

## EC official flags theory of harm to innovation through scraping

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- Scraping firms should not be allowed to get data, theory suggests
- EC mulling Google's scraping after search dominance established

Scraping data could be regarded as harming innovation since the competitors whose data is used count on their exclusive use for return on investment, a European Commission (EC) official said on 8 September.

“Perhaps there is a theory of harm where a firm is getting data it should not get,” policy officer at DG Comp Cyril Ritter told the Concurrences conference in Brussels.

The official contrasted this newer theory with other applicable theories of harm concerning data: “A lot of the concern was about [larger] firms keeping data and smaller firms not having enough access to data- perhaps you can turn it around and say that some firms should not be able to get data,” he said.

Scraping essentially means using someone else’s content on the internet and showing it on your own pages, Ritter noted.

The EC is currently mulling antitrust complaints by News Corp, SEPIC and Getty Images, which have accused Google of harvesting news and images from their websites and using them to promote Google services.

In a related case involving Google’s comparison shopping service, in June the EC slapped Google with a EUR 2.42bn fine for abusing its dominance in the search engine market by favouring its own comparison shopping service over those of competitors.

At the time, EU Competition Commissioner Margrethe Vestager said the decision carried precedent value for potential future cases in those services, as it established Google’s dominant position on the market for general internet search.

A lawyer familiar with the case previously told PaRR that unlike maps and flights tabs, scraping of news and images goes beyond Google favouring its own results: the lawyer claimed Google first takes content from a website and then favours it over the original source of the content. It also threatens to demote news websites that do not lift their paywall for visitors tracking in from Google, he added.

The head of the German competition authority, Andreas Mundt, told PaRR earlier this year that the 'scraping' of online news content by search engines is a copyright rather than an antitrust

PROPRIETARY

**Sector:** Internet / Ecommerce  
**Topics:** Abuse Of Dominance/Single Conduct

**Grade:** Confirmed

#### Companies

Getty Images Inc  
 Alphabet Inc (Parent Of Google Inc Among Others)  
 News Corp  
 SEPIC SAS

#### Agencies

European Commission - Directorate General For Competition (EC - DG Comp)  
 European Commission

There are no files associated with this Intelligence

issue.

The European Parliament is currently mulling legislation on publishers' copyright, which could impact on scraping concerns.

by Simon Van Dorpe in Brussels

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