

**PUBLIC VERSION**

**To the attention of Mr. Counselor Diogo Thomson de Andrade, from the Administrative Council for Economic Defense – CADE.**

**Administrative Inquiry No. 08700.003498/2019-03**

**MOMENTUM – JOURNALISM AND TECH TASK FORCE** ("Momentum"), a global initiative based in Brazil, dedicated to exploring the intersections between journalism, technology, and democracy, respectfully presents itself to Your Excellency, **through the group of researchers who gather in it** and in attention to the decision of this Council which called upon specialists and researchers to provide technical inputs (Decisional Dispatches No. 37/2025 and No. 38/2025), to offer this **Contribution**, for the reasons set forth below.

1. Momentum's mission is to contribute to an independent, plural, and sustainable media ecosystem, an essential condition for democratic vitality. Its activities include conducting empirical research, producing diagnoses, mobilizing experts, and promoting multi-sectoral dialogues on the impacts of technology on journalism and the informational environment.
2. The initiative is supported by the International Fund for Public Interest Media (*IFPIM*) and, in Brazil, is incubated at InternetLab – a research center focused on human rights and technology. Its work has already resulted in pioneering studies on the adoption of artificial intelligence in Brazilian journalism, the competitive and regulatory effects of large digital platforms, and the structural transformations in the media market.
3. On this occasion, Momentum **is represented by the group of individuals who subscribe to this contribution** – namely, its permanent team and consultants – in the capacity of academics and members of civil society mobilized in favor of the issue of promoting public interest journalism.

4. By its institutional vocation, Momentum considers it especially relevant to contribute to the ongoing debate in this Council, offering technical and analytical inputs that allow for the evaluation of the impacts of digital platforms on the economic sustainability of public interest journalism and, ultimately, on the democratic quality of the public informational space.
5. This contribution is justified by Momentum's unique position in analyzing the impacts of digital technology on journalism and the informational ecosystem in Brazil. Momentum has systematically followed the evolution of this scenario, conducting research and publications that highlight how power asymmetries between journalistic companies and large technological platforms can undermine both the economic viability of the media sector and the plurality and quality of the information available to society.
6. This Inquiry aims to investigate possible anti-competitive conduct practiced by Google, consisting of abuse of dominant position in the online search and news markets, through the improper use of third-party journalistic content ("*scraping*").
7. This segment is undergoing a significant transformation, which makes the current collection of inputs highly welcome. The advent of generative artificial intelligence (AI) tools and their implementation in digital services intended to index, organize, and present web content to users introduces a series of concerns that are encompassed by the broader subject currently being investigated in this case.
8. Indeed, the reconfiguration **underway** in Google's search services, using generative AI tools, may present a series of new conduct possibilities that are subject to examination by this Council.
9. In the case of the Respondent, the most significant reconfiguration is represented by the use of generative AI to present AI-generated text summaries based on information from web pages indexed by the search tool – in the case of Google, this is the *AI Overview* ("AIO") product.
10. As noted in a report recently published by Momentum<sup>1</sup>, the use of AI in the sector has the potential to drastically alter the balance between platforms and journalistic companies, as it (i) allows for the direct presentation of answers to users, potentially reducing traffic directed to the original pages of the media outlets; (ii) intensifies the risk of improper appropriation of journalistic content for training and operation of language models, without due authorization or compensation; and (iii) exacerbates the power asymmetry in negotiations between publishers and platforms, further consolidating control over data, audience, and monetization.
11. Indeed, the input gathering conducted by the Council was timely and beneficial, as it opens space for the collection of evidence and information precisely about the impacts of such transformations.

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<sup>1</sup> Buarque, Daniel. JORNALISMOS E INTELIGÊNCIA ARTIFICIAL – Impacto para publishers brasileiros. Momentum | Journalism & Tech Task Force. Nov. 12, 2024. Available at: <https://momentumnewsandtech.org/2024/11/12/inteligencia-artificial/>. Accessed on: Oct. 23, 2025.

12. In the spirit of providing relevant information to the Council in the analysis of the case at hand, the researchers from Momentum present this contribution, which is organized around the **three** key areas outlined in the summary below. In this clearly boundary-crossing topic, the areas **organize lines of analysis to be adopted, add context to the discussions on the economic sustainability of journalistic activity, and bring to the case documentation of parallel processes occurring around the world**, which are essential for a comparative analysis of the issue.
13. This document follows the Questions sent to associations of journalistic outlets by CADE in annex II of its Decisional Dispatch No. 38/2025/GAB2/CADE, in the scope of this Administrative Inquiry. Thus, the questions addressed in each section of this document – whether specifically about Google’s AI Overview or about the incorporation of Generative AI into search tools more broadly – will be indicated in the following format: *"(Dispatch No. 38/2025/GAB2/CADE, annex II, question No. X)."*

## **SUMMARY OF THE CONTRIBUTION**

### **I. FRAMEWORK OF THE DISCUSSION**

In the first section, the contribution contextualizes how the popularization of generative AI, through chatbots, and the introduction of this type of technology into search tools have transformed information consumption on the internet. This transformation is illustrated by Google's adoption of AI Overview. This section explains how AI-generated search summaries represent a new frontier in the "*scraping*" activity analyzed in this Inquiry and how these transformations have attracted the attention of authorities worldwide, including regarding their competitive effects.

### **II. RELEVANT RISKS TO BE CONSIDERED**

The second section focuses on enumerating the potential risks to public interest journalism that could be accelerated by the incorporation of AI tools into search tools, with particular attention to those affecting the sustainability of organizations that carry out this work. The risks listed are:

- **Loss of traffic for journalistic outlets**
- **Doubts regarding the de-indexing of search results after opting out of AI tools**
- **Increased power over the digital advertising market**
- **Improper exploitation of intellectual property**
- **Harm to users' access to information**

Thus, Momentum recommends that this Inquiry gather evidence on each of these potential risks and, by assessing their presence in the current case, determine whether the conduct recently adopted by the Respondent fits within the hypotheses of Article 36 of Law No. 12,529, of November 30, 2011.

### **III. MITIGATION MEASURES TO BE CONSIDERED**

The third section presents a set of recommendations that could mitigate the risks listed above if the Council deems there is an underlying infringement of the economic order.

## I. FRAMING OF THE DISCUSSION

14. Indeed, the issue addressed in this Administrative Inquiry has changed significantly compared to what was examined when it was opened in 2019. If, at that time, potential abuses in “*scraping*” activities might have involved the extraction of data for the purpose of presenting “*snippets*” on Google’s search results page, in 2025 this very same activity now powers a different functionality: generative AI tools that produce summarized search results.
15. What we are witnessing is a technological transformation in how the internet is used for search (and, consequently, in the market that emerges from it), stemming from the incorporation of generative AI systems. This incorporation may have altered the legal-economic question that this Council must analyze in this Inquiry and requires special attention.
16. In this new context of integrating generative AI into web search services, principles such as the protection of the competitive process, the reduction of barriers to entry, and the promotion of user freedom of choice deserve to be revisited.
17. To understand the scale of this transformation, it is important to examine how generative AI has been applied to web search tools. Since their inception, search engines have crawled pages (*scraping*) and ranked links based on criteria defined by each provider. As is well known, this activity has shaped the experience of internet users, making navigation through web pages simple and convenient—pages that would previously have been difficult to find using only hyperlinks or by directly entering their domain name in a browser such as Chrome or Explorer.
18. The incorporation of generative AI into such search engines allows them to transform into *answer engines*<sup>2</sup>, not only listing result links, but also accessing each source and providing a personalized answer to the user's query based on its content.<sup>3</sup>
19. By altering the way search engines are used, this change may raise different issues. It is feasible to assume that obtaining a complete, fully written-out answer – rather than a list of links – could reduce the need to click on the 'source' links to access the original content, with renewed effects on the traffic generated for this chain (which, in turn, may include journalistic content providers).

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<sup>2</sup> The concept of an 'answer engine' refers to a tool designed to provide direct answers to users' questions by synthesizing information gathered from browsing web sources – a function increasingly associated with Google. Available at: <https://observer.co.uk/news/the-sensemaker/article/google-wants-to-transform-itself-from-a-search-to-an-answer-engine>. Accessed on: October 28, 2025.

<sup>3</sup>As reported among new market trends, while content producers indexed by Google have traditionally been concerned with Search Engine Optimization (SEO) practices, there is now talk of Answer Engine Optimization (AEO). Available at: <https://exame.com/tecnologia/o-fim-do-seo-entenda-o-que-e-answer-engine-optimization-aeo/>. Accessed on: October 28, 2025.

20. "The traffic issue is exacerbated by the fact that the response produced by generative AI often appears at the top of the search results page, occupying a privileged position relative to the list of results. Instead of 'previewing' part of the content in a mini-summary (a 'snippet') that is part of the results list, the current practice is the insertion of a box of AI-generated content above this list, representing a significant innovation in the service now offered.
21. The change also raises discussions about copyright or other forms of fair compensation to 'content creators' in journalism, who bear the costs of research and information verification. At this point, it is important to note that even merely factual or simple information (such as: the result of a sports game, weather information, or a live statement from a public official, for example) requires effort to be made available on the web.
22. The design of compensation models also raises concerns about the unequal bargaining conditions between companies that own search engines (or 'answer engines') and creators of informational or journalistic content.
23. The *AI Overview* is the prominent example of the new use of generative AI incorporated into the search tool. Google's product, which evolved from the so-called 'Generative Search Experience,' was launched in 2024 and is currently operating in over 120 countries, including Brazil<sup>4</sup>.
24. To gauge the magnitude of the transformation of search tools with the use of Generative AI, it is important to highlight the structuring and dominant role of Google in internet usage in Brazil and, therefore, in the media market. For many users, Google's search engine can be mistaken for the internet or the Web itself<sup>5</sup>.
25. Thus, even before the development and public release of the *AI Overview*, a habit developed among Brazilian internet users of obtaining information based on the operational parameters of Google's search. Indeed, this habit should be considered in defining what is conventionally referred to as the 'internet search market' or the 'web search market' for the purposes of addressing the issue within the field of competition law.
26. Evidence of the structural role played by Google is that 64% of Brazilians aged 16 or older, with internet access and active use of social media, use the platform to gather information or search for news. By way of comparison, this number is 44% in Mexico and

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<sup>4</sup> GOOGLE. How to use the AI Overview in Search. Google, 2024. Available at: <https://search.google/ways-to-search/ai-overviews/>. Accessed on: October 29, 2025.

<sup>5</sup> These perceptions are expressed in relevant research on the informational habits of people in Brazil, the results of which are available in Annexes 6 and 7 of this contribution.

Sources:

INTERNETLAB; ReCoS. Vetores e implicações da desordem informacional na América Latina – Complete Version. São Paulo: InternetLab / ReCoS, 2025. Available at: <https://internetlab.org.br/wp-content/uploads/2025/10/Vetores-e-implicacoes-da-Desordem-informacional-na-America-Latina-versao-completa-07.pdf>. Accessed on: October 23, 2025.

Aláfia Lab. Desigualdades Informativas: Entendendo os caminhos informativos dos brasileiros na internet 2024. Salvador: Aláfia Lab, 2025. Available at: <https://alafialab.org/wp-content/uploads/2025/05/Desigualdades-informativas-2024.pdf>. Accessed on: October 23, 2025.

43% in Central American countries.<sup>6</sup> According to the Digital News Report (Reuters Institute, 2025)<sup>7</sup>, this is a widespread trend in Latin America, where more than 70% of users depend on social media and search engines as their primary source of information. In this context, the role of search engines goes beyond distribution and becomes a content curation and economic mediation activity, subject to legal and regulatory scrutiny (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 2*)

27. Another relevant point is to observe that this habit has been incorporated by the search engine from the perspective of its product design, with the offering of 'news aggregation' features. Launched in 2006, Google News (Google Notícias in Brazil) aggregates content from news outlets, allowing users to organize their preferences. In other words, the aggregator is a feature that searches for news on the web and groups and presents content from various outlets. This highlights the search engine's function and its connection to informational habits.
28. The persistent existence of this habit and its centrality to web traffic acquisition has created a specific training field for content creators, including journalistic ones. To comply with the guidelines unilaterally set by the search engine, news outlets embarked on a race for Search Engine Optimization (SEO) for Google, structuring audience departments in their operations<sup>8</sup> and, not infrequently, relying on training offered by Google itself for this purpose.<sup>9</sup>
29. Technical Note No. 24/2023/DEE/CADE, prepared by the Department of Economic Studies (DEE/CADE) within the scope of this procedure, reinforces this framework. Among other information, the note points out that Google search generates relevant traffic direction to a number of journalistic contents. While in one way this note reinforces the argument that the application of *snippets* has not resulted in a significant retention of traffic, it also points to the possibility that news outlets may depend on search engines to acquire visitors on the web. Indeed, evidence of the exercise of an intermediation/control function (or *gatekeeping*) has already been presented in this Inquiry and raises further concerns regarding the transformations now introduced by generative AI.

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<sup>6</sup> Data from INTERNETLAB; ReCoS. Vetores e implicações da desordem informacional na América Latina – Full Version. São Paulo: InternetLab / ReCoS, 2025. Available at <https://internetlab.org.br/wp-content/uploads/2025/10/Vetores-e-implicacoes-da-Desordem-informacional-na-America-Latina-versao-completa-07.pdf>. Accessed on October 10, 2025.

Technical Note: This research focuses on internet users in Brazil and Latin America. However, data from TIC Domicílios 2024 reveals that only about 22% of Brazilians have 'significant connectivity,' meaning an adequate device, speed, data, and digital skills sufficient for full access to the network, which may limit the representativeness of studies focused on active users. Nevertheless, this is the most up-to-date and comprehensive survey on the subject in the countries covered.

<sup>7</sup> NEWTON, Nic; ROSSI, Amy; ROBERTSON, Craig T.; NIELSEN, Rasmus Kleis; FLETCHER, Richard. Digital News Report 2025. Oxford: Reuters Institute for the Study of Journalism, 2025. Available at: <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2025>. Accessed on: October 27, 2025.

<sup>8</sup> 70% of Brazilian companies already have an SEO department, demonstrating the strong demand for specialized professionals to optimize digital presence and improve ranking in search engines. ('Cadê minha vaga': saiba como se qualificar para trabalhar com SEO. G1, São Paulo, May 3, 2022.

Available at: <https://g1.globo.com/sp/campinas-regiao/concursos-e-emprego/noticia/2022/05/03/cade-minha-vaga-saiba-como-se-qualificar-para-trabalhar-com-seo.ghtm>. Accessed on: October 27, 2025.

<sup>9</sup> One of the most well-known examples of the company's programs aimed at this goal is the Google News Initiative - Local Lab Brasil: <https://newsinitiative.withgoogle.com/pt-br/local-lab-br/#introduction>.

30. This brief historical overview allows us to glimpse that the innovation brought by *AI Overview* is a relevant episode in the evolution of this market, with equally significant consequences for the economic sustainability of journalistic content creators on the web, who maintain a complex, asymmetrical, and dependent relationship with search engines for traffic acquisition.
31. Given this framework and the configuration of the persistent habits described above, the introduction of *AI Overviews* in Google's search engine has the potential to expand its control over the flow of attention, data, and advertising revenue in the local market, warranting a careful examination of anticompetitive practices.<sup>10</sup>
32. The same careful approach to recent developments in web search engines has been adopted by other jurisdictions (below are discussions in South Africa, Indonesia, and the United Kingdom), which can aid in reflecting on the Brazilian reality. Despite the peculiarities of each local context, understanding how foreign authorities have addressed the same issue enriches and optimizes the opportunities for CADE's involvement. Thus, we now present a brief history and the main developments of the debate in each jurisdiction to date, as well as relevant documents from the three paradigm cases (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 23, iv*).

### **South Africa**

33. In 2023, the South African Competition Commission launched the *Media and Digital Platforms Market Inquiry* to assess whether digital platforms that distribute journalistic content (including search engines, but also social media, aggregators, *ad-tech*) have characteristics that distort competition and harm the sustainability of local media. The focus was on the relationship between platforms and news outlets. Other aspects – such as commission fees charged by app stores or the terms and conditions of the apps of news outlets themselves – were the subject of another inquiry (*Online Intermediation Platforms Market Inquiry*).
34. The provisional report, published in February 2025, concluded that Google's algorithm prioritizes international outlets over local and community media, contributing to the erosion of South African journalism.<sup>11</sup> It also criticized the lack of transparency and the value transfer: while Google drives traffic to websites, it captures a disproportionate share of advertising revenue. The Commission noted that new generative AI features, such as search summaries, could exacerbate this imbalance.
35. In response to this diagnosis, the South African Commission recommended that Google make adjustments to its algorithm to increase the visibility of South African outlets and mitigate the pro-foreign media bias. For transparency and literacy purposes, it recommended that Google share anonymized data and provide SEO assistance to news

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<sup>10</sup> Nevertheless, the concerns raised here are not limited to Google's product, extending to the entire search engine market that is incorporating generative AI in relation to journalistic content

<sup>11</sup> COMPETITION COMMISSION OF SOUTH AFRICA. Provisional Report: Media and Digital Platforms Market Inquiry (MDPMI). Pretória: Competition Commission, 2025. Available at: [CC\\_MDPMI-Provisional-Report\\_Non-Confidential-Final.pdf](#). Accessed on: October 27, 2025. All documentation of the inquiry is available at: [Media and Digital Platforms Market Inquiry – The Competition Commission](#).

outlets. Additionally, it recommended that Google contribute to a compensation fund between 300 and 500 million *rands* per year (approximately 30 million dollars at the current exchange rate) for 3 to 5 years to compensate for revenue losses.

36. Regarding generative AI, the South African Commission recommended allowing outlets to negotiate collective agreements for fair compensation, ensuring the option to opt-out of AI-generated summaries without being removed from the search index, and ensuring that chatbots do not prioritize global partners or reduce referral traffic.
37. In response, Google contested the preliminary conclusions, stating that the traffic value generated by its tools for publishers in 2023 would have reached nearly 20 times the amount of advertising revenue generated by Google from user queries about news. Additionally, the company argued that it invests in products and training to support the news ecosystem and is in dialogue with the Commission.
38. The South African inquiry included testimonies from Professors Anya Schiffrin and Haaris Mateen from Columbia University, available in full in **Annex 1** of this document. These testimonies highlight that search engines and now generative AI tools reduce referral traffic, capture advertising value, and exploit journalistic content without proportional compensation, creating structural dependence and undercompensation for publishers.
39. Currently, the publication of the final report of the findings and recommendations of the South African Commission is awaited – the deadline has been extended to November 28, 2025, by the government, considering the need for dialogue with stakeholders and alignment with new regulatory frameworks. Until then, the recommendations remain provisional and subject to contributions from publishers, platforms, and civil society.
40. The South African case reinforces the importance of adopting a proactive stance regarding the impacts of generative AI on competition in the journalistic sector. As acknowledged by the relevant competition authority, the effects of value redistribution and informational asymmetry are undeniable and tend to intensify with the consolidation of products like *AI Overview*, especially for local outlets

## **Indonesia**

41. In Indonesia, similar concerns have been addressed from a regulatory perspective, highlighting the presence of elements similar to the Brazilian reality – especially after the introduction of *AI Overviews*.
42. In response to the demand from news outlets for greater protection against the challenges associated with digital platforms, Presidential Regulation No. 32/2024 (or 'Regulation on the Responsibilities of Digital Platforms to Support Quality Journalism') was approved at the beginning of 2024. This regulation requires digital platforms operating in Indonesia to enter into cooperative agreements with journalistic companies certified by the Press Council through paid licenses, revenue sharing, user data sharing, or other forms of cooperation. The regulation requires platforms to prioritize the circulation and commercialization of local content. However, no specific penalties are defined for non-compliance with the rules.

43. Other relevant obligations set by the Regulation and the technical guidelines published subsequently require that digital platforms prioritize news produced by certified outlets, offer training programs to qualify journalism, ensure that algorithms align with democratic values, diversity, and quality; and accept the creation of a committee by the Press Council to monitor compliance. A six-month transition period was established for the implementation of the rules.
44. In August 2024, in the context of the implementation of the new regulations, the AI Overview tool was introduced in Indonesia. After one year, KG Media – one of the country's leading media groups – reported a 37% drop in traffic to its news pages, despite the additional protections outlined by the law<sup>12</sup>. CEO Andy Budiman stated that AI is accelerating the disintermediation between publishers and audiences<sup>13</sup>, raising the issue of how outlets can remain relevant.
45. Amidst the new regulations, Google publicly expressed dissatisfaction, claiming that it could have the unintended effect of restricting access to diverse news sources. In March 2025, the Jakarta Post reported that, after the publication of the technical guidelines of the law, Indonesian outlets began negotiating partnerships with Google, Meta, and TikTok.
46. The Indonesian experience shows that the mere existence of regulatory obligations and incentives for cooperation between platforms and outlets is not enough to contain the imbalances produced by the introduction of generative AI tools in search. Even under a legal framework, traffic and revenue losses persist, indicating that interventions from competition law may be justified alongside other public policies. This precedent reinforces the urgency of assessing the impact of *AI Overview* and ensuring effective transparency and compensation mechanisms that ensure fair competition conditions.

### United Kingdom

47. In June 2025, the British competition authority (*Competition and Markets Authority - CMA*) published its provisional decision to designate Google as holding *Strategic Market Status* (SMS) in search services and search advertising<sup>14</sup>. This designation, outlined in the new UK *Digital Markets, Competition and Consumers Act*, grants the CMA the power to impose specific conduct duties.
48. Among the possible interventions are duties for fairer ranking, greater ease for users to access alternative search engines, and more control for publishers over the use of their content in AI-generated responses. It is worth noting that the CMA has determined that

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<sup>12</sup> HENRIKSSON, Teemu. *Indonesia's KG Media outlines four-step plan to withstand AI disruption*. World Association of News Publishers (WAN-IFRA), September 23, 2025. Available at: <https://wan-ifra.org/2025/09/indonesias-kg-media-outlines-four-step-plan-to-withstand-ai-disruption/#:~:text=KG%20Media's%20traffic%20to%20news,been%20even%20steeper%20%E2%80%93%2061%20percent>. Accessed on: November 6, 2025.

<sup>13</sup> Ibid.

<sup>14</sup> COMPETITION AND MARKETS AUTHORITY (CMA). Proposed decision: strategic market status investigation into Google's general search services. London: CMA, 2025. Available at: [https://assets.publishing.service.gov.uk/media/68598b13eaa6f6419fade67b/Proposed\\_decision.pdf](https://assets.publishing.service.gov.uk/media/68598b13eaa6f6419fade67b/Proposed_decision.pdf). Accessed on: October 27, 2025. All documentation related to the case is available at: [SMS investigation into Google's general search and search advertising services - GOV.UK](https://www.gov.uk/government/cases/sms-investigation-into-google-s-general-search-and-search-advertising-services)

the *AI Overview* and *AI Mode* tools<sup>15</sup> are part of the search scope in which Google holds dominance and may be subject to specific requirements.

49. In light of the incorporation of generative AI into search tools, in August 2025, the British organizations *Foxglove*<sup>16</sup>, *Independent Publishers Alliance*<sup>17</sup>, and *Movement for an Open Web*<sup>18</sup> filed a joint complaint with the European Commission and the CMA against Google's *AI Overview*, claiming that the feature threatens independent news. The full complaint is available in **Annex 3** of this contribution.
50. [restricted access]
51. Subsequently, also in August 2025, the *Professional Publishers Association* (PPA) submitted a report to the CMA on the harmful effects of Google's AI products on publishers, the full text of which is available in **Annex 4** of this contribution. The document presents evidence and recommendations based on the accounts of its members, highlighting that the increase in *AI Overviews* and the *AI Mode* feature led to a phenomenon described as '*crocodile*' (growth in impressions associated with a drop in the click-through rate), with some publishers reporting nearly a 50% drop in traffic<sup>19</sup>.
52. Through case studies, the PPA report highlights a significant decline in traffic to content that remained well-ranked in search results, due to AI producing seemingly complete summaries, eliminating the need to access the original source. This loss of traffic, therefore, affects not only advertising sales but also the demand for subscriptions to media outlets by users. Such traffic decline has been observed across publishers in various sectors, including lifestyle, automotive industry, and *e-commerce*.
53. In light of this, the PPA calls for a series of measures, such as greater transparency in *scraping* (distinguishing data collection for indexing from data collection for AI-generated summaries), reports indicating when and where publisher content appears in *AI Overviews*, increased visibility of traffic sources in Google Analytics, and clear attribution with functional links whenever content is used in AI-generated summaries. The argument presented is that these measures are essential to restore control to publishers over their content and to assess the impact of AI summaries.
54. Finally, on October 10, 2025, the CMA published its final report on the case, formally designating Google as holding Strategic Market Status (SMS)<sup>20</sup>. The argument put

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<sup>15</sup> The AI Mode consists of a later stage of using Artificial Intelligence for search results, aiming to provide a search response that allows the tool to continue the conversation with the user's follow-up questions. The tool employs multimodal reasoning to handle complex requests.

<sup>16</sup> Civil society organization, operating independently, focused on technology justice. Available at: <https://www.foxglove.org.uk/>. Accessed on: Nov 6, 2025.

<sup>17</sup> In a free translation. Available at: <https://www.the-alliance.co.uk/>. Accessed on: Nov 6, 2025.

<sup>18</sup> In a free translation. Available at: <https://www.the-alliance.co.uk/>. Accessed on: Nov 6, 2025.

<sup>19</sup> PROFESSIONAL PUBLISHERS ASSOCIATION (PPA). How Google AI offerings are harming publishers – PPA submits recommendations to the Competition and Markets Authority. London: PPA, 14 Aug. 2025. Available at: <https://ppa.co.uk/how-google-ai-offerings-are-harming-publishers-ppa-submits-recommendations-to-the-competition-and-markets-authority>. Accessed on: Nov 6, 2025.

<sup>20</sup> COMPETITION AND MARKETS AUTHORITY (CMA). Final decision: strategic market status investigation into Google's general search services. London: CMA, 2025. Available at: [Final decision -](#)

forward by the British regulatory authority sought to emphasize that the company meets both criteria established for designating an economic entity as holding Strategic Market Status (SMS), which are: a) holding substantial and *entrenched* market power; b) having a strategic position for general search services.

55. Regarding the subject of this investigation, it is important to note that the report did not recognize Google News, as a platform for displaying news "*snippets*," as an activity related to or linked to Strategic Market Status, due to its limited scope to the field of news. However, the CMA does express concern about the impact of the platform on independent media<sup>21</sup>, It is worth highlighting that this conclusion does not exclude the CMA's power to intervene in Google News under certain circumstances, such as in cases where Google may use its dominant position in general search services to grant preferential treatment to Google News, condition access to its search services on the use of said platform, or adopt other *self-preferencing* practices that could distort competition and affect the plurality of information sources.
56. More importantly, however, is the fact that the authority classified the *AI Overview* and *AI Mode* mechanisms as elements inherent to Google's Strategic Market Status, explicitly recognizing them as features that can further enhance Google's substantial market power. The CMA can, therefore, consider imposing targeted interventions to promote competition around these evolving features.
57. Finally, the CMA report explains that the designation of Google as holding Strategic Market Status will allow the authority to consider proportional and targeted interventions to ensure that general search services remain open to effective competition.
58. The British case is especially illustrative regarding the antitrust authority's recognition that features such as *AI Overview* and *AI Mode* may be part of a platform's strategic market position, potentially producing relevant effects on competition. This interpretation provides important parameters to identify the integration of generative AI into search tools as a factor that increases the market power of digital platforms, and, therefore, requires specific remedies such as transparency, opt-out, and compensation.
59. Cases monitored by authorities and international entities already indicate that the introduction of generative AI tools in search engines can have significant effects. It is worth highlighting a 2025 study conducted by *Authoritas*<sup>22</sup> Commissioned by *Foxglove*, the full report of which is presented in **Annex 5** of this document. The research revealed that a website previously ranked first in a search result may lose around 79% of its traffic

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[strategic market status investigation into Google's general search services](#). Accessed on: Oct 27, 2025

<sup>21</sup> The CMA's decision does not provide a legal or operational definition of the term "independent media." The concept is only mentioned descriptively, as in the excerpt: "we recognise and take seriously the concerns expressed by publishers about the impact of Google's general search on the future of independent media, and the importance of such media to society" (COMPETITION AND MARKETS AUTHORITY (CMA). Proposed decision: strategic market status investigation into Google's general search services. London: CMA, 2025. Available at: [https://assets.publishing.service.gov.uk/media/68598b13eaa6f6419fade67b/Proposed\\_decision.pdf](https://assets.publishing.service.gov.uk/media/68598b13eaa6f6419fade67b/Proposed_decision.pdf). Accessed on: Oct 27, 2025)

<sup>22</sup> Empresa de análise de dados focada em SEO e plataforma de busca com IA integrada. Disponível em: <https://www.authoritas.com/>. Acesso em: 06 nov. 2025.

for that query if the results are displayed below an AI summary<sup>23</sup>. Still in the UK context, the SEO director of the MailOnline portal stated to The Guardian newspaper that, in May 2025 – the month following the implementation of AI Overview in the region – the portal experienced a 56.1% drop in click-through rates on the desktop version of its site and 48.2% on the mobile version<sup>24</sup> ).

60. [restricted access] (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Questions No. 1, 5, and 8*).

61. Such data reinforces that the impacts on audience distribution and advertising revenue are not hypothetical, but have already been observed in other markets, justifying a careful examination of their competitive effects in the Brazilian context.

## II. RELEVANT RISKS TO BE CONSIDERED

62. Thus, the incorporation of generative artificial intelligence systems into web search tools shifts the way information circulates on the internet. Whereas search engines were once presented as an intermediary service designed to direct users to the original content sources, this transformation may lead them to operate, to some extent, as a final point for informational consumption. By synthesizing answers directly on the results page, these new interfaces reduce the need to access the original pages, thereby altering the economic and functional balance between platforms and journalistic outlets (*Dispatch No. 38/2025/GAB2/CADE, Questions No. 1 and 5*).

63. Although the stated purpose of these functionalities is to facilitate access to information, the practical result tends to bring search engines (now increasingly becoming 'answer engines') into competition with content producers themselves, by retaining the attention (and the monetization associated with it and the traffic) that was previously directed to publications. In practice, the *AI Overview* can generate synthetic content that is potentially sufficient to meet the needs of a user conducting a web search, using innovative technology and parts of information produced by third parties.

64. The reorganization of the informational flow also impacts the consumer audience, which comes into contact with summarized and decontextualized versions of journalistic content, produced by automated systems without guarantees of updates or accuracy. In

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<sup>23</sup> Recognizing the limitations of the projection derived from Google's monopoly on all the data needed to calculate the real impact of its new generative search features ('*generative SERP features*'), such as keyword search volume, exact zero-click rates, and CTR data, Autoritas describes the calculation as follows: '*Before the AI Overviews, the click-through rate (CTR) in position 1 was 21.4%, meaning a site would receive 1,000 × 21.4% = 214 clicks. After the introduction of the AI Overviews, visibility decreases, and the new estimated CTR drops to 11.22%. Based on research on zero-click searches, only 40.3% of searches result in a click, as 59.7% of desktop searches do not generate clicks. Therefore, the total number of potential clicks should be calculated based on 403 out of 1,000 searches, resulting in 403 × 11.22% = 45.2 clicks. The actual loss of clicks is 169 (214 – 45), representing a 78.9% reduction in traffic.*' (**Annex 7** of this document, p. 8, free translation).

<sup>24</sup> The highlights of the results were published by The Guardian. SAVAGE, Michael. 'AI summaries causing 'devastating' drop in online news audiences, study finds.' The Guardian, London, July 24, 2025. Available at: <https://www.theguardian.com/technology/2025/jul/24/ai-summaries-causing-devastating-drop-in-online-news-audiences-study-finds>. Accessed on: Nov 6, 2025.

light of this scenario, the present contribution examines the risks of harm associated with the new stage of search using generative AI.

### **Loss of traffic for news outlets**

65. A significant risk already mentioned in this contribution is the loss of traffic for news outlets (since access to the summary, which already contains the sought information, ends up replacing access to the journalistic material), and consequently, revenue (as lower access makes it harder to attract new subscribers and makes advertising negotiations less attractive).
66. As explained above, the *AI Overview* has the potential to transform the habit of using search engines as intermediaries, turning them into a final destination. It is necessary to investigate whether the integration of this feature encourages the so-called '*zero-click searches*'—searches where the answers appear directly on the Google page, eliminating the need for the user to click on external links; in this case, those of news outlets (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 8*).
67. International evidence already points to significant effects on the traffic of journalistic portals following the introduction of similar tools (see the cases of the United Kingdom and Indonesia, described in the Discussion Framework and in their respective annexes attached herewith).
68. It is essential that data on the Brazilian context be produced and made public. It is emphasized that the researchers who endorse this contribution attempted to conduct a study with national *publishers* to support this statement, but were unable to voluntarily obtain the necessary data for this purpose.
69. In this scenario of fewer visits, and therefore less visibility, outlets lose the ability to attract new subscribers and become less attractive to advertisers, their primary sources of revenue. However, the information gathered by their contributors can still be accessed through these synthetic summaries.
70. The digital architecture of this functionality contributes to making this risk a reality. By being located topographically before the list of results, it is possible that a "*cream skimming*" effect (the analogy of taking advantage of the creamy top of the cake) is generated, where the summary captures the most valuable information from the original page, leaving the outlets with only the scraps (which would be the dry part of the cake), thus reducing traffic for the outlets by making access and subscriptions less attractive.
71. The loss of traffic and revenue occurs in the context of the structural fragility of journalism as an economic activity. This is a sector historically supported by the balance between multiple markets, the progressive disruption of which has compromised the sustainability pillars of journalistic companies. Digitalization and the concentration of intermediation power in a few platforms have exacerbated this imbalance, transferring an increasing

share of the economic value generated by the production of information to intermediaries.<sup>25</sup> (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 15*).

72. This process has led to an asymmetric redistribution of value between technology companies and content producers. Experiences observed in different jurisdictions indicate that news outlets have been compensated disproportionately to their contribution to attracting and retaining users on digital platforms and tools. This is evidenced, for example, by the testimony provided by professors Anya Schiffrin and Haaris Mateen within the framework of the South African Media and Digital Platforms Market Inquiry (**Annex 1**).

### **Doubts about the deindexing of search results after opting out of AI tools**

73. The lack of clarity about the options available to Web content producers, especially those considering the use of opt-out mechanisms, contributes to the gravity of the situation. There is a recurring concern among these stakeholders that by expressing their intention not to allow their content to be used to generate AI-generated summaries, this choice could result in harm to their position in search results, such as reduced visibility or impacts on the distribution of their content.
74. Although it cannot be stated that there is, today, a direct and proven relationship between exercising the opt-out and potential adverse effects on indexing, the lack of guarantees and sufficient transparency already constitutes a significant problem. In practice, content producers face a dilemma: accept the use of their content by AI systems or risk compromising their own audience by trying to protect their rights.
75. It is essential to clarify the operation of this new functionality and address this fear of retaliation, making clear the relationship (or lack of connection) between not allowing a page to be summarized in an *AI Overview* and its placement in the search results list.

### **Increase in power over the digital advertising market**

76. Another relevant risk is the worsening of Google's position in the digital advertising market. By retaining users on the search results page through synthetic answers, the platform captures even more clicks and prolongs time spent on its service, which can lead to increased collection of personal data relevant for targeted advertising on one hand, and its power to attract advertisers interested in capturing this browsing time within the search engine's environment, on the other.
77. Thus, the implementation of *AI Overviews* can create a feedback loop in which increased advertising revenue strengthens the dominance of the search tool and further amplifies its competitive advantages, thereby occupying an increasingly asymmetric bargaining position in relation to publishers, who find themselves dependent on this traffic source in a lock-in effect (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 4*).

### **Undue exploitation of intellectual property**

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<sup>25</sup> CHARRON, Jean; DE BONVILLE, Jean. *Nature and Transformation of Journalism*. Brazilian edition organizers: Zélia Leal Adghirni, Fábio Henrique Pereira; collaboration by Dione Oliveira Moura. Brasília: University of Brasília, 2016.

78. This scenario of integrating generative AI tools into search engines also raises concerns from the perspective of the exploitation of intellectual property by Web content producers, which is especially significant as this issue may lead to violations of economic law assessed by this Council.
79. The issue at hand is that original journalistic content protected by copyright may be used both in training large language models (which, in turn, form the foundation for the operation of generative AI functionalities) and in processing and generating summaries from web content *scraping*.
80. This procedure particularly concerns the potential exploitation of works protected by copyright found during the scraping process and processed to produce synthetic summaries presented in *AI Overview*. In such cases, it must be considered whether the production of AI-generated synthetic summaries may, in some cases, constitute the "use" of protected works under Article 29 of the Copyright Law - LDA (Law No. 9,610 of 1998).
81. Similar cases evoke relevant parallels that deserve analysis. In 2023, the Superior Court of Justice (STJ) ruled on a case involving a possible copyright violation in the creation of news "*clippings*," deciding that such activity violated the law if not authorized by the copyright holders.<sup>26</sup>
82. The ruling in the decision is illustrative in dismissing arguments that could be raised to rule out the possibility of abusive exploitation of journalistic material. First, it dismissed the limitation on the author's right provided in Article 46, I, 'a' of the Copyright Law (LDA), stating that 'the *clipping* service sold does not constitute "reproduction in daily or periodical press," but rather, as described on its own website, media monitoring carried out according to the client's specifications, which results in [the creation of] clippings').
83. Furthermore, the STJ confirmed the failure of the so-called 'three-step test' described by the Berne Convention<sup>27</sup> To allow the unauthorized reproduction of third-party works. The failure would occur because the activity conflicts with the commercial exploitation of the work, causes unjustified harm, and, ultimately, 'since journalistic articles are used as inputs for the *clipping* product being sold, and not merely as citations.'
84. Now, if the Court that standardizes the application of federal legislation considers that *clippings* may represent a violation of copyright, it is reasonable to investigate whether AI-generated summaries with the same intent as these *clippings* (i.e., providing advanced information gathered through journalistic activity according to the interests of specific audiences) might also fall under the same framework. Therefore, it would be necessary to check if journalistic articles can also be considered 'inputs for the marketed product,' and not 'mere citations.'

### **Harm to users' access to information on the internet**

85. This risk scenario also negatively impacts users, not only restricting their ability to be well-informed and their freedom of choice but also weakening the foundations of public

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<sup>26</sup> "According to REsp 2.008.122-SP, Rapporteur Minister Nancy Andrichi, Third Panel, by majority, judged on 22/8/2023, DJe 28/8/2023.

<sup>27</sup> The Convention was promulgated in Brazil through Decree No. 75,699 of 1975.

debate (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 22*). Even though these considerations are tangential to the configuration of an economic law violation, it makes sense to consider them in the context of the potential social impacts this procedure may entail, especially regarding harm to consumers.

86. This is because the implementation of generative AI tools in search engines causes users to receive answers that reproduce third-party content and have less easy access to direct sources (since AI summaries appear prominently), while links to original sites are pushed to the background. This 'false convenience' can harm the consumer as they receive more superficial, less diversified information without proper credit or original context (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 7*).
87. The impact of generative AI on information consumption transcends the merely technological, commercial, or competitive dimensions of the dispute between media outlets and digital platforms. It is a phenomenon that simultaneously affects the economic order, the right to information, and consumer rights, impacting the plurality of voices and, ultimately, the very functioning of the democratic public sphere.
88. From the consumer's perspective, there is a potential harm to freedom of choice and informational transparency. Instead of accessing a variety of voices and interpretations, the user receives a single, synthesized answer that may be decontextualized.
89. With the operation of *AI Overviews*, the search engine is configured to present the consumer with information that appears neutral and comprehensive when, in reality, it offers a kind of edit made from journalistic material inputs that may have been developed using undisclosed commercial and technical criteria.
90. Instead of intermediation and presenting a list of results, the production of a single answer, with unclear generation parameters, calls into question the level of transparency offered to the consumer, potentially limiting their autonomy.
91. Thus, the risks for journalistic outlets and their consumers can be summarized as follows (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 22*):
  - 91.1. *Loss of traffic for journalistic outlets*: substitute summaries increase zero-click searches, reduce redirection to original sources, and weaken subscriptions and ad sales, directly affecting the sustainability of newsrooms (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Questions No. 4 and 8*).
  - 91.2. *Possible deindexing of search results after opting out of AI tools*: the perception among journalistic outlets that the choice between (i) being indexed in search results and allowing their content to be used to feed generative AI, or (ii) opting out of being indexed to prevent AI from using their content, reveals a false dilemma, creating a lock-in effect for newspapers to the very tool that threatens their sustainability, that is, the use of generative AI. Such regulatory uncertainty creates a lock-in effect, as content producers may feel compelled to accept potentially harmful conditions to their sustainability in order to avoid risks that are not clearly mitigated. (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Questions No. 4 and 7*).

- 91.3. *Increase in power over the digital advertising market*: the retention of users on the search tool's page with synthetic answers attracts more clicks and revenue to its ecosystem, consequently gaining more strength in the digital advertising market in a cycle of revenue and advertising growth that tends to reinforce itself (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 4*).
- 91.4. *Undue exploitation of intellectual property*: the attention capture and monetization resulting from the integration of AI into search tools improperly appropriates informational and financial value produced by journalistic outlets, weakening and discouraging professional journalism.
- 91.5. *Harm to users' access to information on the internet*: summarized, decontextualized, and sometimes outdated responses provided by the generative AI system have the potential to reduce the diversity of sources and limit the news consumer's autonomy of choice.

### III. MITIGATION MEASURES TO BE CONSIDERED

92. This section proposes a set of recommendations to mitigate the identified risks and protect the sustainability of professional journalism, should the Council agree that such risks involve an underlying violation of economic order. These measures could be considered in the future application of various actions to eliminate the harmful effects on the economic order, as provided in Section VII of Article 38 of Law No. 12,529 of 2011.
93. The following recommendations are divided into the following fronts: (i) review of essential terms for the continued incorporation of AI-generated summaries into search tools, (ii) *opt-out* mechanisms, (iii) control, rigor, and transparency regarding advertising and content in AI summaries, (iv) impact measurement on traffic, and (v) possible remuneration or compensation mechanisms.

#### **Safeguards for the application of generative AI on journalistic content**

94. It is recommended that authorities carefully consider which categories of topics require greater caution in the application of generative AI in search results of journalistic content.
95. It is relevant to consider the adoption of additional safeguards during election periods and other times that heighten sensitivities in public debate – and the recognition that certain topics require strengthened standards of accuracy, transparency, and verification aligns with parameters already adopted by Google in its *Featured Snippets* policy.<sup>28</sup> More specifically, Google already imposes additional restrictions on the display of automated responses in *snippets* when the content involves civic, historical, or scientific topics of high public relevance.
96. Such measures contribute to ensuring that the application of generative AI adheres to minimum standards of informational integrity and prevention of systemic harm to the

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<sup>28</sup> GOOGLE. *How Google's featured snippets work*. Google Search Help, 2025. Available at: <https://support.google.com/websearch/answer/9351707?hl=en>. Accessed on: Oct 27, 2025.

public sphere, while also respecting the specificity of certain types of journalistic activity and content production.

97. Thus, although generative AI systems affect the entire online content production chain, public interest journalism<sup>29</sup> requires special care due to its essential democratic function and its structural dependence on revenue to sustain investigative activities and professional information gathering. Unlike other content producers, journalistic organizations operate under ethical commitments and public responsibilities aimed at ensuring society's right to accurate and diverse information. Therefore, it is recommended that the use of generative AI in search results adhere to differentiated parameters for journalistic content, in order to preserve its social function.

#### **Opt-out mechanisms** (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 7*)

98. Another measure that should be considered is the separation of the option for *scraping* for search result indexing and for training generative AI models, so that editors can give their consent with greater granularity.
99. This would ensure the possibility of opting to be indexed without necessarily opting to feed generative models and search result summaries. It is a fundamental separation to restore the autonomy of web page editors and eliminate the mandatory link between presence in organic results and the use of their data to train and feed AI products.
100. The mitigation measure should, therefore, foresee specific technical *opt-out* mechanisms for tools that integrate generative AI, distinct from conventional indexing control, and transparency protocols that clearly inform editors when and how their content is being used in AI summaries or for training generative models. Such obligations are consistent with principles already incorporated in international AI regimes, which require informed, granular, and reversible consent.

#### **Control and transparency over advertising and content in AI summaries**

101. It is recommended that search engines clearly and visually separate and identify any advertising content present in AI-generated summaries, with explicit labeling such as 'sponsored' or 'ad.'
102. This is because when ads are presented in a similar way to results displayed based on relevance, especially in interfaces where the hierarchy of information is less evident, users may confuse advertising with content that follows journalistic and editorial techniques, believing they are receiving the best answer when, in fact, they are being directed by unspoken commercial criteria.

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<sup>29</sup> For the purposes of this statement, public interest journalism can be understood as the production of informative content of public relevance for the communities in which it is embedded. (Digital Transformation and the Economic Sustainability Dynamics of Public Interest Journalism: Considerations on the Offering of Socially Relevant Journalistic Content Based on Economic Theory and Case Studies from Argentina, Brazil, and Colombia, a collaboration between InternetLab and LCA Consultoria. The article will be published in the next issue of [Internet & Society](#)).

103. Finally, the absence of this separation still allows the search engine to prioritize its own products or partners, reinforcing self-preferencing strategies and distorting competition by manipulating the visibility of certain services, products, or outlets.

#### **Transparency about ranking criteria**

104. Furthermore, for all journalistic content subject to the use of generative AI by search tools, it is recommended that search engines adopt algorithmic and ranking transparency (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Question No. 16*), by disclosing their general criteria for selecting sources and addressing any biases that may favor certain content producers or types of content. The goal is to prevent editors from being disproportionately discriminated against by opaque algorithmic decisions and, on the other hand, to ensure the freedom of choice for users-consumers.
105. It is important to emphasize here that the production of AI-generated summaries is an activity that can also redirect traffic flows, and that transparency is a measure that can safeguard conditions for these editors to be able to compete for it. Editors may be left in the dark if agreements are made between search engines and their competitors, with significant effects on all content producers on the Web.
106. Such clear disclosure of ranking and result display criteria would help reduce entry barriers into the informational ecosystem and, considering the asymmetries between large media groups and local and independent outlets, promote equal treatment among journalistic sources.
107. Additionally, it is recommended that search tools be required to implement signaling and labeling obligations, so that AI-generated answers are clearly labeled as such, with functional and visible links to the sources used, as well as a clear indication of the publication date of links to avoid confusion between new and old information.

#### **Measurement and auditing of traffic impact**

108. It is recommended that platforms increase transparency about the effects of generative AI on referral traffic to websites and portals, especially after the incorporation of features such as *AI Overview* and *AI Mode*.
109. To this end, it would be desirable for Google to provide aggregated and historical indicators on click-through rates and other performance metrics, distinguishing traffic from organic results, AI summaries, and other services within its ecosystem. The disclosure of this data, in a comparable and up-to-date format, would allow for more accurate measurement of the impact (albeit multifactorial) of the new search interfaces on the journalism sector.
110. Based on this information, the outlets themselves, press associations, and research centers could produce sector monitoring reports, capable of identifying trends in traffic redistribution, potential market distortions, and effects on the economic sustainability of journalism. The adoption of this transparency standard would contribute to a more balanced diagnosis between platforms and content producers, strengthening the oversight capacity of competition authorities.

**Remuneration or compensation mechanisms** (*Dispatch No. 38/2025/GAB2/CADE, Annex II, Questions No. 18 and 19*)

111. It is recommended to assess, within the framework of competition legislation, the creation of measures to prevent abuses that take into account the need for financial compensation for the use of journalistic content due to the effects of integrating generative AI into search engines, considering the international experiences outlined in this contribution:
- 111.1. *South Africa*: proposal by the competition authority for a sectoral fund financed by platforms for the sustainability of journalism (300–500 million rands/year);
  - 111.2. *Indonesia*: regulation requiring platforms to take on obligations that may include licensing or sharing revenue with local outlets;
  - 111.3. *Canada and Australia*: collective bargaining models and mandatory transparent negotiation agreements.
112. In the Brazilian context, such measures can take various forms. Examples such as the sharing of advertising revenue generated from searches that produce AI summaries, or even the creation of a compensation fund proportional to the use of journalistic content (with eligibility and distribution criteria prioritizing local and regional outlets) deserve consideration by the authorities addressing the issue from different perspectives.
113. It is emphasized that the discussion of financial compensation is part of the agenda to protect innovation and competitiveness in digital markets, contributing to correcting economic power asymmetries and ensuring equitable conditions between search platforms and journalistic outlets. At the same time, it will require this Council to be experimental and creative in adapting such forms within the framework of domestic competition law.
114. Additionally, it is proposed that any and all use of journalistic content for training AI models should also be considered in this regard, given the competitive advantage such databases provide to platforms.

## **CONCLUSION**

In light of the above, the research team at **Momentum** submits this Contribution and respectfully (i) requests its inclusion in the records of Administrative Inquiry No. 08700.003498/2019-03; (ii) recommends that interpretations and claims that disregard or underestimate the competitive and informational effects associated with the incorporation of generative AI into search engines be rejected; and (iii) suggests, should this Council deem it appropriate and this Administrative Inquiry be processed until the point of a decision regarding precautionary or final measures, the adoption of proportional diligence and mitigation measures, as summarized above.

Momentum remains available for additional clarifications, methodological sharing, and participation in any developments of this consultation, with the purpose and commitment to qualify the analysis of the case and contribute to solutions that preserve competition, informational plurality, and the sustainability of public interest journalism—principles vital to the health of the Democratic Rule of Law.

São Paulo, November 12, 2025.

Paula Miraglia

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Helena Maluf

## List of Annexes

**Annex 1:** Transcription of the testimony of Professors Anya Schiffrin and Haaris Mateen within the framework of the South African Media and Digital Platforms Market Inquiry (March 18, 2024).

**Annex 2** [restricted access]

**Annex 3** [restricted access]: Formal complaint submitted by FoxGlove Legal Community Interest Company, The Independent Publishers Alliance, and The Movement for an Open Web to the Competition and Markets Authority (CMA), the British competition authority, and the European Commission, reporting the impact of AI Overview on independent media.

**Annex 4:** "Evidence from the PPA on Google Search and Advertising Services SMS - Conduct requirements," a recommendation report by the Professional Publishers Association (PPA) submitted to the Competition and Markets Authority (CMA), the British competition authority, in August 2025.

**Annex 5:** "Report into the impact of AI Overviews," a 2025 study conducted by Autoritas on behalf of Foxglove.

**Annex 6:** "Vectors and Implications of Information Disorder in Latin America – Full Version," a study conducted by InternetLab in partnership with the Rede Conhecimento Social, published in 2025.

**Annex 7:** "Informational Inequalities: Understanding the Informational Paths of Brazilians on the Internet in 2024," a study conducted by Aláfia Lab, published in 2025.