

Google should not be accused of "unfair" acts: lawmakers

(Reuters) - Two lawmakers urged the Federal Trade Commission on Monday to steer clear of expanding its authority as it investigates allegations search engine company Google violated antitrust law.

The two California Democrats in the House of Representatives, who count Google as a major campaign contributor, asked the FTC not to accuse the company of "unfair" acts if it believes it broke antitrust law.

Anna Eshoo, on the Energy and Commerce Committee, and Zoe Lofgren, who is on the Judiciary Committee, said there were reports to suggest the FTC planned to use the unfair standard to avoid proving some elements required in an antitrust claim.

They said such a move could lead to over-broad authority for the FTC that could create legal uncertainties for firms and stifle economic growth.

"Such a massive expansion of FTC jurisdiction would be unwarranted, unwise, and likely have negative implications for our nation's [economy](#) [1]," the lawmakers wrote in the letter, which was dated November 19 and sent to the five FTC commissioners.

The FTC is looking into a long list of complaints brought by rivals of Google, which is also accused of using its dominance to squash competitors in vertical search areas such as shopping and travel.

The FTC staff has reportedly given the commission a report urging them to file a complaint against Google for suing competitors based on standard essential patents and asking for injunctions to stop the sales of their products. Standard essential patents are supposed to be broadly licensed at a fair rate.

Google is the seventh largest contributor to Eshoo, donating \$13,000 during the [2012 election](#) [2] cycle, according to data from the Center for Responsive Politics. It is the third largest contributor to Lofgren, who got \$14,500 from Google. The donations came from a Google political action committee and employees and lobbyists associated with Google.

Complaints about Google to the FTC over standard essential patents arise from a raft of litigation between Apple Inc, Google and Microsoft Corp, which have sued each other numerous times in various countries, each alleging that their respective patents are being infringed upon by rivals in the highly competitive smartphone market.

In many cases, the companies ask that their rivals' products be banned from stores.

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Many antitrust enforcers believe it is inappropriate for companies to ask for sales bans based on the infringement of essential patents.

FTC Chairman Jon Leibowitz, who is expected to leave the agency soon, said in mid-September that he expected a decision in the case by the end of the year. A decision could be in the form of a lawsuit or, more likely, a settlement.

Google has settled with U.S. law enforcement agencies in the past.

For example, it settled with the FTC following privacy gaffes during the botched roll-out of its social network, Buzz. Later, it paid \$22.5 million to settle charges that it bypassed the privacy settings of customers using Apple's Safari browser.

Google also paid a \$500 million settlement in 2011 to the Justice Department for knowingly accepting illegal advertisements from Canadian pharmacies selling in the United States.

FTC spokesman Peter Kaplan confirmed that the commission had received the letter but said the agency declined comment.

(Reporting By Diane Bartz; editing by Andrew Hay)

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