

The search engine Google is not the only way to find the information sought, for example, the purchase of music, many consumers are addressed directly to iTunes, or for the purchase of books search directly off Amazon.com, among other clear examples, however we should not ignore the power that Google has to issue its first search results to specific companies.

Although competitors might prefer Google products work differently, these desires are not a sound basis for antitrust liability, as the FTC was warned. The recent literature supports this argument and emphasizes the importance for antitrust jurisprudence to avoid the costly mistake discourage excess product innovations that improve welfare.⁶⁰

After 19 months of work, interviews with industry participants and declarations of the key executives of Google, in a press conference the President of the Commission, John Leibowitz, was the spokesman of the agreed resolution the five commissioners investigating the case Google, which in short, it was decided not to file with the Department of Justice demands whatsoever against the company, instead signed an agreement in which Google voluntarily decided change some practices identified as anticompetitive.⁶¹

The conference Leibowitz said that no evidence showing that a bias in the machine searches Google also states that the investigation was inclined to the potential harm to consumers and the market as a whole is found, he quoted the statement, Earl Warren of the Supreme Court 50 years ago, which is the maximum of the FTC: "The aim of the law is to protect competition not competitors." Finally Leibowitz said that probably many think they should have done more for the case, but argued that it was sufficient and that "it is good for consumers, good for competition, is good for innovation and is what do."⁶²

The FTC acknowledged that the regulation of antitrust issues in e-commerce markets can be a difficult task, however clarifies that monopolies analysis provides a framework for prudent application of competition, no matter the market that is in question.

Some experts argue that vertical integration of Google tends to be competitive and pro-competitive, since the law does not require the forced vertically integrated resource access.⁶³

⁶⁰ MANNE & RINEHART, *supra* note 45, at 12.

⁶¹ LEIBOWITZ, *supra* note 43, at 1.

⁶² *Id.* at 6.

⁶³ MANNE & RINEHART, *supra* note 44, at 3.

Given the seriousness of the indictment against Google, the previous voluntary agreement and the refusal by the FTC to apply a sanction on Google for “not find any evidence to prove his guilt” leaves many questions, the main if the Commission really he's protecting competition and even more if it really is looking out for consumers, leaving the FTC in an unfavorable role in the conclusion to which arrived on research but more because it accepted that Google would make voluntary changes.

These changes are to changes in the search engine. First, rival companies now have the ability to remove content pieces known as “fragments” of *Google Search* results, pages that refer to areas such as travel and shopping. Second, Google is giving advertisers more flexibility to manage their data for use in rival search engines like Bing of Microsoft.⁶⁴

On the other hand, Google allow Web sites the ability to opt out of appearing in their searches, not being penalized or degraded in the general search results of *Google Search*, which seeks a competitive Internet.⁶⁵

A key point in the decision of the FTC is “supporting argument” of benefit to the consumer, Timber Craig qualifies to establish the benefit or harm to the consumer has been the quicksand in the middle of antitrust cases in the United States and in fact been the subject in the system of competition that has had to face since 1890; William Kovacic, former chairman of the FTC, “The speed of change has challenged Washington's ability to act forcefully against technology companies increasingly fighting each other in overlapping markets.”⁶⁶ One of the maxims governing decisions on competition matters is that the law protects consumers not competitors, therefore, explain Robert H. Bork and J. Gregory Sidak of the University of Chicago that “practices penalize Google anticompetitive violate this principle, restricting

⁶⁴ Grant Gross, *Google, FTC Settle Antitrust Case*, PC WORLD LEGAL ISSUES, January 2013, available at <http://www.pcworld.com/article/2023662/google-ftc-settle-antitrust-case.html> (last visited, May, 2014).

⁶⁵ Sam Gustin, *Google's Federal Antitrust Deal Cheered by Some, Jeered by Others*, TIME BUSINESS AND MONEY, January 2013, available at <http://business.time.com/2013/01/04/googles-federal-antitrust-deal-cheered-by-some-jeered-by-others/> (last visited: May 2014).

⁶⁶ Timber Craig, *FTC: Google Did not Break Antitrust Law with Search Practices*, THE WASHINGTON POST, 2013, May 2014, available at http://www.washingtonpost.com/business/technology/ftc-to-announce-google-settlementday/2013/01/03/ecb599f0-55c6-11e2-bf3e-76c0a789346f_story.html (last visited: May 2014).

dynamic competition and thereby harm consumers, being the subject of the federal competition Act.”⁶⁷

According to the Wall Street Journal, commissioners of the FTC if they mentioned that “did not like who was doing Google, but concluded that the tactics not necessarily violated antitrust law,”⁶⁸ also the Wall Street Journal, reveals various actions against the intent of the FTC to punish Google for anticompetitive practices “earlier-chairman of the FTC received a letter from US Senator Mark Udall inviting the agency to proceed with” caution in their investigation of Internet companies mainly to those “who have the highest rates of satisfaction consumers in the country and have also created millions of jobs,”⁶⁹ however, was not the only political pressure, reveals the US newspaper.

Even J. Thomas Rosch, FTC Commissioner in the research, told the Wall Street Journal that the decision the commission had set a bad precedent for future negotiations with other companies, because “might demand similar treatment, and not favor them imply that Google has received preferential treatment in the investigation.”⁷⁰

Meanwhile, other arguments against the decision of the FTC, state that: “Google clearly skews search results to favor its own products and services, while portraying the results impartially,” said John M. Simpson, director of the Project Privacy consumer Watchdog said in a statement: “That undermines competition and harm consumers, the FTC favored Google.”⁷¹

They say that doing so is acting as Microsoft did in the 1990s when PC makers were forced to preinstall software Internet Explorer with Windows operating system at the expense of rivals like Netscape, as described above.

⁶⁷ BORK & SIDAK, *supra* note 50, at 1.

⁶⁸ Kendall Brent, *Behind Google's Antitrust Escape*, WALL STREET JOURNAL, June 2013, available at <http://online.wsj.com/article/SB10001424127887323689604578221971197494496.html#> (last visited, May 2014).

⁶⁹ *Id.* <http://online.wsj.com/article/SB10001424127887323689604578221971197494496.html>

⁷⁰ BRENT, *supra* note 68, available at <http://online.wsj.com/article/SB10001424127887323689604578221971197494496.html>

⁷¹ *Id.* <http://online.wsj.com/article/SB10001424127887323689604578221971197494496.html>

To Gal and Weber, actually accusing Google only companies sought to use the law of competition to protect their own market positions, at the expense of punishing Google to be a successful competitor and stifle innovation and dynamic competition.⁷²

So that Robert H. J. Gregory Sidak Bork and indicate that:

... Punish Google for being a more effective search engine could harm consumers and thus contradict the avowed purpose of the antitrust laws... the antitrust intervention that would prohibit or circumscribe the practices of Google punished and then deter the same innovations that improve welfare, he has done an effective competitor of Google. So use the antitrust laws may damage the dynamics of competition, such that only successful companies need to worry about being penalized for being winners.⁷³

As we can see the views are much divided, however, the opinion decisive is issued by the FTC, which has been erroneously or not, he finally felt that there was no evidence to accuse Google to exercise monopoly power over your machine searches. What remains in the pipeline are the tools used by the Commission to reach such a conclusion, it actually reinforces the idea that the problem is not in the legislation, but the analysis methods and tools used by the authorities for the investigation of these cases, whose research lies mainly in obtaining evidence in an environment of ICTs involved the need for technical and professional knowledge of the subject.

b) *Case: European Union against Google Inc*

In the European Union, the issue of Google as an economic agent that damages the competitive process, arises because of allegations reported by the British site Foundem, which in November 2009 filed a complaint with the European Commission arguing that Google exploited its dominance in the market for machines search in Europe, in detriment of competitors and consumers.⁷⁴ It is argued that to date *Google Search* accounts for roughly

⁷² Michael S. Gal, & Spencer Weber Waller, *Antitrust in High Technology industries: A Symposium Introduction*, 8(3) OXFORD JOURNALS, JOURNAL OF COMPETITION LAW & ECONOMICS, 449-457, (2012).

⁷³ BORK & SIDAK, *supra* note 50, at 3.

⁷⁴ The Economist, *Google, the EU and antitrust Search over*, February 2014, available at <http://www.economist.com/news/business/21595966-third-attempt-settlement-likely-be-last-search-over> (last visited: December 20, 2014).

95% of the search market.⁷⁵ In 2010 the European Commission launched a formal investigation against the company, although in February 2010 joined the French protests eJustice.fr web and portal Ciao, owned by Microsoft.⁷⁶

The legal basis for the Commission for the investigation is as follows:

1. Article 11(6) of Council Regulation No 1/2003 and article 2(1) of Commission Regulation No 773/2004.
2. Article 11(6) of Regulation No 1/2003 provides that the initiation of proceedings relieves the competition authorities of the Member States of their authority to apply the competition rules laid down in Articles 101 and 102 of the Treaty.
3. Article 2 of Regulation No 773/2004 provides that the Commission can initiate proceedings with a view to adopting at a later stage a decision on substance according to Articles 7-10 of Regulation No 1/2003.

The accusations are similar to those identified in the United States, however, the main concern of the EU is to say Ramon Tremosa (MEP): "The problem with *Google Search* is to divert traffic from rivals links. European companies are losing revenue and redundancies. European consumers are not receiving the most appropriate option, due to the preferential treatment of its own services Google."⁷⁷

Joaquin Almunia, European Commissioner for Competition, until November 2014, was one of the main speakers in the case, made several agreements with the company. In 2012, as part of the research conducted, Almunia pointed to four points on which could be considered to Google as a company with dominant position in the market for search engines:⁷⁸

⁷⁵ Arthur Charles, *European Commission Reopens Google Antitrust Investigation*, THE GUARDIAN, September 2014, available at <http://www.theguardian.com/technology/2014/sep/08/european-commission-reopens-google-antitrust-investigationafterpolitical-storm-over-proposed-settlement> (last visited: December 20, 2014).

⁷⁶ Pablo G. Bejerano & Marilín Gonzalo, *La batalla interminable de Google y Bruselas*, EL DIARIO.ES, December 2014, available at http://www.eldiario.es/turing/propiedad_intelectual/Google-UE-presion-antitrust_0_331417659.html (last visited: December 20, 2014).

⁷⁷ MONCHO, *supra* note 14, at <http://www.abc.es/economia/20141208/abci-poder-google-batalla-estados-201412052144.html>

⁷⁸ Joaquin Almunia, *Statement of VP Almunia on the Google Antitrust Investigation*, SPEECH EUROPEAN COMMISSION, (2012) available at http://europa.eu/rapid/press-release_SPEECH-12-372_en.htm

- I. In its general search results on the web, Google displays links to its own vertical search services. Vertical search services are specialised search engines which focus on specific topics, such as for example restaurants, news or products. Alongside its general search service, Google also operates several vertical search services of this kind in competition with other players.
- II. The second point relates to the way Google copies content from competing vertical search services and uses it in its own offerings.
- III. The third point, relates to agreements between Google and partners on the websites of which Google delivers search advertisements.
- IV. The fourth point, relates to restrictions that Google puts to the portability of online search advertising campaigns from its platform *AdWords* to the platforms of competitors.

The Commission considers that these practices can harm consumers by reducing choice and stifling innovation in the fields of specialised search services and online search advertising.⁷⁹

In 2013, Google agreed to adopt a series of measures to contrarrestas allegations against the company, these are:⁸⁰

- a) Google will give content providers an extensive opt-out from the use of their content in Google's specialised search services if they so wish, without being penalised by Google.
- b) Google will remove exclusivity requirements in its agreements with publishers for the provision of search advertisements; and
- c) Google will remove restrictions on the ability for search advertising campaigns to be run on competing search advertising platforms.
- d) An important aspect of the proposal is that Google's compliance with these commitments would be supervised by an independent monitoring trustee. The commitments would cover the European Economic Area (EEA) for 5 years.

⁷⁹ European Commission, *Antitrust: Commission Obtains from Google Comparable Display of Specialised Search Rivals*, (2014) available at http://europa.eu/rapid/press-release_IP-14-116_en.htm

⁸⁰ *Id.* http://europa.eu/rapid/press-release_IP-14-116_en.htm

However, this concession from Google fu not sufficient for the Commission, so that the investigation against Google continued.

Later in February 2014, Google decided to negotiate again before being sanctioned by the European authorities, and agreed to: "Google agreed to tweak the way it presents search results in Europe to address concerns that it is abusing its dominance in online search to favor its own services at the expense of rivals... futhermore, Google agreed to reserve space near the top of its European search pages for competitors to serve specialized search results for things like hotel rooms alongside Google services that do the same thing."⁸¹ The New York Times defined that "Google agreed to the harshest penalties it has yet received in an antitrust inquiry anywhere. But it escaped a fine and a finding of wrongdoing. And it protected its crown jewel —its secret algorithm— from oversight by regulators, and avoided a court battle or potential consequences like a \$5 billion fine or a ruling to make major changes to its company structure or its products."⁸²

There have been many speculations about the hardness that the European Union has had against Google, even been accused of xenophobia against the American search engine, which in the Wall Street Journal opinion, "That Could chase away foreign investment."⁸³ A Tremosa say, is not "of being against Google or any other US company. We are against monopolies, we want equal in the European digital market. We want fair and neutral searched interests of consumers."⁸⁴ Arnaud Monteburg, French Economy Minister said "It is Necessary, indeed urgent, to put in place a framework That Guarantees a level playing field."⁸⁵

⁸¹ Vanessa Mock, Sam Schechner and Rolfe Winkler, *Google Reaches Settlement in EU Antitrust Probe*, THE WALL STREET JOURNAL, February 2014, available at <http://www.wsj.com/articles/SB10001424052702304450904579364330663366784> (last visited: December 15, 2014).

⁸² Claire Cain Miller & Mark Scott, *Google Settles Its European Antitrust Case; Critics Remain*, February 2014, THE NEW YORK TIMES, available at http://www.nytimes.com/2014/02/06/technology/google-reaches-tentative-antitrust-settlement-with-european-union.html?_r=0 (last visited: December 15, 2014).

⁸³ *Id.* http://www.nytimes.com/2014/02/06/technology/google-reaches-tentative-antitrust-settlement-with-europeanunion.html?_r=0

⁸⁴ MONCHO, *supra* note 14, at <http://www.abc.es/economia/20141208/abci-poder-google-batalla-estados-201412052144.html>

⁸⁵ SCHECHNER & Mock, *supra* note 81, at <http://www.wsj.com/articles/SB10001424052702303480304579579791562483218>

Tim Worstall says, "However, we've a serious problem here: no one has yet managed to show as Google whos That deserves a fine of anything. Not only That no one has as yet managed to show That Google has done anything wrong at all. Our collective problem here Is That the EU itself does not seem to be sure about what monopolies are and why they're Generally undesirable things."⁸⁶ But in reality the European Union can not take any steps until such time as there are no real evidence "that consumer welfare is being damaged by the exercise of that dominance before we get to that stage. That's something we don't have as yet, may never have, and so there's not any justification for the EU's current threats."⁸⁷

Facing accusations Eric Schmidt (Google chairman until 2011) sent a letter to the Financial Times, to defend the position of the company, in Which Said: "Google is not The gateway to the Internet... Nor is it true that we promote our own products at the expense of competitors. We aim to show results that answer the user's queries directly (after all we built Google for users, not websites)... That's more relevant than a link to a specialised search engine, where you have to repeat your query. And if you need directions to a pharmacy, you get a Google Map with the closest stores. We think that is a great result for users."⁸⁸

After four years of research, and now being spokeswoman case, Margrethe Vestager, expressed his intention to meet with those companies more critical of the dominance of the browser. The European Commissioner noted that to complete the case requires further information, so decided a meeting with the detractors of Google in the European Union.⁸⁹

The rules in the European Union, will be much tougher for digital businesses, for the protection of consumer rights, as the European Parliament has called as a digital single market,

⁸⁶ Tim Worstall, *The Problem with Google's Potential \$6 Billion European Union Fine*, FORBES, September 2014, available at <http://www.forbes.com/sites/timworstall/2014/09/24/the-problem-with-googles-potential-6-billion-european-union-fine/> (last visited: December 15, 2014).

⁸⁷ WORSTALL, *supra* note 86, at <http://www.forbes.com/sites/timworstall/2014/09/24/the-problem-with-googles-potential-6-billion-european-union-fine/> (last visited: December 15, 2014).

⁸⁸ Mr Eric Schmidt, *Regulators Have not Objected to Google's Answers*, FINANCIAL TIMES, September 2014, available at <http://www.ft.com/intl/cms/s/0/ee8da9ea-334e-11e4-85f1-00144feabdc0.html?siteedition=uk#axzz3LtEFT4fd> (last visited: December 15, 2014).

⁸⁹ Foo Yun Chee, *EU's Vestager to Meet Google Complainants in Coming Weeks*, REUTERS, December 2014, available at <http://www.reuters.com/article/2014/12/11/us-eu-google-antitrust-idUSKBN0JP1CE20141211> (last visited: December 20, 2014).

this due to the adoption on 24 November 2014 different rules, among which directly affect the functioning of Google. This document, called “on supporting consumer rights in the digital single market (2014/2973 (RSP)”⁹⁰ reveals the view that Parliament has on digital markets and electronic commerce, considering it as a source of economic benefits, says:

whereas the digital single market is one of the area of progress which, though entailing challenges, offers potential for high-efficiency gains that could amount to EUR 260 billion per year, thereby contributing to Europe’s recovery from the crisis; además considera que “whereas the digital single market is one of the most innovative sectors of the economy and is therefore playing a major role in the competitiveness of the European economy and contributing to economic growth through the development of e-commerce, while also facilitating the administrative and financial compliance of businesses and presenting consumers with a wider choice of goods and services.”⁹¹

The resolution calls on Member States and the Commission, implement and enforce existing rules to address “barriers to the development of the digital single market.”⁹² The parliament, consensus application of existing rules or create new rules to protect consumers in e-commerce markets, including recommendations to be observed, have highlighted the performance of search engines,⁹³ a situation that points directly to regulate the operation of

⁹⁰ See:<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2014-0286+0+DOC+XML+V0//EN>

⁹¹ European Parliament, *Resolution on Supporting Consumer Rights in the Digital Single Market (2014/2973(RSP)*, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2014-0286+0+DOC+XML+V0//EN>

⁹² EUROPEAN PARLIAMENT, *supra* note 90, at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2014-0286+0+DOC+XML+V0//EN>

⁹³ Resolution points that focus on the search engines are:

“10. Notes that the online search market is of particular importance in ensuring competitive conditions within the digital single market, given the potential development of search engines into gatekeepers and the possibility they have of commercialising secondary exploitation of information obtained; calls, therefore, on the Commission to enforce EU competition rules decisively, based on input from all relevant stakeholders and taking into account the entire structure of the digital single market in order to ensure remedies that truly benefit consumers, internet users and online businesses; calls, furthermore, on the Commission to consider proposals aimed at unbundling search engines from other commercial services as one potential long-term means of achieving the aforementioned aims;

11. Stresses that, when using search engines, the search process and results should be unbiased in order to keep internet searches non-discriminatory, to ensure more competition and choice for users and consumers and to

Google Search, a blow is the resolution to harmonize legislation so that search engines separate their search business from the rest of their business,⁹⁴ This arrangement becoming binding force Google to unlink your business advertise your services web searches.

This document undoubtedly put a stop to practices which Google has been accused as harmful to the process of competition in the markets for electronic commerce in Europe; the authorities have greater legal resources to fight the American company and say the same European authorities, to generate more equal for operators of digital markets in Europe.

So far, it is not possible to assess the results of the resolution, this will take time, but it is real that this document is unprecedented in the world, and puts the EU at the forefront of the legislation on e-commerce markets as it seeks to adjust their existing laws to the physical market e-commerce markets, which every day becomes more economic agents who rely on this type of digital markets and despite criticism from those who advocate freedom of Internet regulation, responsibility and limited intervention of the state is necessary to create conditions of legal certainty of the online world.

V. CONCLUSION

In the analysis of the research that both the US and the European Union have made against the company Google about your product *Google Search*, due to accusations that the company uses its dominant position to benefit its customers advertising, detriment of competitors and consumers on the Web, we can see the following:

In both cases is possible see weakness of the antitrust authorities in investigations, it is suggested to be due to two reasons, the first is the lack of rules clarifying precisely how how to carry out investigations in the environment the web, which differs greatly from what is known in the physical world, and the second reason ignorance of the technical aspects of Google Search and behavior of competition in the electronic commerce markets, which inhibits the

maintain the diversity of sources of information; notes, therefore, that indexation, evaluation, presentation and ranking by search engines must be unbiased and transparent, and that, for interlinked services, search engines must guarantee full transparency when showing search results; calls on the Commission to prevent any abuse in the marketing of interlinked services by search engine operators;

12. Welcomes the announcement of further investigations by the Commission into search engine practices and the digital market in general..."

⁹⁴ *Id.* <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2014-0286+0+DOC+XML+V0//EN>

possibility of research clearer that emit strong results on the violation of companies like Google to antitrust laws, which inhibits the possibility of much clearer research that emit strong results on the violation of companies like Google to antitrust laws.

Proof of this was the decision of the FTC in 2013, which offered no convincing, specific and transparent statements to explain the reasons why Google was not identified guilty of violating antitrust laws, and let the good will of the business changes that deemed necessary to soften their practices against competitors, Google knows it is a monopoly and its employees have openly recognized as Vicent Cerf said "if we are a monopoly, what is the problem with it."⁹⁵

Another reason is the procedure shown so far in the European Union in the investigation of the European Competition Commission for more than four years to determine that Google has violated the competition in the european electronic markets. The investigations have been so deficient that Joaquín Almunia accepted various agreements that Google provided, to change their practices in the European Union and pretend to leave satisfied the European authorities, with the objective to finish the investigations against him, however, the European authorities do not have been satisfied and have worsened their position on search engines and e-commerce companies in the European Union with the rules that are stated in the resolution on supporting consumer rights in the digital single market (2014/2973 (RSP), argued, of course, encourage the interests of consumers.

However, as in investigations of physical markets, both the European Union and the United States, have explored what is called "market share," nevertheless, in the specific case of *Google Search*, and many companies digital with relevant market of digital products, this can not be the measure to determine market power,⁹⁶ as this is applicable to markets with a certain price in money for the service or product is offered, in the case of products like *Google Search* their price is zero, so that innovation plays a fundamental role in market power that acquires, here is the key point of the investigation.

It is important to clarify that this consideration does not put innovation as the enemy of competition in the markets for electronic commerce, on the contrary, as in the physical markets, is essential for surviving the competitive process, and benefit consumers; as in most

⁹⁵ Moises Naim, *El evangelio según Vint Cerf*, Entrevista, November 2014, available at <http://efectonaim.net/el-evangelio-segun-vint-cerf/> (last visited: December 28, 2014).

⁹⁶ If Google charge a certain price for access to its service, the business of *Google Search* just end.

of the companies in the new economy, the innovation of its products, such as *Google Search*, has generated positive network externalities that have given a market dominance of search engines and this could be the reason for rejecting the guilty of such companies as violating antitrust laws.

Considering that innovations are protected by copyright, then it would be necessary to review the laws on the subject in order to determine whether those provisions should be reassessed in the market environment of electronic commerce, in the case that they may hinder the competitive process.

But beyond all this, we must remember that the economy is governed by decisions of economic agents, therefore, will play an important role; if profit maximization is the main goal of every business, this objective should never be achieved at the expense of other economic agents involved in the market in question, so that the ethics of competition is vital for the existence fair competition, all companies have the right and obligation to offer innovative products and services to consumers, and it's not their fault if this affects their competitors, the problem is that the controls of the companies, make decisions to use their innovations in order to eliminate, under pressure, to competitors abusing market power they have acquired, even causing collateral damage to third parties.

In particular, it should occupy in the investigations in the case of companies in the New Economy is not the way in which they acquired their market power, but their use that power to follow preserving, creating unnatural barriers competition.

In the case of *Google Search*, is shown to be a company with monopolistic power, so that research should not focus on as acquired that power to then find guilt or otherwise of Google, as we saw network externalities play a key role in that market dominance, but this does not make you guilty.

Actually to determine that truly Google are violating the laws antitrust, with its product, Google Search, the analysis should be in two ways, a) damage to competition, and b) The existence of harm to consumers.

In the first case, it is essential that the authorities thoroughly understand how works the technology used by *Google Search*, including the algorithm and traces of spam, which may be discriminating divers Websites that truly provide valuable information and do not belong to the category of spam. In addition, rigorous analysis of the behavior of the searches machine, taking a particular sample of different markets is required, and analyze the possible exclusions

searching various websites perform competitors, checking the extent in that the links benefit to advertisers and create no natural barriers to competition.

It is important to note that the analysis should not only focus on competition in the market for search engines, also on the possible involvement of many other markets that exist in the environment of the Web, because if we consider that Google decides which links show consumers, and whether they benefit their advertisers, then perhaps many companies could simply be out of the competition in the environment of the web, they are not shown in the top search results, but this is really relative, because that do not appear in the top search results do not mean that Google does not allow them to appear on your ranking, depends on the willingness of the user to search all the pages of the search results shed.

However, we must note that Google is a private company that has the right to make decisions that benefit your company and give preferential treatment to their customers, the problem here is that Google Search has information that is not private, information is a human right, which makes it a matter of public character, so the commercial implications are uncomfortable and even dangerous for the right to information, so that the decision that the European Union has issued for search engines dissociate their activities in trade issues is quite relevant to eliminate the problem decision, however, it is estimated that this will harm the economic interests of Google, so it will be very interesting to know the decision the company will take to prevent impacts. We have the hypothesis that not being a way to generate income for Google, then, is uncertain the position that the digital enterprise will continue to support the service for consumers in Europe, the picture is viewed from three angles, 1) remove the service of Europe, 2) perform charges for using the service search machine, and 3) consider Google Search as a public interest resource and continue to benefit consumers, either option must be careful because it could generate global consequences.

Moreover, in relation to the possible existence of harm to the consumer, we must not lose sight of the antitrust laws safeguarding the process of competition, not competitors and not directly to consumers, for that there are specialized consumer protection laws; therefore, the damage should be investigated as affected consumers, ranging from an indirect appearance in the sense of showing that Google, through the use of Google Search, harm the competitive process and this reduces the economic benefits that are produced by competition in the market, these are: the growth of the overall economy depending, for example, the contribution of e-commerce activities to GDP and income rates microeconomic caused by digital business.

If one tries to analyze the damage to consumers directly can be in both directions in relation to the protection of personal data and direct consumer services, stipulated in the respetivas laws, but this is beyond the antitrust limits.

The end result of research in Europe, will be a precedent in antitrust investigations in the New Economy; America lost a valuable opportunity in the subject, so it will be important the final decision of the European Commission, which will be a future reference for other countries and will determine a starting point for commanding operation of competition in various markets e-commerce, and leading the way for other companies of the digital environment.