

AG Lynn Fitch sues Google for Antitrust Violations

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Attorney General Lynn Fitch joined a coalition of 37 attorneys general, to file a lawsuit against Google, alleging exclusionary conduct relating to the Google Play Store for Android mobile devices and Google Billing. This antitrust lawsuit is the latest legal action against the tech giant, claiming illegal, anticompetitive, and unfair business practices. The States accuse Google of using its dominance to unfairly restrict

competition with the Google Play Store, harming consumers by limiting choice and driving up app prices.

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This case centers on Google’s exclusionary conduct, which substantially shuts out competing app distribution channels. Google also requires that app developers that offer their apps through the Google Play Store use Google Billing as

a middleman. This arrangement, which ties a payment processing system to an app distribution channel, forces app consumers to pay Google’s commission—up to 30 percent—on in-app purchases of digital content made by consumers through apps that are distributed via the Google Play Store.

The lawsuit alleges that Google works to discourage or prevent competition, violating federal and state antitrust laws.

Google Closed the Android App Distribution Ecosystem to Competitors

When Google launched its Android OS, it originally marketed it as an “open source” platform. By promising to keep Android open, Google successfully enticed “OEMs”—mobile device manufacturers—such as Samsung and “MNOs”—mobile network operators such

as Verizon—to adopt Android, and more importantly, to forgo competing with Google’s Play Store. Once Google obtained the “critical mass” of Android OS adoption, Google moved to close the Android OS ecosystem—and the relevant Android App Distribution Market—to any effective competition by, among other things, requiring OEMs and MNOs to enter into various contractual and other restraints. These contractual restraints disincentivize and restrict OEMs and MNOs from competing (or fostering competition) in the relevant market. The lawsuit alleges that Google’s conduct constitutes unlawful monopoly maintenance, among other claims.

In aid of Google’s efforts discussed above, the AGs allege that Google also engaged in the following conduct, all aimed at enhancing and protecting Google’s monopoly position over Android app distribution:

- Google imposes technical barriers that strongly discourage or effectively prevent

and the research team based in the USM History program.

About The University of Southern Mississippi

The University of Southern Mississippi (USM) is a comprehensive public research institution delivering transformative programs on campuses in Hattiesburg and Long Beach, at teaching and research sites across the Mississippi Gulf Coast, as well as online. Founded in 1910, USM is one of only 131 universities in the nation to earn the Carnegie Classification of Institutions of Higher Education’s “R1: Doctoral Universities – Very high research activity” designation, and its robust research enterprise includes experts in ocean science and engineering, polymer science and engineering, and large event venue safety and security, among others. USM is also one of only 37 institutions in the nation accredited in theatre, art and design, dance and music. As an economic driver, USM generates an annual economic impact of more than \$600 million across the state. USM welcomes a diverse student body of more than 14,000, representing 71 countries, all 50 states, and every county in Mississippi. USM students have collected four Truman Scholarships and 37 National Science Foundation Graduate Research Fellowships, while also leading Mississippi with 27 Goldwater Scholarships, an honor that recognizes the next generation of great research scientists. Home to the Golden Eagles, USM competes in 17 Division I sports sponsored by the National Collegiate Athletic Association (NCAA). For more information, visit usm.edu

third-party app developers from distributing apps outside the Google Play Store. Google builds into Android a series of security warnings (regardless of actual security risk) and other barriers that discourage users from downloading apps from any source outside Google’s Play Store, effectively foreclosing app developers and app stores from direct distribution to consumers.

- Google has not allowed Android to be “open source” for many years, effectively cutting off potential competition. Google forces OEMs that wish to sell devices that run Android to enter into agreements called “Android Compatibility Commitments,” or ACCs. Under these “take it or leave it” agreements, OEMs must promise not to create or implement any variants or versions of Android that deviate from the Google-certified version of Android.

- Google’s required contracts foreclose competition by forcing Google’s proprietary apps to be “pre-loaded” on essentially all devices designed to run on the Android OS, and require that Google’s apps be given the most prominent placement on device home screens.

- Google “buys off” its potential competition in the market for app distribution. Google has successfully persuaded OEMs and MNOs not to compete with Google’s Play Store by entering into arrangements that reward OEMs and MNOs with a share of Google’s monopoly

profits.

- Google forces app developers and app users alike to use Google’s payment processing service, Google Play Billing, to process payments for in-app purchases of content consumed within the app. Google is unlawfully tying the use of Google’s payment processor, which is a separate service within a separate market for payment processing within apps, to distribution through the Google Play Store. By forcing this tie, Google is able to extract an exorbitant processing fee as high as 30 percent for each transaction, which is many times higher than payment processing fees charged in competitive markets.

In addition to Mississippi, attorneys general from Alaska, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Idaho, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, and West Virginia joined the lawsuit.

First round of documents digitized in Governors’ Letters Project, volunteers needed

A documentary project led by a University of Southern Mississippi (USM) history professor that is digitizing more than 20,000 letters written to Mississippi governors during the Civil War and Reconstruction periods has launched its first 2,000 documents online. The project, which is a feature of USM’s prestigious Dale Center for the Study of War & Society, is also seeking volunteers for assistance with transcription of original documents.

The Civil War & Reconstruction Governors of Mississippi project (CWRGM) is housing these papers at CWRGM.org. Each document is accompanied by detailed metadata, transcriptions, and early annotations provided through subject tagging features that enhance discoverability in the collection.

The project is organized and led by USM history professor Dr. Susannah Ural, who has received more than \$500,000 in private and federal grant funding for the project. The CWRGM project has also employed and provided highly marketable training to over a dozen USM students.

“We created CWRGM for diverse audiences, which is a challenging but important goal,” Ural said. “Our users come from secondary classrooms and genealogical societies, from universities and the interested public. We invite and welcome feedback, which will strengthen the project, and we hope visitors

of our website find CWRGM informative and useful, as well as inspiring — though what will be found will not always inspire hope. Often history does the opposite. But it is through an honest exploration of the past that we can build a better informed and more hopeful future.”

Regardless of race, class, or gender, 19th century Americans contacted their governors about every concern imaginable. That makes these collections an invaluable resource for “hearing” from individuals whose voices are often missing in traditional sources, as well as from those who wielded significant power during the Civil War and Reconstruction eras.

The collection also allows users to watch as that power shifted hands, repeatedly, during these revolutionary times, offering users the opportunity to study and better understand how some of our most fundamental rights can be protected, stolen, or abused.

Those who are interested in volunteering can learn how easy this is under the “Get Involved” tab at the project website CWRGM.org. The only skills needed are the ability to read cursive and an eye for detail, and this work can be done anywhere with internet access.

Additionally, Dr. Ural will be featured at the Mississippi Department of Archives and History “History is Lunch” event on July 21,

where she will demonstrate how to transcribe for interested volunteers. The event will be both in-person in the Craig H. Neilsen Auditorium of the Two Mississippi Museums building in Jackson, and live-streamed on MDAH’s Facebook page: <https://www.facebook.com/MDAHOOfficial>

CWRGM is grounded in a cross-domain partnership that makes its work possible. First, archivists update or draft calendars and digitize and verify all documents according to field standard. They then send the digital document files to a team of digital librarians, who store the images and write and review metadata for each document in the CWRGM collection before it is placed online. Finally, researchers write and review all transcriptions and annotations for the documents, including students and worldwide volunteers.

CWRGM sponsors include the National Endowment for the Humanities, the National Historical Publications and Records Commission of the National Archives, and the Watson-Brown Foundation, as well as support from USM, including the Office of the Vice President for Research, the College of Arts & Sciences, the School of Humanities, and the Dale Center for the Study of War & Society. Support also came from our project partners: the Mississippi Department of Archives and History, the Mississippi Digital Library,

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