Gatekeeper strategies to bypass interoperability and FRAND practices

Platform Level

Due to their significant influence over developers, **Gatekeepers** can indirectly **hinder effective interoperability**.

An example of how gatekeepers operate at this level. Google implements new features in their platforms, such as "Update Ownership" ([soon coming to Android 14](#)), promoted as a tool for app stores and developers to block updates from another store or even Google Play.

Once implemented, Google Play could also use this API to take ownership of updates over apps they install, thus hindering sideloading updates.

Such features mean powerful tools in the hands of stores with an enormous market share and influence over developers, creating **new barriers to interoperability** with no real user value.

Gatekeeper position:

- Developers can freely choose their distribution strategy.
- We actively propose improvements for third app stores.

Problem:

- Big platforms have a huge influence over developers to shape the industry to Gatekeeper's benefit, even without explicit incentives for developers to adopt these technologies.
- The same features have different, adverse effects in completely unbalanced markets. Decisions supposedly made in favor of third-party stores not only fail to repair imbalances but also potentially consolidate the dominant position of the large platforms.

Possible solutions:

- Gatekeepers cannot deploy features on their own platforms, even as a developers' decision, that may affect the user's higher right to interoperability.

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- The users' right to interoperability must be protected and take precedence over the interests of gatekeepers and even developers (influenced by large platforms).

App Store Level

Their dominant position enables them to impose technologies and eliminate standards on their own stores for the same purpose, indirectly breaking interoperability.

Several **technical decisions**, even in their Stores, **significantly affect interoperability** in the whole mobile ecosystem. For instance, Gatekeepers abandoned standards such as APK formats on Google Play in favor of others that depend on their platforms as intermediates.

Technologies like Dynamic Delivery or "Bundles" file formats do not allow the delivery of complete applications and are blind to what's happening behind Gatekeeper's platform—thus making archiving and distribution by third-party stores and users more difficult.

These types of file manipulation from Gatekeeper's stores and packaging "on the fly" also affect the use of signatures by developers, which now may be controlled by Gatekeepers and cause significant fragmentation.

Gatekeeper position:

- We make distribution faster and save some space by optimizing file formats and delivery technology.

Problem:

- They propose marginal benefits without considering the severe impact of these technologies over interoperability in the long term.
- Bundles limit the user's ability to back up their apps and distribute them internally on their devices without the intervention of the Play Store.

Possible solutions:

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- They always have to provide standard formats and transparent delivery (direct download of complete apps) in their stores as an alternative to end users in their platforms.
- They have to make a public repository of every content not manipulated by the platform as an alternative to their delivery technologies.
- The developer, not intermediate stores, should manage the deliverable files. The EU should limit the possibility of repackaging by stores, leaving everything in the hands of the developer. [Bundles save space, with the tradeoff that developers give Google the app-signing keys](#).

Content Level

In addition to these technical decisions, Gatekeepers add other content-level decisions to justify avoiding FRAND conditions.

They refer to the **potential content** that third-party stores can distribute, which **would not allow their presence on their devices** or stores. Gatekeepers can easily justify not allowing competitors with massive content based on non-compliance with their arbitrary content policies.

The **editorial freedom** of other stores **must be guaranteed**, and the decision to block specific content should not be left in the hands of interested parties (and never at the store/platform level).

Gatekeeper position:

- We have the right to block or ban entire platforms without limitation on our store if we consider any of their content could be a potential "risk" for users.

Problem:

- The definition of "risk" is crucial in determining whether certain apps are banned from app stores (in any case, full stores). While certain risks like viruses and data theft are legitimate, banning apps based on political or moral considerations is questionable. Ultimately, users should have the freedom to choose which apps to use, rather than being restricted by the choices of the OS maker.
- Alternative stores manage a high number of studios and massive content. Even Gatekeepers would not comply with any requirement based on cherry-picking over millions of files and thousands of studios.

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- This will cause a loss of content diversity.

Possible solutions:

- Gatekeepers cannot ban stores based on the legal content third-party stores distribute, even if this content does not fit their content policy.
- Access to content through alternative app stores not controlled by gatekeepers should be a protected digital right.
- Exceptional store-level banning must be validated by a third party, possibly an app store consortium.

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