce re-identification risk while preserving statistical properties necessary for representative sampling of queries and associated metadata. This may include documentation of aggregation thresholds, noise-injection techniques, hashing or tokenization methods, and safeguards against query linkage over time.

- Information about what QC data is shared with Google and how Google has implemented any mechanisms to minimize its access to QC data.

Systematic collection and analysis of these information categories will enable the TC to assess whether Google is complying in substance as well as form and whether the remedies are functioning as intended.

C. Benchmarks and Procedural Requirements

The TC should establish compliance benchmarks and procedural requirements that eliminate delay and clarify expectations. These benchmarks should be structured such that Google bears the burden of demonstrating that it is meeting its obligations, rather than placing the onus on QCs or other rivals to prove noncompliance.

First, fixed timelines for dispute resolution are essential. Google should be required to respond to QCs' proposals, complaints, and information requests within specified timeframes, with automatic escalation to the TC when deadlines are missed. For significant disputes that cannot be solved within defined periods, the TC should be prepared to recommend that the Court consider pausing the running of the remedy period or adopting other measures to prevent delay from exhausting the remedial window.

Second, Google's decisions regarding QC access to data sharing and syndication must be substantiated, not merely asserted. When Google refuses, conditions, or delays access based on technical feasibility or privacy concerns, it should provide supporting technical documentation and security assessments sufficient for TC review. These determinations and their rationales should be provided simultaneously to both the affected QC and the TC to ensure evaluation on a complete record. This process will also generate a consistent record of how recurring issues are resolved. For novel issues, Google should seek TC guidance before responding, creating precedents applicable across QCs and limiting duplicative disputes.

Third, structured market testing before remedy finalization and implementation is essential. Compliance mechanisms that Google proposes, such as anonymization protocols, syndication pricing structures, and API specifications, should undergo structural review or testing with relevant stakeholders before formal adoption. Early testing helps identify operational shortcomings before deployment and reduces the risk that formally compliant mechanisms later prove unworkable in practice.[43] This approach is consistent with the Technical Committee's responsibility to monitor implementation, investigate complaints, and assist Plaintiffs in determining whether technical systems and safeguards required under the Final Judgment are "fully functional."[44]

[43] This approach has precedent in the Microsoft TC's engagement and review of measures implemented by Microsoft to comply with its obligations. See Section VIII.
[44] United States District Court for the District of Columbia, "Google Final Judgment," § IV.C.1.

Fourth, delay sanctions must be explicit. Given the six-year remedy term, Google faces strong incentives to run out the clock through implementation delays. The TC should be prepared to recommend establishing escalating sanctions, including daily penalties, where Google does not quickly respond to either the TC or third parties or where it delays effective remedy implementation.[45]

Finally, the TC should establish benchmarks and key performance indicators to assess Google's ongoing compliance. Quantifiable benchmarks can be grounded in mandatory negotiation and dispute timelines and in performance standards that define commercially reasonable service levels for data delivery, API response times, and ensuring syndicated results are on par with what Google presents on its own SERP. Similar practices were employed by the Microsoft TC to incentivize and streamline the management of issues with the company's compliance.[46]

D. Ground-Truth Metrics for Market Outcomes

A recurring theme in the enforcement of behavioral antitrust remedies is the difficulty of measuring their effectiveness. As an expert body meant to have multi-faceted knowledge of search and adjacent sectors, the TC is well-positioned to gather ground-truth metrics for the duration of the remedy period that could be used to evaluate effectiveness. Such data is essential not only to assess whether the remedy is promoting competition in the monopolized markets, but also to understand underlying market dynamics as technology and business models change. This includes the rise of generative AI, which created practical challenges for the Court during the remedy trial and might continue to do so as the remedy is implemented.

The Final Judgment expressly authorizes the TC to require Google to provide documents, data, and reports "in such form as the TC may reasonably direct"[47] and to structure annual recertification procedures for QCs.[48] Broadly understood, these provisions allow the TC to obtain outcome-focused metrics from both Google and QCs seeking (re)certification**.**

If the TC, the Plaintiffs, and the Court determine it is valuable to pursue such impact assessment, the TC could prioritize a small set of ground-truth metrics that speak directly to whether the remedies are eroding Google's entrenched advantages, focusing on indicators similar to those Judge Mehta used to diagnose its monopoly power. These metrics could be collected at regular intervals and reported in a form that allows the TC, the Court, and the Plaintiffs to compare trends over time and across providers. Ground truth metrics are particularly important in light of Judge Mehta's recognition that the Court may need to revisit and strengthen remedies if competition is not substantially restored.[49]

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[45] The 2020 Ticketmaster amended consent decree, which includes $1 million per violation penalties, provides a useful reference point for sanction levels. See United States Department of Justice, "Justice Department Will Move to Significantly Modify and Extend Consent Decree with Live Nation/Ticketmaster."
[46] See, e.g., United States Department of Justice et al., "Joint Status Report" (October 19, 2005).
[47] United States District Court for the District of Columbia, "Google Final Judgment," § VII.A.7.c.
[48] Ibid., § IX.V.
[49] United States District Court for the District of Columbia, "Google Remedy Opinion," 128.

Potential key metrics could include:

Contracts for defaults. The TC could track the number and scope of default search and AI agreements across browsers, mobile operating systems, and other distribution channels, as well as the magnitude and structure of payments tied to those defaults. Particular attention could be paid to whether new or smaller providers are gaining access to default positions and whether the economic terms of defaults are changing in ways that reflect increased competition.

AI competition metrics. The TC could request that Google disclose metrics that indicate whether and how its own generative AI and other AI products interact with search, including evidence of substitution or self-preferencing.

QC participation. For QCs, ground-truth metrics should be collected through both the initial certification and periodic recertification processes. At the initial certification stage, applicants should describe their intended use of data-sharing and syndication rights, including product plans, technical integration timelines, and investment commitments. At the recertification stage, QCs should report whether and how they have exercised those rights, whether they have expanded products or entry plans, and whether they have encountered material technical, contractual, or operational obstacles in accessing or using the remedies. This staged reporting would allow the TC to distinguish between access on paper and meaningful utilization in practice.

Search market share indicators. Google could be required to report query and prompt volumes, clickthrough rates, and referral traffic in a standardized format that allows the TC to observe trends over time and across products. QCs and other rivals can be asked to share similar metrics on a confidential basis, enabling the TC to assess whether the structural disparities identified in the Liability Opinion, such as Google's substantial query advantage and its dominant share of search text advertising revenues, are narrowing over time.[50]

If systematically collected and analyzed, these ground truth metrics would give the TC, the Court, and the Plaintiffs a concrete basis for evaluating whether the remedy package is restoring competition, and for identifying where targeted adjustments may be necessary. In particular, sustained changes in query concentration and advertiser allocation patterns would provide meaningful indicators of whether structural competitive conditions are shifting.

[50] United States District Court for the District of Columbia, "Google Liability Opinion," 34 (noting Google receives nine times more queries per day than all rivals combined, and nineteen times more on mobile), 185 (finding advertisers' search text ad budgets largely mirror Google's approximately 90% market share).

VI. Data Sharing and Syndication Licensing

The effectiveness of the remedies will turn in significant part on the design and implementation of data-sharing and syndication-licensing frameworks. These mechanisms are intended to address Google's scale advantages by enabling QCs to access inputs necessary to improve product quality, attract users, and generate revenue. The competitive impact of access remedies depends on detailed design choices, implementation discipline, and ongoing oversight.

This section sets out principles to guide the TC's development and oversight of data-sharing and syndication licenses pursuant to the Final Judgment.

A. Core Principles for Data Sharing

The data-sharing remedy is designed to address Google's entrenched informational advantage. To be effective, shared data must be timely, sufficiently granular, and accompanied by contextual information, while subject to robust safeguards.

1. Marginal-Cost Pricing

Marginal pricing should be tied to the cost of the access service, rather than to estimates of data value or any downstream revenues. User-side data is raw information that does not embody value created by Google warranting remuneration. Pricing should reflect, at most, the incremental technical costs required to provide access and to implement the requisite privacy and security safeguards.

2. Frequent and Fresh Data

The Court has recognized that data-sharing remedies are necessary to address the significant scale advantage Google possesses.[51] User-side data has been frequently discussed in the context of helping QCs better respond to long-tail queries.[52] The efficacy of the user-side data may hinge on the freshness of the information shared because search algorithms depend upon continuous machine learning that incorporates trends, user feedback, and newly published content. Data freshness is particularly critical for queries related to breaking news, viral content, social media posts, and time-sensitive information. Regular and near-real-time cadence of user-side data sharing is needed to address Google's scale advantage.

Stale data, e.g., data delivered months after queries are made, has limited value for training modern search systems because the digital landscape changes so rapidly. Search indices and relevance patterns shift constantly, meaning that training data must reflect the state of the web when the queries were made. Having near-real-time data aggregated over shorter periods of time is essential to help QCs train search algorithms that can compete.

[51] United States District Court for the District of Columbia, "Google Remedy Opinion," 129-132.
[52] Ibid., 131.

3. Complete Search Results Page (SERP) Context

Understanding search relevance requires information about everything users see and interact with on SERPs, not just traditional organic web links. Modern search results pages feature diverse content types including advertisements, knowledge panels, local business listings, news, images, videos, and AI-generated answers.

Engagement metrics such as clicks, dwell time, bounce-back behavior, and scroll depth are meaningful only in relation to full context in which they occur. As recognized in the Remedy Opinion, models such as GLUE rely on interaction signals to infer relevance. However, the interpretation of those signals depends on what was displayed to the user. For example, a short dwell time may reflect dissatisfaction, or it may indicate that a user obtained a complete factual answer directly from a prominently displayed AI-generated response or other non-link result. Without visibility into the full SERP context, such signals cannot be reliably interpreted.

This issue is particularly salient as search interfaces increasingly integrate AI Overviews, AI Mode, and other generative responses directly into results pages. Where AI-generated answers or hybrid formats alter user interaction patterns, access to complete SERP context is necessary to ensure that shared user-side data remains intelligible and that interaction signals correspond to comparable presentation environments.

4. Robust Privacy and Security Protections

Under DMA Article 6(11), Google is required to share click-and-query data with its search competitors.[53] The construction of this provision has allowed Google to design its own privacy approach without formal stakeholder input or expert review, leading to a limited data-sharing offer that has thus far not proved useful to competitors.[54] Google staked out its position along the privacy-utility spectrum without any real opportunity for competitors or domain experts to evaluate it or propose alternatives.

The TC, in consulting with the Plaintiffs, has an opportunity to engage in a more robust process, with the goal of applying privacy safeguards that minimize privacy risks while preserving sufficient statistical properties and contextual information necessary for QCs to train machine learning models. The TC should solicit proposals for privacy preservation schemes and conduct a stakeholder consultation process to identify the best approach. The TC should consult potential licensees of the data, experts in privacy-preserving data sharing, user and civil society representatives, and other interested parties. Rather than simply balancing privacy and competition interests, the TC should seek solutions to safeguard privacy while realizing to the extent possible the competitive benefits of query sharing.

Re-identification risk should be reduced to a level at which (1) the expected cost of attempting re-identification far outweighs the foreseeable benefits and (2) the probability of successfully

[53] European Union, “Digital Markets Act,” Art 6(11).
[54] DuckDuckGo, “Roadblocks to Competition.”

re-identifying an individual is sufficiently low to render such attempts unattractive. There are many possible techniques for privacy preservation that have been proposed, deployed, or combined in different contexts, including pseudonymization and removal of direct and indirect identifiers and generalizing metadata. A robust process would allow the TC to consider different approaches and their tradeoffs against criteria for both privacy and utility that the TC should establish.

In crafting the template license, the TC should build from the Federal Trade Commission (FTC) definition of deidentification. The FTC defines deidentified information as data that cannot "reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular person."[55] This depends on whether the deidentifying business meets four criteria: (i) it implements technical safeguards to prevent the reidentification of the consumer to whom the information pertains, (ii) it has business processes that specifically prohibit the reidentification of the information, (iii) it implements measures to prevent the inadvertent release of deidentified information, and (iv) it makes no attempt to reidentify the information.[56] The license template should combine technical measures with organizational controls, administrative safeguards, and contractual obligations (including the use restrictions specified in the Final Judgment, limited retention periods, and other controls the TC identifies).

The Final Judgment recognizes that technical privacy protections alone are insufficient to support user-side data sharing as an effective remedy. The TC is also tasked with establishing security safeguards and a template license governing QCs' data use.[57] As noted in Section II, security safeguards should follow industry best practices. There are numerous industry-recognized security standards that can be independently verified for protecting data that are commonly used in organizational data-sharing agreements.

B. Core Principles for Syndication (Both Results and Ads)

While data sharing addresses informational scale, syndication remedies address product quality and monetization constraints. Syndication licenses therefore play a distinct but complementary role. The key principles for the TC to reflect in the template syndication license include data-minimization and purpose-limitation obligations for Google, preserving negotiation flexibility for QCs, and ensuring that licenses agreed under this regime are non-exclusive.

[55] United States Federal Trade Commission, "Decision and Order (In the Matter of InMarket Media, LLC)", 3-4; United States Federal Trade Commission, "Decision and Order (In the Matter of X-Mode Social, Inc. and Outlogic, LLC)," 3-4.
[56] Ibid.
[57] United States District Court for the District of Columbia, "Google Final Judgment," § IV.C.3, V.B.11, VI.B.12.

1. Data Minimization and Purpose Limitation

An assessment of syndication arrangements is particularly important in light of the Final Judgment's direction that (i) QCs retain discretion to determine how much information to share with Google,[58] and (ii) Google's ability to retain and use information obtained from QCs be strictly limited.[59] Google should not be permitted to benefit competitively from data supplied by QCs.

To that end, the TC should provide clear guidance on data minimization and purpose limitations, e.g., specifying what data is required to provide basic functionality and spam and abuse detection. The syndication remedy would be undermined if it could be used by Google to further improve its services, weaken rivals' privacy guarantees, or otherwise augment Google's existing scale advantage.

2. Pricing Will Determine the Remedy's Utility

The Court's order that syndication pricing be on "no less favorable" terms than existing agreements suggests that the TC may have some flexibility to assess pricing for both search and search text ads syndication.[60] QCs lack insight into Google's existing pricing terms, and pricing terms are likely to vary significantly depending upon business models and terms of the agreement. The TC should recognize that syndication licenses that are disproportionately expensive are likely to limit the effectiveness of this remedy. For example, Google charges between $14-35 per 1000 queries to use its search API for grounding.[61] This is prohibitively expensive at scale, where QCs may receive hundreds of millions of queries.

3. Negotiation Flexibility for QCs

While standardized templates provide baseline protections, QCs must retain meaningful flexibility to negotiate with Google outside the template framework. In particular, QCs should be able to negotiate technical specifications, data formats, delivery mechanisms, and service-level arrangements. At the same time, Google should not be able to condition its offering on commercial negotiation outside of the baseline terms. The TC should establish minimum standards for the license agreements, and limit negotiations between Google and QCs so that negotiation is fruitful.

The TC should therefore distinguish between non-negotiable baseline terms (such as pricing methodology, privacy baselines, non-discrimination obligations, and which product features are included in the syndication) and areas where QCs will either need some operational flexibility or must be granted customization and flexibility in presentation and incorporation of results. This balance preserves predictability while allowing QCs to differentiate and innovate.

[58] Ibid., § V.B.8.
[59] Ibid., § V.B.9.
[60] Ibid., § V.B.3.
[61] Google, "Gemini Developer API Pricing."

4. Non-Exclusivity of Syndication Agreements

Syndication agreements between Google and QCs must be non-exclusive. Given the fact that the share of queries that can receive syndicated search results is capped,[62] and the need for QCs to maintain diversified sourcing strategies, QCs must retain the ability to syndicate search results and search text ads from non-Google sources. The TC should not put in place licensing terms that would allow Google to reduce service quality or offer discriminatory pricing in response to a QC's decision to diversify its syndication relationships. Competitive discipline depends on QCs having credible outside options. Google must also be prohibited from retaliating against a QC or a sub-licensee who maintains a diversified sourcing strategy. That protection against retaliation must be expansive enough to include a broad range of potential retaliatory measures.

C. Core Principles for Search Text Ads Syndication

Search text ads syndication allows a QC to display Google auction-based advertisements in response to user queries while developing its own advertiser base. The design of the search text ads syndication framework will determine whether QCs can transition toward independent advertiser relationships or remain economically dependent on Google.

The key to unlocking competition in the two monopolized markets is to give advertisers options for where they spend their search text advertising budgets.[63] Syndication can function as a bridge from the current monopolized search ecosystem to a competitive ecosystem where advertisers have real choices.

Under properly functioning syndication, QCs offering search results would be able to draw ads from multiple ad auction providers, Google among them. Advertiser dollars would flow either to Google (if the user clicks a Google ad) or to a competing ad-auction provider (if the user clicks an ad served by the competing provider). Syndication empowers the search provider to select ads not only from Google, but also from other providers, by making a decision at the level of the query.

1. Pricing Principles

Pricing considerations will determine whether QCs can take advantage of the search text ads syndication license. While the Final Judgment requires search text ads syndication to QCs on financial terms "no worse than those offered to any other user of Google's Search Text Ads syndication product,"[64] the details of those terms remain undefined in the decree itself. QCs lack insight into Google's current pricing terms, and those terms are likely to vary significantly depending on business models and contractual arrangements.

[62] The cap on search results syndication might prove to be too restrictive for competition to be pried open. The TC should consider that question when consulting with the Court and Plaintiffs about the cap tapering, and share its observations about the impact of the cap on competition.
[63] In the context of finding that Google had monopolized two markets, Judge Mehta cited testimony from advertisers establishing that "under no circumstances would they spend more than 10% of their text ads dollars on Bing, and that no other platforms were viable substitutes…As one witness put it, once the spending maxes out on Bing, there is simply '[nowhere] else to go.'" United States District Court for the District of Columbia, "Google Liability Opinion," 189, 264.
[64] United States District Court for the District of Columbia, "Google Final Judgment," § VI.B.2.

AdSense for Search was designed with Google's profit motive in mind and not as a bridge for nascent competitors. Accordingly, reliance solely on historical AdSense terms may not provide an appropriate benchmark for a remedial syndication framework designed to promote competition.

The TC should therefore evaluate pricing methodologies against a clear competitive viability standard: whether the revenue share and payment structure provide sufficient incentives for QCs to adopt syndication, while enabling QCs to compete against Google for advertisers on commercially sustainable terms.[65]

2. Support for Query-Level Competition

To function as a competitive bridge, syndication must enable competition at the level of individual queries rather than across bundled packages of heterogeneous traffic. Competition among search text ads providers can occur when multiple search text ads providers bid to offer publishers more favorable compensation for specific search queries. This form of competition allows publishers to determine, on a query-by-query basis, which provider's ad to display.

Accordingly, the TC should ensure that the syndication framework facilitates real-time Cost-Per-Click (CPC) bidding for specific search queries. Competing providers must be able to outperform Google on subsets of traffic without being required to outbid Google across an entire portfolio of queries. Structuring syndication in this way is consistent with Section VI.B.6 of the Final Judgment, which provides that QCs shall remain free to use other providers of syndicated search ads.[66]

Enabling query-level competition may also improve price discovery for both publishers and advertisers. When compensation is structured transparently at the level of individual queries, publishers can observe relative pricing across providers, and advertisers may benefit from more competitive bidding dynamics. The TC should therefore evaluate syndication pricing and licensing structures with an eye toward preserving granular competition rather than replicating the economics of search distribution agreements, which rely on businesses driving all of their search and ads traffic to a single provider (Google).

[65] One potential benchmark would be to structure syndication payments from Google as a fixed percentage of the advertiser revenue associated with comparable keyword-level clicks on Google.com. This "syndication revenue share" needs to be high enough to incentivize QCs to choose syndication, while still enabling competitors to offer competitive rates to publishers and advertisers.

[66] United States District Court for the District of Columbia, "Google Final Judgment," § VI.B.6.

3. Features and Quality Controls

To ensure that syndication supports genuine competition, the template license must include key functional guarantees: access to the search auto-complete API and baseline guarantees of latency and performance.

a. Auto-complete API

Google should provide the user-facing query-rewriting features referenced in the Final Judgment's search results syndication provision when it syndicates search text ads as well as search results.[67] These features are at least as important in the context of search text ads as in the context of search results. Access to these features will empower independent ad platforms to improve search ad selection by beginning to overcome the query-disparity problems discussed extensively in Judge Mehta's Liability and Remedy Opinions.

b. Latency and performance

For syndicators to offer a viable search experience, syndicated search text ads must be delivered by Google with latency and relevance characteristics that do not systematically undermine user engagement or publisher monetization. Because AdSense for Search was not designed to enable third parties to compete independently, performance obligations under the syndication license should extend beyond formal access and include a structured performance-measurement framework.

At a minimum, performance assessment should address three dimensions:

1. **latency**, measured as the time required to deliver syndicated ads relative to ads displayed on Google's own search results;
2. **relevance and engagement**, assessed using query-level or query-class measures such as click-through behavior under comparable conditions; and
3. **monetization effectiveness**, evaluated through publisher-revenue or advertiser-value metrics normalized for traffic composition.

Regarding latency, end-to-end response time for all Google-provided services used to form, enrich, or monetize a syndicated search query should be no worse than the latency Google ordinarily provides for its search text ads syndication products, including AdSense for Search, under comparable traffic conditions. This latency requirement should extend to search text ads delivery, auto-complete (query suggestions and refinements), and related search APIs, measured from receipt of a query request to delivery of the final ad response.

Google should be prevented from introducing additional hoops, processing delays, architectural indirection, or queuing mechanisms for syndicated requests that are not present in its handling of comparable search queries on its owned and operated properties.

[67] Ibid., § V.A.2.

Latency parity should be assessed on a per-query-class basis (e.g., for navigational, commercial, and informational queries) across both desktop and mobile devices. Further, search text advertisements must be provided without degrading the functionality of other products that utilize Google's offering, whether in retaliation by Google (for the entity choosing to syndicate with other text ads providers) or otherwise.

Equal footing does not require identical outcomes, but it does require restricting syndication design choices that persistently or systematically degrade performance for reasons other than differences in traffic or business strategy. To assess whether QCs are operating on equal footing, these measures should be evaluated by comparing matched queries or query classes over defined time windows, rather than as point-in-time snapshots.

Where such degradation is identified, the TC should have the ability to require adjustments to syndication parameters, delivery mechanisms, or implementation practices, subject to appropriate safeguards, to ensure that performance shortfalls do not frustrate the remedial purpose.

4. Real-time Bidding and Protocol Parity

To create the conditions for competitive pricing, the template license should require Google to make search text ads available for syndication through a real-time, query-level request and response interface, so that licensees and sub-licensees can request ads individually for each user search at the moment the query is entered. The interface should support real-time-bidding-style interactions sufficient to allow QCs to directly compare Google's response with responses from other search text ad providers for the same query, or with their own inventory of advertisements.

The TC should ensure that syndicated search text ads are not subject to batching, prefetching, throttling, delayed delivery, or similar technical limitations that would prevent Google's syndicated search text ads from competing in real time with ads from other providers for the same user search. Google's response to a syndicated query should reflect the same advertiser eligibility, pricing, and relevance determinations that would apply if the same query were run on Google.com, with the final choice of which ad to show resting with the QCs. The template license should make clear that when more than one advertisement will be shown in response to a search query, it is possible that one advertisement will be chosen from Google while another advertisement is chosen from a different provider. Google must not be permitted to prevent syndicators from mixing one of its search text ads with other search text ads.

VII. The Compliance Setting

When remedies involve technically complex and high-level obligations, implementation can become a focal point for delay, contestation, and strategic maneuvering. In this context, the TC's effectiveness depends on anticipating potential resistance and navigating ambiguities. The TC should be equipped and prepared for the possibility that Google will resist compliance, based on lessons from prior enforcement experience and the design of technical remedies imposed by the Court in the final ruling. Prior enforcement experience under European competition law indicates that Google may have incentives to evade remedial measures by leveraging procedural ambiguities and implementing formally compliant yet suboptimal designs.

This section briefly reviews lessons from recent enforcement of European competition law involving digital platforms and what they mean for the design and operation of the TC.

A. Misaligned Compliance Incentives

General search and search text advertising have become critical infrastructure supporting users' access to web content. Google's monopolies over these markets put it in a unique position to shape the behaviors not only of its competitors, but also that of millions of publishers and advertisers. Google is incentivized to craft its compliance with the Final Judgment to preserve its control over this infrastructure as much as possible, as it accounts for more than half of the corporation's annual revenues. Delays function to maintain its monopoly power because business as usual can proceed during protracted disputes. For the TC, this underscores the importance of having the capacity to identify such patterns early and to escalate concerns promptly.

B. Exploiting Behavioral Remedies: Lessons from European Enforcement

Experience with dominant platforms' approaches to compliance under European competition law supports the conclusion that behavioral remedies do not self-execute. Even where obligations are detailed and accompanied by monitoring arrangements, in multiple instances Google has leveraged its discretion over definitions, system design, and implementation parameters to preserve its competitive advantages.

This pattern has arisen across different legal regimes and proceedings. Following the European Commission's *Android* decision,[68] Google implemented its search engine choice screen obligation through an auction mechanism in which rival search providers were required to bid for placement. Although formally responsive to the obligation to provide user choice, the auction design prioritized search engines that generated the most revenue per install, which attracted poor quality search providers to the choice screen. Moreover, Google only provided five choices and did not offer any

[68] European Commission, "Case AT.40099 Google Android."

explanation of the choices.[69] Two years after introducing the auction mechanism, Google changed the choice screen design to be more effective to avoid a noncompliance proceeding.[70]

The European Commission's *Google Shopping* proceeding[71] provides another illustration. After finding that Google had unlawfully favored its own comparison shopping service, the Commission permitted Google to propose a remedy[72] under Article 9 of Regulation 1/2003.[73] The resulting framework relied on auction mechanisms and presentation rules that appeared neutral on their face. In practice, third-party evaluations identified that the remedy imposed additional costs on rivals while leaving Google's structural advantages (such as traffic, brand recognition, and integration with general search) intact.[74] As a result of how the remedies were implemented, traffic to competing comparison shopping service providers continued to decline.[75]

Through its interpretation of the scope of the required remedies, and the way in which it implemented the changes, Google was able to both adhere to the text of the specifications of the Commission and ensure that the remedies were ineffective at restoring competition.[76] These outcomes reflect the risks of allowing the violator substantial discretion to define the operative parameters of its own remedy.

Google's behavior is not exceptional. Similar resistance patterns appear in enforcement involving other dominant platforms under the DMA, including both Apple and Meta. Particularly when the obligations are targeted at a critical line of the gatekeeper's business, these gatekeepers have repeatedly taken narrow interpretations of their obligations,[77] implemented in ways designed to mask their intended competitive effects. This reinforces the lesson that behavioral obligations do not self-execute.

This highlights a broader pattern: circumvention has occurred via system architecture and interface design rather than explicit refusal to comply. Design choices can preserve incumbent advantages while remaining facially compatible with the letter of an obligation. For the TC, the implication is that compliance disputes will often turn on design choices, requiring the TC to exercise its authority to interrogate those choices technically and empirically.

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[69] The auction was designed on payments "per install", rather than "per appearance." It therefore attracted bids from parties that aimed to extract exorbitantly high rents per user. This resulted in the choice screen being filled with relatively unknown and untrustworthy suppliers. See FairSearch, "Submission on behalf of FairSearch to the ACCC's Issues Paper"; Lomas, "Google's EU Android choice screen isn't working say search rivals, calling for a joint process to devise a fair remedy"; Ostrovsky, "Choice Screen Auctions."

[70] Hausfeld, "Google finally amends Choice Screen remedy to prevent noncompliance proceedings in EU Android case."

[71] European Commission, "Case AT.38740 Google Search (Shopping)."

[72] See European Commission, "Case AT.38740 Google Search (Shopping)" and Court of Justice of the European Union, "Judgment of the Court (Grand Chamber)," 5, which refers to the Article 9 procedure.

[73] European Union, "Council Regulation (EC) No 1/2003."

[74] Hoppner, "Google's (Non-) Compliance with the EU Shopping Decision," 107–171; European Commission, "Commission Sends Preliminary Findings to Alphabet under the Digital Markets Act."

[75] Hoppner, "Google's (Non-) Compliance with the EU Shopping Decision," 107–171; van den Boom and Hink, "The idealo-founder speaks."

[76] Mândrescu, "Designing (restorative) remedies for abuses of dominance"; Marsden, "Google Shopping for the Empress's New Clothes."

[77] See, e.g., Crémer et al., "Access Pricing for App Stores Under the DMA," 572–574, Appendix 1; European Commission, "Commission Finds Apple and Meta in Breach of the Digital Markets Act"; Team SCiDA, "Apple's Anti-Steering Aches"; Team SCiDA, "Better Late Than Never:"

C. Strategic Ambiguity and Information Asymmetry

Google's position confers an overwhelming advantage in access to the information necessary to assess compliance. Google retains exclusive control over ranking systems, indexing signals, search text advertising auctions, and visibility into user queries and click behavior. Unless oversight institutions possess sustained access and the capacity to interrogate technical claims, Google can use its informational advantages to delay compliance.

The experience of the French competition regulator is instructive in this regard. The Autorité de la concurrence first intervened in 2020 over concerns that Google was abusing its dominant position in the context of newly transposed copyright law.[78] Subsequently, the Autorité repeatedly fined Google for failure to comply with interim injunctions[79] and later for breaching commitments made binding by prior decisions, including failures to cooperate with an appointed monitoring trustee.[80] These sanctions did not stem from ambiguity about Google's obligations, but from the company's failure to provide information and engage transparently with the oversight process itself.

Monitoring is particularly challenging in the context of behavioral remedies such as data sharing and syndication. The same information asymmetries that supported monopoly maintenance can stifle the ability of overseers to detect noncompliance with remedial obligations.[81] As discussed below, the Microsoft TC addressed analogous challenges through deep system access and proactive verification rather than reliance on self-reporting, illustrating the kind of technical engagement the Google TC will need to replicate.

The Final Judgment confers extensive monitoring and internal access powers to the TC. The committee will need to leverage these to their greatest extent to close the information gap.

D. Implication for TC Design and Operations

The lessons from European enforcement history demonstrate that the TC will need to act proactively rather than reactively to detect strategic noncompliance before it becomes widespread. As discussed in the previous sections, this will require continuous system and data access, setting benchmarks, mandatory reporting, and regular communication with the Plaintiffs and the Court. Where Google proposes technical mechanisms intended to satisfy its obligations, the TC will also need to evaluate whether those mechanisms are operationally effective in practice, for example, through structured review, testing, or consultation with affected stakeholders before implementation. The Microsoft TC illustrated how these tools could reduce gamesmanship and incentivize behavior aligned with remedial goals, as explored in the next section.

[78] Autorité de la concurrence, "Related rights: the Autorité has granted requests for urgent interim measures."
[79] Autorité de la concurrence, "Related rights: the Autorité fines Google €250 Million for non-compliance."
[80] Autorité de la concurrence, "Decision 24-D-03 of 15 March 2024 regarding compliance," 2–3.
[81] Geradin and Katsifi, "Strengthening effective antitrust enforcement in digital platform markets," 371–372, 392.

VIII. Lessons from the Microsoft Technical Committee

The Microsoft TC experience shows how structure and sustained oversight can transform general remedial principles into technically administrable obligations. The D.C. District Court regarded the TC as the "lynchpin" of remedial implementation,[82] and its success rested on expert staffing, deep access to Microsoft's inner-workings, and proactive dispute resolution.[83] Although the competitive and technological context differs, the *Microsoft* case offers concrete lessons for the Google TC.

A. Expert Staffing and Capacity

Structurally, the TC consisted of three members appointed by the Court upon recommendation by the Plaintiffs, and retained the ability to hire consultants and support staff to fulfill its duties. From the initial three person appointment, the TC and its staff grew to 40 individuals by 2006,[84] split between on-site offices near Microsoft's facilities in Bellevue, WA, and Palo Alto, CA, enabling close collaboration with company staff.[85] The TC also worked closely with Craig Hunt, a technical expert affiliated with the "California Group," a subset of the Plaintiffs.[86] By 2006, the TC had created the position of General Manager, who was responsible for day-to-day operational matters of the committee.[87] The Court overseeing the case also authorized the TC to retain outside consultants as needed, augmenting in-house expertise.[88]

Microsoft's compliance staffing also grew beyond initial expectations. A key element of the *Microsoft* remedy was a requirement that the company disclose its proprietary technology needed for certain non-Microsoft servers to interoperate with Windows clients.[89] To fulfill this interoperability obligation, Microsoft documented the relevant technology through the Microsoft Communications Protocol Program ("MCPP"), which grew in support from 10 employees at the start to 800 by late 2008.[90] This infrastructure became a crucial backbone for implementation of the *Microsoft* remedy.

For the Google TC, this history underscores the need for flexibility to be able to retain technical staff and contractors adequate to fulfill the TC's responsibilities, which may change over time. Google should expect that staff across many of its internal functions will need to dedicate time and resources to fulfilling its compliance obligations.

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[82] Himes et al., "Antitrust Enforcement and Big Tech," 73.
[83] Ibid; Hesse, "Section 2 Remedies and U.S. v. Microsoft"; Gavil and First, *The Microsoft Antitrust Cases.*
[84] United States Department of Justice et al., "Joint Status Report" (August 30, 2006), 10.
[85] United States Department of Justice et al., "Joint Status Report" (October 4, 2010), 3–4.
[86] Ibid., 2–3.
[87] United States Department of Justice et al., "Joint Status Report" (August 30, 2006), 11.
[88] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.B.8.h.
[89] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § III.E; United States District Court for the District of Columbia, "Final Judgment" (hereafter "Microsoft State Final Judgment"), §§ III.D-III.E.
[90] United States Department of Justice et al., "Joint Status Report" (August 7, 2009), 9-10.

B. Access and Engagement with Microsoft

Critical to the function of the TC was the high level of physical, organizational, and technical access it possessed. The TC retained an in-person footprint at Microsoft offices; set up nearby working locations;[91] travelled to data centers to install monitoring software;[92] interviewed employees and leadership as needed;[93] and regularly viewed source code.[94]

Importantly, the TC was engaged when Microsoft was designing new versions of Windows, Internet Explorer, and other "middleware" programs to determine compliance prior to their release. For example, the TC developed testing tools to study Windows Vista and Internet Explorer 7 pre-release.[95] The TC was also able to install software at Microsoft facilities to monitor data traffic and production deployment against the interoperability obligation as outlined in the Final Judgments.[96]

The TC's active role was most clearly demonstrated in its work to facilitate the MCPP documentation work where it created, reviewed, and resolved "Technical Documentation Issues" (TDIs) with Microsoft's disclosures under the MCPP. Microsoft compliance staff initially handled resolutions, but the TC took on greater responsibility over time, generating documentation—in some cases adopted by Microsoft without change.[97]

For the *Google* case, equivalent access will be essential to evaluate claims about (for example) data pipelines and syndication quality especially given the likelihood that Google's systems were not designed for large-scale sharing with rivals. The TC should prioritize on-site presence, source code access, and the ability to deploy independent testing tools to verify compliance in real time.

C. Interactions with the Court and Third Parties

In parallel to its on-the-ground involvement with Microsoft, the TC conducted regular meetings with the judge about compliance, which kept her informed and streamlined enforcement.[98] The TC also investigated complaints from plaintiffs and third parties alongside Microsoft's Compliance Officer,[99] deploying its expertise to assess whether provisions of the Final Judgments had been satisfied.

The TC therefore served a crucial bridging function between the Court, Microsoft, the Plaintiffs, and third parties. Its technical expertise enabled translation of key provisions into measurable benchmarks

[91] Himes et al., "Antitrust Enforcement and Big Tech," 68; United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.B.7.
[92] Himes et al., 70; United States Department of Justice et al., "Plaintiffs' Response," 3–4.
[93] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.B.8.b.
[94] Ibid., § IV.B.8.c.
[95] Himes et al., "Antitrust Enforcement and Big Tech," 68; United States Department of Justice et al., "Joint Status Report" (October 19, 2005), 2–8; United States District Court for the District of Columbia, "Microsoft Extension Opinion," 157.
[96] Himes et al., "Antitrust Enforcement and Big Tech," 70, 83; United States Department of Justice et al., "Plaintiffs' Response, 3–4.
[97] Himes et al., "Antitrust Enforcement and Big Tech," 72.
[98] Gavil and First, *The Microsoft Antitrust Cases*, 266-267.
[99] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.C.

and agenda items for Microsoft, and served as an arbiter for determining whether provisions had been satisfied (e.g., the interoperability obligation).[100]

D. Resolving Crucial Ambiguities

Over time, the TC's remit also expanded to playing a direct role in designing and implementing changes ultimately adopted by Microsoft. Specifically, the TC helped iron out the details of remedy implementation and addressed real-time challenges, proving indispensable by resolving ambiguities on issues not explicitly contemplated by the Final Judgments.

This arose from three sources. First, complaints and interpretive disputes raised questions about the meaning of decree language. Second, because the Court possessed far less information than Microsoft about the architecture and operation of its software, the Final Judgments necessarily relied on general requirements. Third, the mandatory nature of product design changes incentivized Microsoft to cut corners and underinvest in compliance efforts, leading to a greater likelihood of poor project planning. The TC's existence enabled these uncertainties to be surfaced and resolved in a manner consistent with the remedy's procompetitive objectives, rather than Microsoft's strategic objectives.[101]

One key way the Microsoft TC helped to address uncertainty was dispute resolutions. Empowered to provide expert input on compliance, especially against Microsoft objections, the TC analyzed technical systems, reviewed internal documents, and interviewed employees[102] to ensure resolutions genuinely reflected technical realities rather than pretextual concerns about the cost and time of implementation.

In the *Google* case, the TC can similarly be expected to assess Google's objections—for example, on data protections for user privacy and security. Workshop participants emphasized that ambiguities should be resolved by enforcers and the TC consistent with the remedy's procompetitive goals.

E. Growing Responsibilities and Proactive Oversight

Over time, the Microsoft TC's responsibilities grew beyond initial expectations. Indeed, during the final status hearing, the Department of Justice counsel noted that the TC had "taken on more and more responsibilities."[103] This expansion reflected the unanticipated challenges of implementing a forward-looking interoperability remedy in a large and evolving codebase.

The unexpected complexity emerged in Microsoft's documentation of its proprietary technology, which was initially projected to take nine months, but ended up stretching across years. The "Troika" project, launched in 2005 to compare Microsoft documentation against client–server traffic using "parsers,"[104] exemplified poor planning and need for sustained external oversight: Microsoft admitted in a status

[100] Himes et al., "Antitrust Enforcement and Big Tech"; Hesse, "Section 2 Remedies and U.S. v. Microsoft"; Gavil and First, *The Microsoft Antitrust Cases.*
[101] Himes et al., "Antitrust Enforcement and Big Tech."
[102] United States District Court for the District of Columbia, "Microsoft Federal Final Judgment," § IV.B.8.
[103] Himes et al., "Antitrust Enforcement and Big Tech," 79-80.
[104] United States Department of Justice et al., "Joint Status Report" (October 19, 2005), 6.

report to the judge that it had drastically underestimated the "complexity, cost, and duration" and overestimated the capabilities of existing technology, prompting TC supervision.[105]

The *Google* remedies cover a variety of complex products, which makes unforeseen design and implementation issues likely. The experience of the Microsoft TC demonstrates the need for the Google TC to be able to flexibly adapt as these issues arise.

F. Mapping the Architecture of Microsoft's Systems

In practice, Microsoft's difficulties were exacerbated by the fact that it had not systematically documented its internal technology necessary for interoperability. Knowledgeable engineers had left the company, and remaining internal records proved insufficient.[106] As a result, the TC's oversight amounted to a massive reverse-engineering effort, sometimes substituting its own technical work product when Microsoft's submissions fell short.[107]

As implementation of the *Microsoft* remedy progressed, the company's compliance staffing increased substantially. As discussed above, annual reports document a steady escalation in Microsoft's commitments alongside thousands of identified TDIs and repeated deadline extensions through 2011, though this growth was also driven by compliance with parallel antitrust enforcement in the EU.[108]

Similar dynamics are likely to arise in the *Google* case: internal data pipelines were likely not designed for large-scale sharing, requiring the TC to reverse engineer systems to support data-sharing and syndication obligations.

G. Benchmarking Compliance

Beyond resolving disputes and supervising implementation, the Microsoft TC set benchmarks for compliance where the Final Judgments provided only general requirements.[109] Its engineering expertise enabled it to create quantifiable milestones and regular compliance review sessions with Microsoft, which helped to detect issues early and audit compliance long before formal enforcement was necessary.[110]

For instance, the TC imposed "service-level goals" that established concrete timelines for Microsoft's responses to TDIs. In one early compliance report, the Plaintiffs disclosed that Microsoft was required to address high- and medium-priority documentation issues within seven and 17 days, respectively—an approach that reduced response times and led to the closure of hundreds of

[105] United States Department of Justice et al., "Joint Status Report" (October 19, 2005), 15.
[106] Himes et al., "Antitrust Enforcement and Big Tech," 69.
[107] Ibid., 69, 72.
[108] Microsoft, "Supplemental Status Report," 7–8; United States Department of Justice et al., "Joint Status Report" (June 19, 2007), 23; United States Department of Justice et al., "Joint Status Report" (August 7, 2009), 9; United States Department of Justice et al., "Joint Status Report" (January 14, 2011), 11–12.
[109] United States Department of Justice et al., "Joint Status Report" (January 16, 2004), 3–4.
[110] Himes et al.,"Antitrust Enforcement and Big Tech," 81-82.

outstanding TDIs.[111] Later reports describe increasingly detailed frameworks for drafting documentation and releasing work product licensees under the MCPP.[112]

These benchmarking practices illustrate how expert technical oversight can streamline and raise the quality of project planning during implementation of antitrust remedies.

IX. Conclusion

This blueprint proceeds from a simple but consequential premise: in markets shaped by scale, data, and product design, the success of antitrust remedies depends as much on institutional capacity as on legal formulation. In the *U.S. v. Google* search antitrust case, the Court imposed forward-looking remedies that require careful, independent oversight for effective implementation. Their effectiveness will turn on whether those obligations are translated into administrable requirements, monitored rigorously, and adjusted in light of observed outcomes.

The TC occupies a central position in this process. This blueprint has sought to identify the structural features necessary for the TC to succeed: sufficient expertise, staffing, and resources; clear procedures for engagement with QCs and third parties; proactive monitoring grounded in technical verification and market outcomes; licensing frameworks that preserve competitive utility rather than nominal access; and preparedness for a contested implementation environment. These elements define an expert body capable of reducing information asymmetries and resolving ambiguity before it hardens into delay.

The TC also serves a critical evidentiary role. As Judge Mehta has noted, remedial orders may require clarification or strengthening if competition is not substantially restored. By systematically collecting and analyzing implementation data and market indicators, the TC can provide the Court with a concrete factual basis to assess whether the remedial framework is working, or whether further intervention is needed.

Properly structured and empowered, the TC can help ensure that the remedial period is used to its fullest potential, and that the Final Judgment works to restore competition in online search in practice.

[111] United States Department of Justice et al., “Joint Status Report” (October 19, 2005), 4.
[112] Microsoft, “Supplemental Status Report”; United States Department of Justice et al., “Joint Status Report” (June 19, 2007); United States Department of Justice et al., “Joint Status Report” (August 7, 2009); United States Department of Justice et al., “Joint Status Report” (January 14, 2011).

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