# RemedyFest 2024

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# Letter from the Organizer

Dear friends, colleagues, allies, and other interested parties,

I write to share with you this report from RemedyFest, which was held on February 27, 2024. Presented by Y Combinator and graciously hosted by Bloomberg Beta, RemedyFest was a unique forum at the nexus of technology and policy. This event—set against the backdrop of significant regulatory changes, such as the EU's Digital Markets Act, the anticipated decision in the United States v. Google trial, and other relevant legal proceedings—was more than timely; it was an essential discussion about the landscape of tech policy. The invite-only event included about 100 attendees across the in-person gathering in Washington, D.C. and garnered thousands of views on the livestream.

The lineup of speakers and panelists featured vanguard figures such as Senator J.D. Vance, Senator Elizabeth Warren, FTC Chair Lina Khan, Tim Wu, Bharat Ramamurti, Kara Frederick, and policy authorities from various political backgrounds. Additionally, entrepreneurs and technologists offered glimpses into alternative scenarios enabled by different regulatory landscapes. In this report, you'll be able to find highlights from each of RemedyFest's individual talks, discussions, and demonstrations.

RemedyFest was designed to offer insights into the potential evolution of user experiences of large technology firms, in scenarios where they are restructured or required to alter their business practices due to regulatory mandates. This initiative sought to provide a clearer understanding of how such changes could manifest and the implications for user interaction and access. By intertwining technology demonstrations with policy dialogues, the event attempted to bridge the divide between the silos of Silicon Valley's technologists and policy making in Washington and Brussels, enabling participants to observe and discuss potential remedies to anticompetitive conduct directly.

I believe RemedyFest achieved its aspiration to be more than a standard conference. Through these policy discussions and live technology demonstrations, the event adopted a pragmatic approach to exploring the future of tech regulation, embodying "show, don't tell".

In this report, I have aimed to provide a summary of RemedyFest and of the individual pieces that composed the event, along with key findings from the day and some recommendations for the future. I hope you will find it to be a useful supplement to a very exciting day at the convergence of technology, policy, and the future that we're all helping to shape.


Sincerely,


Luther Lowe
Head of Public Policy, Y Combinator

# Executive Summary

RemedyFest brought together a wide range of leaders, thinkers, and doers to contemplate and discuss a pressing matter: what should the responses be to Big Tech's dominance. A much-needed forum at a crucial juncture, RemedyFest convened important figures across technology, policy, law, and entrepreneurship to survey the current regulatory and enforcement landscape in the tech sector, and to chart pathways for wielding antitrust remedies and enforcement strategies to revitalize competition across digital markets that have become increasingly controlled by a handful of giant incumbents.

Hosted by Bloomberg Beta and presented by Y Combinator on February 27, 2024, this invite-only gathering of around 100 attendees across Washington D.C. and thousands of livestream viewers stood out in its pragmatic and creative approach that synthesized the innovations of Silicon Valley with a detailed examination of enforcement and regulatory priorities gaining momentum in the United States and Europe.

Through technology demonstrations, provocative keynotes, and lively panel discussions moderated by seasoned journalists, the event underscored the pervasiveness of concern about Big Tech's pernicious effects on competition, innovation, price, user experience, and policy. It also highlighted how pro-competition policy momentum is mounting, and how cross-sector support is surging for strong and efficacious remedies to the current monopolized ecosystem. RemedyFest also showcased the enormous ingenuity and inventiveness that technologists and smaller tech companies bring to the table, as they conducted demonstrations that very tangibly illustrated how they could make the tech market more competitive with their own innovative remedies, and how they can offer products and services that would benefit countless consumers—if only the incumbent tech giants would let them.

Just like its name suggests, RemedyFest's focus on remedies gave attendees the chance to hear about and consider a wide array of fixes to the status quo in the tech sector. At the event, there was unanimity on the starting premise: there is a need to pursue serious, effective remedies. This helpfully allowed the discussions and demonstrations to focus instead on what form those remedies should take, and how expansively they should reshape the tech sector.

Three prominent current policymakers delivered keynote speeches at RemedyFest, and despite their different roles and outlooks, all three made the case for robust remedies to address Big Tech's dominance.

Federal Trade Commission Chair Lina Khan unpacked the mounting threats posed by the unprecedented scale and reach that today's tech gatekeepers have accumulated. Khan emphasized the imperative for her agency to continue to pursue forceful remedies to foster competition in the market and to ensure that new entrants can try to make inroads without fear of retaliation or arbitrary cuts to market access. In a world where AI's future will be shaped by policy choices made today, she stressed that the FTC is working to ensure that AI is neither misused nor monopolized by a few dominant firms who distort competitiveness in that realm.

U.S. Senators J.D. Vance (R-Ohio) and Elizabeth Warren (D-Mass.) each issued emphatic calls to fundamentally remake the rules of digital competition through an ambitious reform agenda. Senator Vance drew upon his own experience in the tech industry as he made the case that innovation and competition are inextricably linked, and that major tech firms distort the political process in deeply concerning ways. Senator Warren issued a *cri de coeur* for major structural remedies to the dominant tech companies and for mandating interoperability and data portability. "It's time once again to bring out the big guns and break up the giants," Warren said. The two senators'

speeches foregrounded the fact that there is bipartisan support for bold reform in the tech sector. And both senators' remarks included the same exact sentence: "Personnel is policy." Regardless of who is president in 2025 and beyond, it matters a great deal whom that president appoints to steer the tech regulatory agenda.

One of President Biden's key personnel was Professor Tim Wu, an architect of the administration's competition and antitrust policies. Professor Wu kicked off RemedyFest with a clarion call for robust remedies. He drew upon historical examples to show that vigorous remedies can foster innovation and economic growth on an enormous scale. Professor Wu's opening remarks vividly explained the stakes of pursuing—or failing to pursue— strong remedies to a monopolized sector.

Another of President Biden's key personnel, former National Economic Council Deputy Director Bharat Ramamurti, participated in a panel discussion alongside Kara Frederick of the Heritage Foundation and Matt Stoller of the American Economic Liberties Project. This discussion, too, underscored both the bipartisan support for real pro-competition steps in the tech sector, and the importance of appointing the right personnel in the next presidential administration.

RemedyFest also looked to emerging policy overseas. One major recent development is the European Union's Digital Markets Act (DMA), which, at the time of RemedyFest, was about to take force imminently. Participants had the chance to hear about the DMA right from the authoritative source: Lucia Bonova, who heads a unit at the European Commission responsible for the implementation of DMA. Bonova provided firsthand information about the way the DMA works and about the scope of the regulation's ambitions. Then, in a moderated panel discussion—also featuring Bonova alongside Francesco Ducci of Western University Law and Jay Himes, the former Special Litigation Counsel in the Office of the New York State Attorney General—and an exchange with audience members, the DMA's ex-ante behavioral remedies were contrasted with ex-post and structural remedies that have been tried in other places and at other times. Expectations for the DMA are high, and the extended discussions of the regulation helped prepare attendees to watch and evaluate its progress in the months and years ahead.

The behavioral remedies of the DMA were brought into relief by another panel discussion that focused on breakups and whether they can unlock value. This panel featured Denise Hearn of the Columbia Center on Sustainable Investment; Paul Gallant, Managing Director & TMT
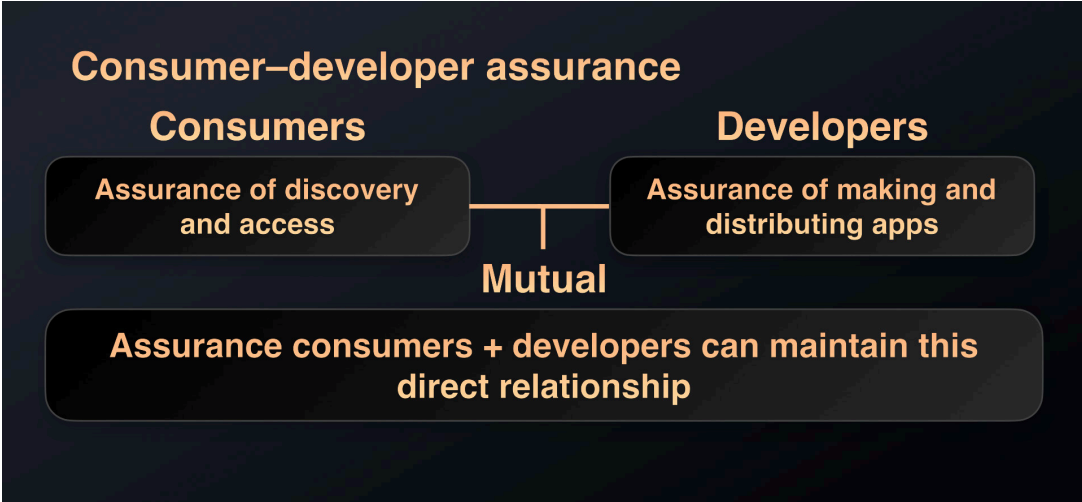
> "...bipartisan support for real pro-competition steps in the tech sector, and the importance of appointing the right personnel in the next presidential administration..."

Policy Analyst; and Kostya Medvedovsky of TIG Advisors. This discussion examined whether structural remedies, so often seen as extreme, are properly viewed that way, and whether the tide might soon turn to support breakups more often.

Against this rapidly evolving policy landscape, participating startup founders and technologists at smaller companies offered first-hand accounts of the myriad tactics and arbitrary bottlenecks innovators face when just a few dominant gatekeepers hold outsized vetoes over the most important distribution channels. Through a series of seven clear, informative, and surprising demonstrations, they illustrated how sometimes simple and straightforward remedies can make all the difference for their businesses' success and for consumers' access to the goods and services they want.

James Ide, co-founder and CTO at Expo, demonstrated what an "open and neutral app ecosystem" would look like, with consumers and developers having mutual assurance that they could continue to interact with each other in a disintermediated way. Gemma Petrie, principal researcher

**Consumer–developer assurance**

| Consumers | | Developers |
|---|---|---|
| Assurance of discovery and access | | Assurance of making and distributing apps |

**Mutual**

Assurance consumers + developers can maintain this direct relationship

at Mozilla, demonstrated design principles for browser choice, and explained that browser choice screens can be effective if they are well-designed. Kamyl Bazbaz, vice president at DuckDuckGo, also addressed choice screens and remedy design, and warned not to "let the fox guard the henhouse" when it comes to implementing a remedy. He offered recommendations to make the compliance process more like a product development process. Ben Gross, general counsel at Media Lab/Genius, recounted how his company painstakingly caught Google misappropriating their work for its own search results, only to find zero legal recourse after exhausting appeals up to the Supreme Court—underscoring the inadequacies of current enforcement channels. Peter

Curzon, vice president at Yelp, demonstrated the importance and harms of defaults and self-preferencing, and how Google can use its existing ranking of content to boost the most useful content instead of self-preferencing content. Bart Butler, CTO at Proton, used the process of setting up an Android phone to demonstrate how email is one's online identity, and how Google is attempting to seize control of it. Eric Migicovsky, founder and CEO at Beeper, demonstrated the stagnation in the chat app space and how Big Tech has attempted to stifle innovation by limiting interoperability and data portability and engaging in self-preferencing.

Soren Iverson, a product designer who has become (in)famous for his absurd and satirical apps and features, concluded RemedyFest by offering some closing inspiration. He noted that "what is absurd and what is unhinged" is perhaps not so different from what Big Tech does now, and he offered a vision for a tech ecosystem that gives users actual choice.

Across every issue examined, RemedyFest made concrete that the competition policy paradigm has shifted. It's no longer a question of whether to do something, but rather a question of what to do.

And to that latter question, RemedyFest participants offered a range of thoughtful and creative answers, while gravitating toward stronger and bolder options. The ubiquity of the concern about how tech giants have been able to avoid, dilute, or delay mild behavioral remedies served as the backdrop for many of the event's discussions.

RemedyFest advanced the dialogue on remedies in the tech sector, while also providing a new model for how that dialogue should take place. And while it offered many striking examples of how reform is a David-versus-Goliath battle, it also gave participants reason for hope. The vibrancy of RemedyFest was itself a cause for optimism. It was an unmistakable signal that the pro-competition movement—a diverse, bipartisan, cross-sectoral aggregation of people, organizations, and companies—has achieved escape velocity, and that the "antitrust winter" of decades past (as Professor Wu put it in his opening remarks) has given way to a new season. The road ahead is surely challenging, but RemedyFest has galvanized the push for real remedies.



Kara Frederick
Director of the Tech Policy Center,
Heritage Foundation

Matt Stoller
Director of Research,
American Economic Liberties Project

Bharat Ramamurti
Fmr Deputy Director,
National Economic Council

Emily Birnbaum
Moderator,
Bloomberg News

#remedyfest

Key Findings

During the various events at RemedyFest, a number of themes and insights emerged. These important takeaways should inform future discussion and activity in the realm of policymaking and regulation vis-à-vis Big Tech.

## 1. Nothing matters unless there are remedies, and those remedies must be robust.

Professor Tim Wu set the stage with these bold claims, which were reinforced throughout RemedyFest. Regulatory action in the antitrust realm must take the form of remedies. Without actual remedies, no change will be achieved. Moreover, those remedies cannot be milquetoast. Tech giants have become excellent at delaying, evading, and undermining weak remedies. Tepid remedies, in addition to being difficult to enforce, also often come with significant compliance costs. Therefore, only robust remedies can meet the moment.

## 2. Behavioral and structural remedies should both be real options.

Regulators too often default to behavioral remedies, or consider behavioral remedies the only solutions available to them. Structural remedies are often viewed as a dramatic, extraordinary, or unconventional step, but that should not be the case. Divestitures and breakups are a regular occurrence in business activities; they can be done. And structural separations have been required successfully through antitrust enforcement in the past. When it comes to enforcement, much depends on the specific facts of the case and the nature of the violation. Therefore, behavioral remedies are not a one-size-fits-all answer. Sometimes a situation will call for a structural remedy, and it's very easy to imagine structural remedies becoming more normalized in the not-too-distant future.

## 3. There is mounting bipartisan support for breakups and other vigorous remedies.

RemedyFest gave a platform to key figures from different points along the political spectrum. Republican Senator J.D. Vance and Democratic Senator Elizabeth Warren were both emphatic about how breakups should be an option to address tech giants. Kara Frederick, of the Heritage Foundation, and Tim Wu, formerly of the Biden administration, both embraced muscular responses to Big Tech. Conservative skepticism of concentrated power came up multiple times. Breakups and other potent regulatory responses are emerging across party lines as a preferred approach to addressing tech behemoths.

## 4. Breakups and other strong remedies can stimulate innovation.

The speeches, panel discussions, and tech demonstrations all underscored how powerful incumbents in tech stifle innovation. Startups and companies that try to challenge Big Tech are often the innovators nowadays, and they should be given a chance to grow large too. Strong remedies like breakups have been used successfully in the past to foster innovation, and that should be the goal of remedies now. The historical examples illustrate this fact, as Senator Warren, Chair Khan, and Professor Wu all described. And as Senator Vance put it, innovation and competition go together; "it's impossible to have one without the other." The tech demonstrations show how innovative companies face major obstacles—but also how there are easy ways to make the marketplace better if Big Tech didn't stand in the way.

## 5. Personnel is policy.

Repeatedly, RemedyFest made clear that the quality and extent of antitrust regulation and enforcement depends upon the specific people who are in the positions to carry out that regulation and enforcement. As both Senator Vance and Senator Warren said: "Personnel is policy." Appointing individuals who have a desire to think creatively and aggressively about remedies will be essential to reining in Big Tech and spurring innovation.

## 6. Technologists can provide valuable insights to antitrust enforcers.

In keeping with the lesson about the importance of personnel, the technology demos at RemedyFest underscored the value that technologists can provide in understanding the bottlenecks and barriers in the current marketplace, and crafting elegant and technologically feasible solutions to the current uncompetitive tech marketplace. In such a complex and dynamic ecosystem, it is important that technologists, and not just lawyers, have a role in determining the way forward. As Senator Warren said near the end of her keynote address: "Developers, please keep building tools and third-party apps to let systems communicate—you are a critical part of this antitrust remedy.... Keep using your technical skills to show how these remedies are workable."



> **Developers, please keep building tools and third-party apps to let systems communicate—you are a critical part of this antitrust remedy.... Keep using your technical skills to show how these remedies are workable.**

## 7. There are high expectations for the EU's Digital Markets Act.

The European Commission is optimistic about the DMA's ability to rein in Big Tech with its ex-ante behavioral remedies. But there is concern that its avoidance of structural remedies, and its new approach to Big Tech "gatekeepers" who have strong incentives to maintain the status quo, will fail to solve ongoing problems. It will be important for the Commission in conjunction with competition authorities to take swift action to ensure effective monitoring and compliance with the DMA from the start. This will be necessary not just to improve the competitiveness of the market, but to shore up confidence in the DMA. If companies are allowed to drag out compliance—which they have every incentive to try to do—then the DMA will be a failure. **(The DMA came into force soon after RemedyFest, and already there are public concerns that Apple—the first company to present to the Commission about the steps it has taken in response to the DMA—is out of compliance.)**

## 8. Big Tech will fight hard to resist regulation.

The same way that massive tech companies have used their resources and advantages to stamp out emerging competition, they will also use those tools to resist regulation that threatens the status quo. Whether by pushing for weak remedies, dragging out the process of compliance with any requirements they face, or scaring people by invoking the complexity of their businesses, Big Tech will surely continue to resist. But authorities must not give in. Big Tech is not too complex to regulate. Breakups and other forceful remedies have been done and can be done. The cost of failing to act is enormous. Leaving the status quo intact is tantamount to allowing the fox to continue to guard the henhouse, and it will result in untold forgone innovation.

Individual Events

# Opening Remarks: Professor Tim Wu

*Julius Silver Professor of Law, Science and Technology, Columbia Law School*

Professor Tim Wu—a leading designer of the Biden Administration's competition and antitrust policies, and the person who coined the term "net neutrality" decades ago—set the table for RemedyFest. He began with an unequivocal contention: when it comes to antitrust regulation, "nothing matters unless there are remedies." There might have been action or cases brought by regulators when antitrust enforcement was laxer, but the remedies are essential. Moreover, those remedies must be robust ("No wimpy remedies."), and they must be aimed at contributing to growth in the tech sector. "The right kind of antitrust remedy can be as important as any government intervention in tech," he said.

Wu provided three examples of successful "growth remedies" in tech: the break-up of the trust-dominated motion picture industry in the early 1900s; the 1956 consent decree that imposed a number of crucial limitations on AT&T and Bell Labs; and the government action that led IBM to unbundle its hardware and software, thus opening up the software industry.

Wu concluded by urging attendees to "take seriously the idea that antitrust is industrial policy." And this idea must involve robust remedies that are targeted at growth, "that really seek to change the structure of the economy." History, Wu said, offers these clear lessons.

# Morning Keynote: Senator J.D. Vance (R–Ohio)

Before running for office, Senator J.D. Vance worked in the tech industry and was a principal at Mithril Capital, a VC firm. Vance said his time in the Valley influences his views of antitrust policy. He noted that at the time, around 2015, many AdTech start-ups were, despite their rapid growth, considered "dead companies." The reason, he came to understand, is that "they existed in a fundamentally non-competitive market." The market's dominance by powerful incumbents harmed innovation. "We want innovation, and we want competition, and I think that it's impossible to have one without the other," Vance said. Because of this viewpoint, he thinks FTC Chair Lina Khan is doing a good job. He thinks that building a pro-innovation competitive marketplace cannot focus overly on pricing power to the neglect of other features of that marketplace. In antitrust policy, Vance elaborated, scrutiny of a merger or acquisition should not begin and end with the question of whether it increases prices for consumers. And a bipartisan consensus is emerging that there should be a broader understanding of competition in the marketplace, Vance said.

Network effects of the giant players like Google and Facebook give them a nearly insuperable advantage, he said. As a result, there is a strong argument that separating the multiple market verticals that these giant companies own would engender competition, and antitrust offers potential solutions here.

Vance then made the case that Google and Facebook have distorted the political process. They do so by hiding important information from the public. Some people with whom he might otherwise agree on competition policy tend to be pro-censorship, he said.

Next he contended that blockchain technology will be necessary to the success of challengers in the social media space. This is "one of the best ways to disrupt the existing digital ecosystem" by promoting new entrants. He said that "we should be more assertive in breaking up some existing technology incumbents," but there are barriers to that, so new entrants are necessary.

Finally Vance stressed the importance of recognizing that public welfare can be just as threatened by private actors as by government actors.

During a question-and-answer session that followed, Vance speculated that in a potential future Trump Administration, "personnel is policy" and will be key to deciding antitrust policy.

# James Ide, Co-founder & CTO at Expo

For the first tech demonstration of RemedyFest, James Ide focused on how to achieve more consumer choice and industry competition in the mobile app ecosystems. Ide explained that his company, Expo, "enables software developers to create truly native apps that run on Android Phones, iPhone, the web, and more, all with a single team." He introduced the concept of "consumer–developer assurance"—the idea that developers should be assured that they'll be able to make and distribute their apps, and that consumers should be assured that they'll be able to use and continue to use those apps. This assurance is mutual: "If the developer provides the app and the consumer wants to use it, they have assurance they can maintain this relationship for as long as they both consent."

In the current mobile app ecosystem, Ide explained, operating system makers (along with the stores they own) are the "mandatory arbiters of what developers are allowed to distribute, and what consumers are allowed to install and ultimately experience." Ide then conducted demonstrations of what he called "a more open and neutral app ecosystem" in which the operating system makers do not fill the role of mandatory arbiters. First, he showed what it would be like for a consumer to get an app directly from a developer without an intermediary store. Second, he demonstrated what it would be like for a consumer to get an app from a store that's not the operating system maker. Third, he exhibited how it would look for developers to offer their apps to the public, with or without a store. This vision for how "consumers and developers together are the arbiters of their relationship and have assurance it can continue," Ide said, could have implications broader than just the mobile app ecosystem in the future.

# Panel Discussion: A View from the Street: Can Regulation or Breakups Unlock Value?



**Panelists:**

- **Denise Hearn,**
  *Columbia Center on Sustainable Investment*

- **Paul Gallant,**
  *Managing Director & TMT Policy Analyst*

- **Kostya Medvedovsky,**
  *TIG Advisors*

- **Ephrat Livni,**
  *New York Times DealBook (moderator)*

Denise Hearn began the discussion by calling divestitures and breakups "a routine part of capitalism"—a common occurrence in M&A activity. Breakups are not just a "nuclear option." And spinoffs often result in increased value for shareholders. When companies become huge, it impairs accurate pricing because it's difficult to know the true value of those companies and their components. Kostya Medvedovsky said that within the antitrust bar, breakups of companies are considered a very extreme action. And Paul Gallant said the market "does not bake in at all any chance of the government mandating divestitures or structural separations." In the last seven years, he added, the market came to understand that monopolization cases and unilateral conduct cases are difficult and take a very long time, placing them beyond most investors' time horizons.

Gallant addressed the hypothetical of a trial that concludes that Google or another large tech company violated antimonopoly laws. In such a case, he believes, structural remedies might be realistic, especially given the extreme complexity of enforcing behavioral remedies.
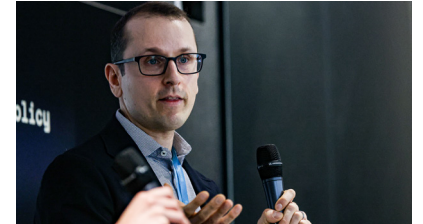
When asked whether ideological boundaries are breaking down in antitrust, Hearn responded that a major renaissance in antitrust policy is underway with bipartisan momentum in some aspects of reining in tech. Gallant said legislation like the American Innovation and Choice Online Act, introduced by Senators Amy Klobuchar and Chuck Grassley, posed a major threat to Google, and it's not dead.

Medvedovsky said there is value to predictability, including a regulatory framework that everyone can understand. He said Facebook's acquisition of WhatsApp is a good example of where it's not obviously a bad idea to do a spinoff.

Hearn said that complying with a tepid consent decree, like Microsoft's, takes enormous effort and manpower. That is an argument for a more robust remedy, which removes the company's large cost of regulatory compliance and allows those resources to be deployed toward innovation.

# Second Keynote: Federal Trade Commission Chair Lina Khan

In her speech, Chair Lina Khan said that the ability to incubate talent and startups has been critical to American success, which is why it is so important to ensure our markets remain open, fair, and competitive. Unfortunately, too often dominant intermediaries block entry into markets and smaller rivals are forced to do business at "the arbitrary whims of the existing giants." Those incumbents can charge exorbitant fees to new entrants, demote or shadow ban apps, or appropriate a start-up's idea and then give their own products a leg up.

Khan said history shows that antitrust enforcement and strong competition policy are critical for fostering innovation. Fair competition—"not monopolistic gatekeepers who can serve as de facto private regulators"—should determine market outcomes. She cited the rapid deployment of AI as a salient example of the importance of fair competition. Khan also cited the 1956 AT&T consent decree, and the government antitrust lawsuit against Microsoft in the 1990s, as important facilitators of startups.

The FTC has taken several steps to promote competition. It has proposed to ban noncompete clauses. It is also "taking on coercive gatekeepers and stopping deals that risk stifling future innovation," like suing Amazon for anticompetitive practices, and blocking Nvidia's attempted acquisition of Arm.

Khan also discussed AI at length. The FTC is focused on ensuring fair and honest competition within AI, including a market inquiry into the ties between dominant AI developers and cloud service providers. Another principle driving the FTC's actions on AI is ensuring that dominant firms don't take control of key inputs and then use that control to distort competition or engage in other harmful behaviors.

In addition, Khan said, AI model training could further incentivize surveillance. "Our remedies are making clear that the drive to refine algorithms cannot come at the expense of people's privacy or security, and special access to customers' data cannot be used to undermine fair competition." Moreover, the FTC is "crafting easily administrable remedies, with bright-line rules on the development, use, and management of AI inputs." Some types of data, such as health data, geolocation data, and browsing data should be completely off-limits.

Chair Khan ended by stating that in tech, what is good for the biggest companies is not good for the smallest or medium-sized players. In fact, she said, startups' success is directly at odds with gatekeepers who use their power to lock out smaller rivals. So the choices made in Washington, including vigorous antitrust enforcement, can give startups "a fair shot at being tomorrow's giant."

## Gemma Petrie, Principal Researcher at Mozilla

For the second tech demonstration of RemedyFest, Gemma Petrie focused on giving people control over their online experience via browser choice screens. She noted that while browser choice screens have been unsuccessfully introduced over the years, they are still a remedy that regulators continue to fall back on.

Petrie demonstrated ways to address OS self-preferencing in browsers. Users can be directed to the right browser for their needs by taking a short quiz that matches them with a browser, or users can be provided with a tab dedicated to defaults that makes it easier for users to change those defaults (and the newly chosen browser can replace the default in various places), or a generic browser icon can be installed out of the box.

Petrie offered three design principles for remedies. First, offer the choice of browser at an appropriate time—not, say, when they're in the middle of another task. Second, browser choice interventions need to help people make informed choices. Third, changing defaults should be made easier.

Petrie concluded with a demonstration of an experiment that tested various features of browser choice screens. The experiment found that browser choice screens can be effective if they are well-designed, which includes presenting a wide range of browsers and offering the choice at device set-up or major updates. This increases browser competition and gives consumers what they actually want.

## What are the outcomes of a well-designed browser choice screen?

- **Do not burden consumers**

- **Increase people's satisfaction with device set-up**

- **Help people find a default they want to stick with**

- **Increase browser contestability**

- **Align with people's preferences**

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## Kamyl Bazbaz, Vice President at DuckDuckGo

For the third tech demonstration of RemedyFest, Kamyl Bazbaz also addressed choice screens and remedy design. He began by displaying the search engine choice screen in the European Union over the last four years, which has evolved only very slowly because of protracted remedy implementation and delayed regulator follow-ups. As has been clear with the Digital Markets Act, "gatekeepers are going to find ways to subvert and get around their obligations, and then abuse the process to effectively turn compliance into a years-long effort."

Bazbaz's core message was a warning: "Don't let the fox guard the henhouse." When it comes to the choice screen, Google is in charge of the remedy itself, and it is glad to drag out the process.

Bazbaz demonstrated the challenging process of changing the default search engine on one's phone. He also mentioned that the DMA includes an easy-switching provision, and demonstrated what a significantly easier search-engine choice screen would look like—though Google has ignored this DMA provision.

Bazbaz offered three recommendations to make the compliance process more like a product development process. First, he recommended appointing technical oversight committees consisting of market participants, academics, and product design experts, and forbidding gatekeepers from implementing remedies without approval from oversight committees. Second, he recommended establishing a mutually agreed-upon set of KPIs to measure progress toward the regulatory goal. Third, he recommended rapid iterations of remedy implementation through quarterly design revisions based on continuous data feedback from testing.

## Panel Discussion: How Will the Outcome of the 2024 Election Shape Gatekeeper Behavior?



**Panelists:**

- **Kara Frederick,**
  *Heritage Foundation*

- **Bharat Ramamurti,**
  *Former Deputy Director, National Economic Council*

- **Matt Stoller,**
  *American Economic Liberties Project*

- **Emily Birnbaum,**
  *Bloomberg News (moderator)*
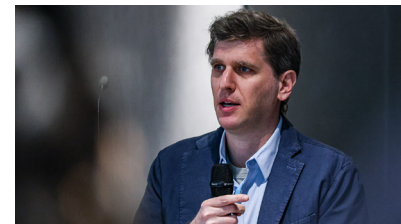
Bharat Ramamurti and Kara Frederick began the discussion by forecasting what a second administration for Trump and Biden, respectively, might do on antitrust and competition policy. Ramamurti said the Biden administration has already taken some important steps, but the airline, health care, and tech sectors are ripe for more action. Frederick said that Trump's base recognizes that large companies with concentrated power, and their ability to shape behavior, can infringe on individuals' rights. When a company like Twitter suppresses certain stories, that is a problem for democracy. Frederick also said it's a problem for society when a company like Parler gets built, but Amazon Web Services suspends it. Private companies should not be considered untouchable as they might have been by Republicans in the past, Frederick said.

Matt Stoller said that in light of the social and economic shocks over the last 15 years or so, "thinking big is less risky than thinking small." A few years from now, breaking up large firms might not seem like such a weird step. But not all steps are in the president's control.

A judge might realistically force Google to spin off Android this year. Stoller continued that there are a number of Republicans, from different molds, who have been persuaded that regulation is needed. He later added that the Biden administration has been extraordinary and transformational on antimonopoly policy.

# Lucia Bonova, Head of Unit, Digital Markets Act Enforcement at European Commission



Lucia Bonova delivered a special presentation on the DMA, which came into force soon after RemedyFest. She is helping lead the team that is overseeing the enforcement of the DMA. For the first half of her presentation, Bonova provided an explainer of the DMA, describing the "groundbreaking" legislation in Europe as an ex-ante remedy adopted in Europe to make digital markets more competitive and fairer. The DMA is motivated by problems like lack of competition in platform markets due to network and lock-in effects, and unfair gatekeeper practices. Once a company is designated as a gatekeeper because it has a significant impact in one of the relevant service areas (e.g., app stores, search engines, web browsers, social networks), it is subject to the DMA's requirements. Six companies have been designated as gatekeepers for 22 of their services: Amazon, Apple, Google, Meta, Microsoft, and ByteDance. Designated gatekeepers face a number of obligations, including but not limited to interoperability of messenger systems, not misusing data to compete with businesses that use the platform, and no self-preferencing in ranking.

Bonovo then discussed various provisions of the DMA. She did a deep dive on hardware and software interoperability. She explained that, as a result of the interoperability requirements, users will be able to access the same hardware and software features available to gatekeepers on their operating systems. This requirement aims to



### What is the DMA?

- The DMA is a **GROUND-BREAKING** piece of legislation in Europe
- Adopted in record time to make **digital markets** more **contestable** and **fair**
- **Europe** is a clear **front-runner – the only jurisdiction globally** with such a comprehensive set of rules
- Enters in **full application** for designated gatekeepers on **7 March 2024**

**THE GAME IS ON!**

eliminate self-preferencing via the exclusive access to features. She also elaborated on how the DMA creates the opportunity to develop competing app stores, and how the DMA's mandate of data portability allows, for example, one's Facebook data to be transferred to a new social network.

Gatekeepers must comply with the DMA as of March 7, 2024. The European Commission has authority to monitor compliance, and to impose very significant fines for violations. The DMA is an attempt to incentivize compliance instead of ex-post punishment.

# Ben Gross, General Counsel at Media Lab/Genius

The fourth demonstration of RemedyFest was presented by Ben Gross. Genius is known for its massive, collaborative lyrics transcription project, which generates ad revenue. Gross demonstrated how these transcriptions take shape. Gross explained that when Google began placing its "information box" with lyrics above organic search results, the click-through rate to Genius dropped dramatically. Gross then demonstrated how, through the subtle placement of curly versus straight apostrophes in the lyrics, Genius established that the transcriptions in Google's information boxes were copied from Genius, which diverted revenue. So Genius sued Google, lost, and were unsuccessful in their legal appeals. "We have no remedy," Gross said, adding that this will eventually kill Genius and result in lower-quality lyrics. Gross then showed a solution they've requested, but have not received: for Google to provide a snippet of lyrics and then link to Genius.



[Pre-Chorus]

We'd always go into it blindly
I needed to lose you to find me
This dancing was killing me softly
I needed to hate you to love me, yeah

Full lyrics on **Genius**

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Genius
https://genius.com › Selena-gomez-lose-you-to-love-me-...

## Selena Gomez – Lose You To Love Me Lyrics

Oct 23, 2019 — **[Verse 1] You promised the world and I fell for it**. I put you first and you adored it. Set fires to my forest. And you let it burn

# Panel Discussion: Will the Big Tech Trials and DMA Help Startups?



**Panelists:**

- **Lucia Bonova,**
  *European Commission*

- **Francesco Ducci,**
  *Western University Law*

- **Jay Himes,** *Former Special Litigation Counsel, Office of the New York State Attorney General*

- **Leah Nylen,**
  *Bloomberg News (moderator)*

Jay Himes began by assessing the differences between structural and behavioral remedies. Structural remedies are generally easier to implement; in the tech space, behavioral remedies are very hard to monitor. Lucia Bonova discussed how the gatekeepers in Europe will have to provide self-reporting on their compliance, and how other businesses will monitor them too. Himes revisited the Microsoft antitrust case. A court doesn't have to limit its remedies to addressing only what created the unlawful condition; "it can also adopt remedies that may be necessary to preserve competition overall," he said. But with Microsoft, this was "terribly difficult." Francesco Ducci said the main challenge for antitrust enforcers in the tech space is effective remedies. The DMA, he continued, is partially a reaction to remedy failures in the European cases. When it comes to tying, bundling, pre-installation, defaults, and the like, there is concern that simple prohibitions and injunctions "will not necessarily restore the competition as it was before the practice." Ducci's research on effective remedies explored the possibility of randomizing defaults instead of choice screens.

During Q&A, multiple questioners raised concerns that the DMA's approach does not go far enough to rein in companies, especially with its avoidance of structural remedies. Bonova responded that she believes the DMA is "ambitious" and can achieve worthwhile results, but it is not aimed at tackling the concentrated market structure or breaking up companies.

# Third Keynote: Senator Elizabeth Warren (D–Mass.)

Senator Elizabeth Warren began her speech with the contention that in 2016, "antitrust enforcement was basically dead" in the United States. Because "personnel is policy," the Biden administration's appointments have made a big difference and "have echoed around the world." Antitrust laws have gained traction and public support. Warren said that the same way that Wall Street attempted to increase complexity in the market leading up to the 2008 financial crisis, and then invoked that same complexity as a reason to limit regulation, "Big Tech is cranking up the same complexity machine."

Warren then enumerated "the tools in the toolbox" that already exist and should be used again to promote competition in the tech world, including breaking up giant companies and requiring interoperability and data portability. "We've been breaking up monopolies for more than a century," she said. "It's time once again to bring out the big guns and break up the giants." Warren also criticized vertical mergers and self-preferencing, and predicted that AI will exacerbate these problems. As for interoperability, Warren said, "Today, you can't run an Android app on an Apple phone or take your followers with you when you leave Twitter. Those are policy choices, not technical impossibilities." Warren urged developers to "keep building tools and third-party apps to let systems communicate."
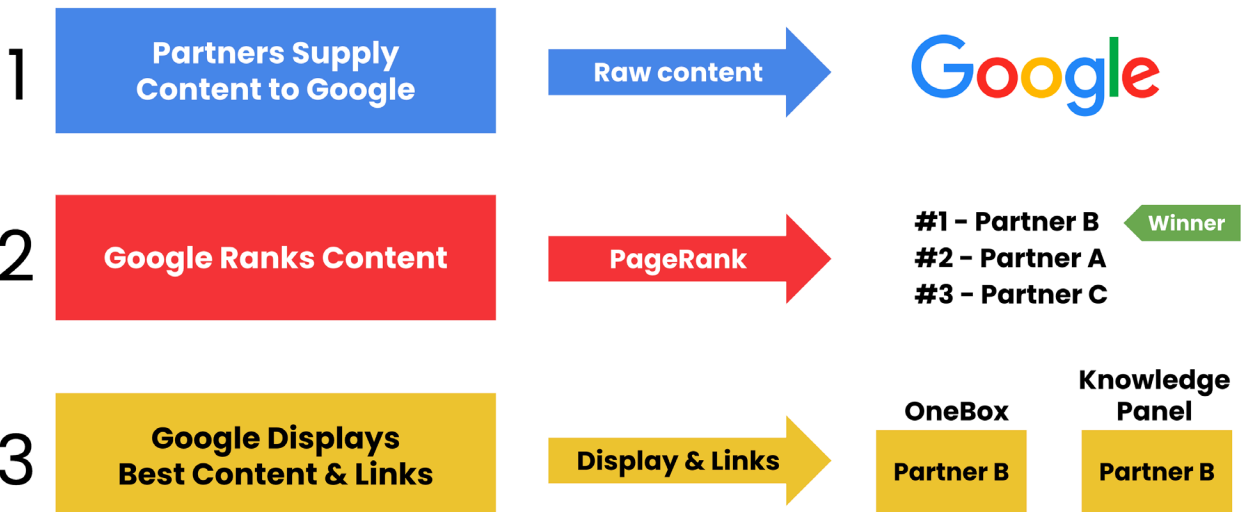
## Peter Curzon, Vice President at Yelp

For the fifth tech demonstration of RemedyFest, Peter Curzon—who at Yelp leads partnerships across content, advertising, and commerce—illustrated how the United States v. Google trial made clear that defaults matter a lot. Curzon showed how a Google search's results push Google's content to the top, rather than the content that is most valuable to users. "I am going to propose today instead that Google end self-preferencing, and it should display the best content," Curzon said. Although this proposal might seem obvious, Curzon said, it could have wide-reaching impacts. Curzon demonstrated how Google can use its existing ranking of content to boost the most useful content instead of self-preferencing content, including in user-friendly maps. He also laid out how partner sites could facilitate this by sending content to Google in a standardized format. Google's DMA compliance proposals—including search filters or an additional horizontal scroll—do not actually end self-preferencing, Curzon maintained.



**Proposal: end self-preferencing. Display the best content.**

1 — Partners Supply Content to Google → Raw content → Google

2 — Google Ranks Content → PageRank → #1 - Partner B (Winner) / #2 - Partner A / #3 - Partner C

3 — Google Displays Best Content & Links → Display & Links → OneBox: Partner B / Knowledge Panel: Partner B

## Bart Butler, CTO at Proton

For the sixth tech demonstration of RemedyFest, Bart Butler showed how setting up an Android phone, or using any Google service on your phone, or downloading an app through the Google Play Store, requires setting up a Gmail account. In contrast, Proton—which provides end-to-end encryption for email and other products—allows users to sign up for an account with a third-party email. This is part of Google's attempt to control the open platform of email. They've been "astonishingly successful": 30% of all email goes through Google. Butler said "users should be able to control their online identity," and there are remedies to achieve that. First, allow Android logins with non-Gmail addresses. Second, pre-install the email provider that the consumer used for their Android phone setup. Third, use a choice screen to allow a choice of email providers. Butler concluded, "Email is your online identity. Google shouldn't control it."
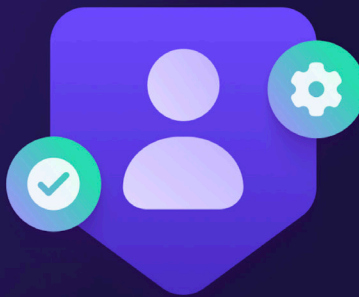
## Eric Migicovsky, Founder & CEO at Beeper

For the seventh tech demonstration of RemedyFest, Eric Migicovsky—whose company, Beeper, aims to build the best chat app—began by observing that there have been almost no new chat apps created in the last decade. The reason is the lack of interoperability; chat apps don't include account portability. A major problem for new entrants, Migicovsky said, is that it's incredibly difficult to overcome the chicken-and-egg problem: "No one will actually use a new chat app unless their friends are also on it." It is very difficult to switch chat apps.

Beeper devised a way to interoperate with 15 existing chat networks. It merges all of a user's current chat conversations and merges them in a universal inbox. It also provides a single search box, and provides a unified conversation timeline with a contact across apps. Big tech companies, like Apple, have attempted to undermine Beeper's work.

Migicovsky concluded by contending that chat networks could be treated like other communication networks that have been successfully regulated. Mandating interoperability and data portability, and restricting bundling and self-preferencing, would all help.
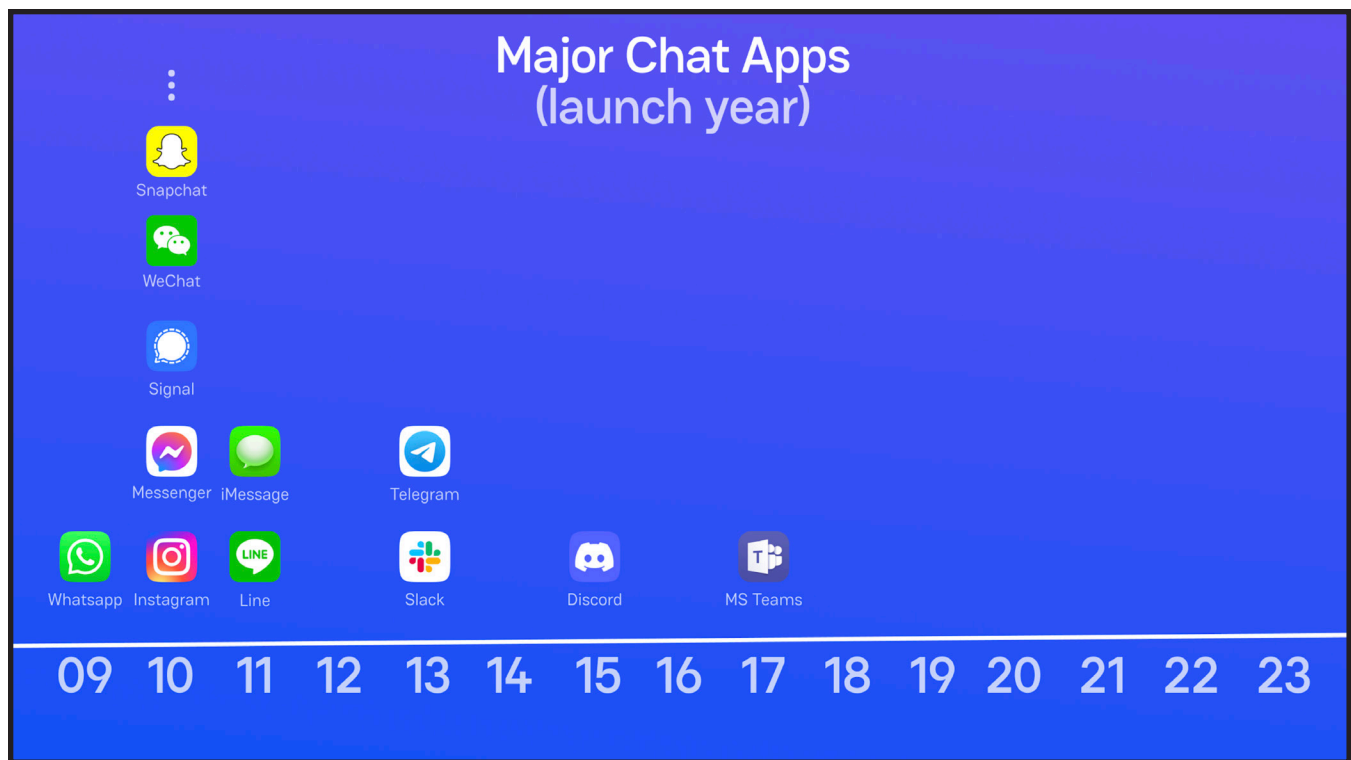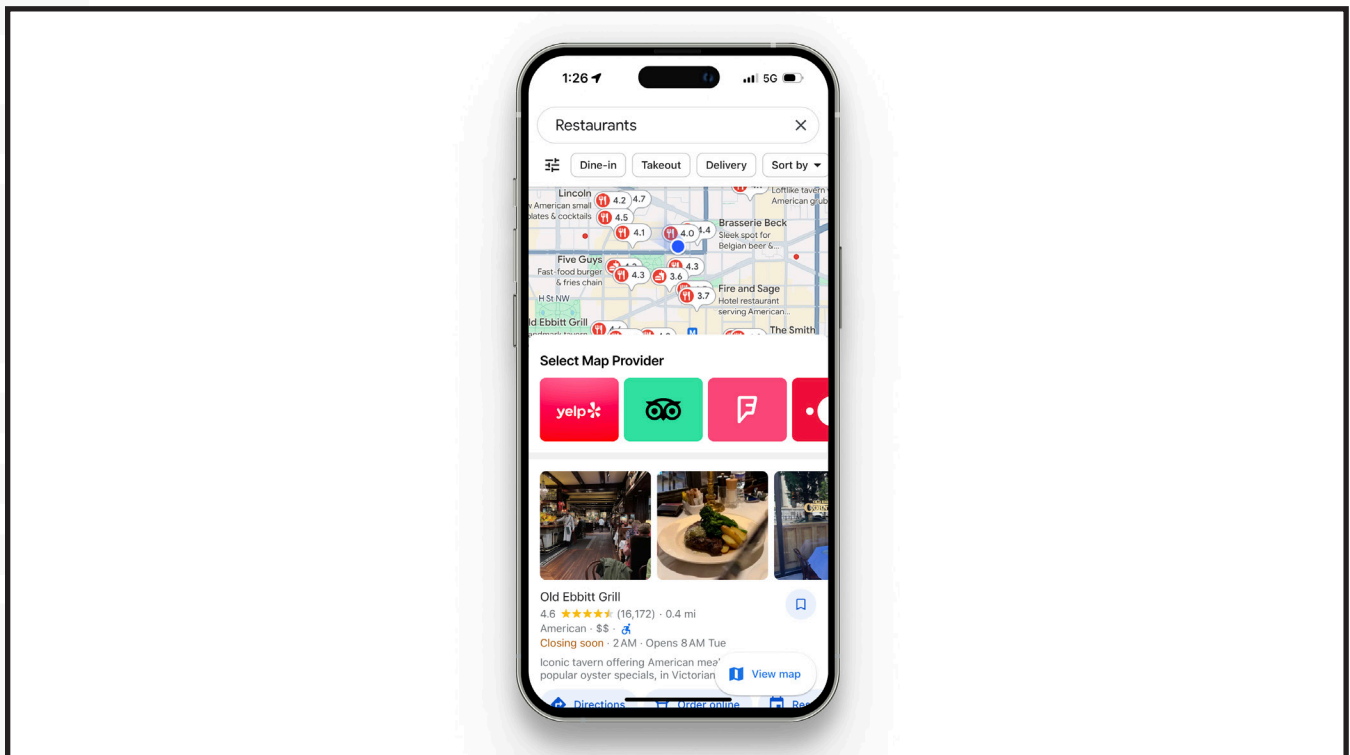
# Closing Inspiration: Soren Iverson

Soren Iverson, a product designer, has risen to prominence with a steady stream of concepts for humorous and satirical apps and features. He tries to take "pain points that we already have with interaction design, and mak[e] them a tiny bit more painful." What many people outside tech don't realize, Iverson said, is that designers—not just engineers and product managers—are often shaping product vision and helping define a company's direction.



Iverson explained that, in his view, there is a "razor thin line between what is absurd and what is unhinged, and what companies will do to defend their bottom line when they need to."

Iverson then addressed a question: "What does it look like if gatekeepers adhere to DMA in good faith?" He demonstrated several prototype features he designed that major companies could adopt to reduce their own self-preferencing, increase interoperability, and reduce the power of defaults. He concluded that it is possible to come up with solutions that give consumers choice without worsening their user experiences.

RemedyFest 2024