

Notice inviting public comments with respect to the Commitment offer submitted by the Opposite parties in Case No 42 of 2022 titled *Winzo Games Pvt. Ltd. v Google LLC and Ors.*

The Competition Commission of India ('CCI'), *vide* its order dated 28.11.2024 passed under Section 26(1) of the Act, directed the Director General to conduct an investigation and submit a report in *Case No. 42 of 2022: Winzo Games Pvt. Ltd. v Google LLC and Ors.* for alleged contravention of provisions of Section 4 of the Act.

2. Google LLC, on behalf of all the opposite parties in the matter ('**Commitment Applicant**') has filed a commitment application under Section 48B of the Act read with the Competition Commission of India (Commitment) Regulations, 2024 ('**Commitment Regulations**'). The Commission, after considering the commitment proposal of the Commitment Applicant, has decided to invite comments, objections or suggestions, if any, from the public, in terms of Regulation 5 of the Commitment Regulations.

3. A copy of the non-confidential summary filed by the Commitment Applicant in terms of Regulation 3(1)(i) of the Commitment Regulations along with the commitment application, is enclosed herewith as **Annexure A**.

4. The CCI invites public/stakeholders to submit written comments, if any, on the aforesaid summary to be sent on the email: secy@cci.gov.in or by post, addressed to **The Secretary, Competition Commission of India, 10th Floor, Office Block-1, Kidwai Nagar, New Delhi-110023**, with the subject "**Comments, objection or suggestion on commitment proposal in Case No 42-2022**" latest by 20.08.2025.

A summary, not containing any confidential information, comprising of prima facie opinion of the Commission expressed in the order issued under sub-section (1) of section 26 of the Act along with details of competition concerns, alleged contraventions, duly capturing commitments offered by the Commitment Applicant and how they address the competition concerns as submitted by the Commitment Applicant

1. As required in terms of Regulation 3(1)(i) of the Commitment Regulations, a non-confidential summary of the order of the Hon'ble Competition Commission of India (**Commission**) under Section 26(1) of the Competition Act, 2002 (**Act**) (**Order**), along with details of the manner in which Google's commitment offer addresses the concerns outlined in the Order, is set out below.
2. The Hon'ble Commission passed the Order based on a complaint filed before it in December 2022 by Winzo Games Private Limited.
3. The concerns identified in the Order primarily focus on the alleged exclusion of certain Real Money Games (**RMG**) apps from Google Play, competitive disadvantages, and the duration of Google's pilot program which allows the distribution of Daily Fantasy Sports (**DFS**) and rummy apps on Google Play (**Pilot Program**):
 - a. **Alleged exclusion from Google Play:** The Hon'ble Commission noted that distribution on Google Play is essential for app developers to reach a large audience. The alleged exclusion of certain RMG apps from Google Play could result in a denial of market access.
 - b. **Alleged competitive disadvantage:** The selective onboarding of DFS and Rummy apps allegedly distorts the competitive landscape, disadvantaging other RMG apps not participating in the Pilot Program.
 - c. **Duration of the Pilot Program:** The prolonged duration of the Pilot Program, which includes only DFS and Rummy apps, is said to perpetuate advantages for these apps, creating barriers for new entrants.

4. Google's commitment proposal in relation to Google Play addresses these concerns through a comprehensive policy update:

- a. **Inclusion of all RMGs:** Google will replace the current Pilot Program by allowing the distribution of all RMGs self-declared by developers as permissible online real-money games as per applicable laws/jurisprudence, on Google Play in India. To demonstrate that their app is legally permissible, developers will be required to submit proof that (1) the app is in good standing with a reputable and authoritative third party body that has demonstrated to Google's reasonable satisfaction that it meets certain criteria and which has been recognised in Google's policies as acceptable (**Recognised Third Party**), and that (2) the game it wishes to distribute on Google Play has been determined by such body to be a permissible game of skill (**Third Party Certification**). Recognised Third Parties will be required to meet objective criteria, and may include industry associations such as AIGF, EGF and FIFS.

As with other apps distributed on Google Play, RMGs would also be subject to compliance with applicable laws/jurisprudence and Google policies, including the Google Play Developer Distribution Agreement (**DDA**) and Developer Program Policies (**DPP**). To this end, Google will update its DPP to reflect these changes (**RMG Policy Update**). In parallel, Google is finalising its approach for an appropriate business model which considers developer commercial models in the RMG industry. (**Play Commitment Proposal**)

- b. **Elimination of alleged competitive disadvantage:** The RMG Policy Update addresses the Hon'ble Commission's concerns. By permitting all RMGs self-declared by developers as permissible online RMGs as per applicable laws/jurisprudence, any alleged advantage previously conferred to DFS and Rummy apps is eliminated, and the competitive field is levelled.
 - c. **Replacement of the Pilot Program:** The Pilot Program will be replaced by the RMG Policy Update, ensuring no further alleged exclusions persist.
5. Once the Hon'ble Commission accepts the Play Commitment Proposal by way of an approval order, Google will start permitting the distribution of compliant RMGs on Google Play within 120 days of such order.

6. In addition to the concerns regarding the Pilot Program, the Hon'ble Commission also expressed the following prima facie concerns with respect to Google's ads policy permitting advertisements for only DFS and Rummy RMGs (**Ads Policy**):
 - a. **Alleged restrictions imposed on RMG apps other than DFS and Rummy.**
The restrictions imposed by Google on advertising through its platform limit or restrict the provision of RMG apps other than DFS and Rummy, their technical and scientific development, and market visibility and access for RMG apps.
 - b. **Discriminatory enforcement of the Google Ads Policy.** Google's practices raise concerns of potential discriminatory practices or selective enforcement of Google's policies.
7. As part of its commitment proposal in relation to the Google Ads Policy, Google will allow games of skill to be advertised in India where the advertiser provides proof that it is in good standing with a Recognised Third Party and that the Recognised Third Party has provided a Third Party Certification that the game it intends to advertise is a permissible game of skill, and the advertiser otherwise complies with the Google Ads Policies (**Ads Commitment Proposal**).
8. Google will accept Third Party Certification as valid proof that the game - for which the advertiser has obtained such certification - constitutes a permissible game of skill where it is provided by a Recognised Third Party. Recognised Third Parties will be required to meet objective criteria, and may include industry associations such as AIGF, EGF and FIFS.
9. Once the Hon'ble Commission accepts the Ads Commitment Proposal by way of an approval order, Google will start permitting compliant RMGs to advertise within 150 days of such order.
10. The Ads Commitment Proposal addresses the Hon'ble Commission's concerns identified in the Order:
 - a. **Restrictions imposed on RMG apps other than DFS and Rummy.** Google will allow all RMGs (including, but not limited to, DFS and rummy) that constitute games of skill to be advertised in India where the advertiser provides

proof that it is in good standing with a Recognised Third Party and that the Recognised Third Party has provided a Third Party Certification that the game it intends to advertise is a permissible game of skill, and it otherwise complies with the Google Ads Policies. Therefore, no alleged concerns of restrictions imposed on non-DFS or Rummy RMG apps can or will persist in relation to the Ads Policy.

- b. **Discriminatory enforcement of the Google Ads Policy.** By implementing the Ads Commitment Proposal, any alleged discrimination regarding the discriminatory enforcement of the Ads Policy will cease.

11. Finally, in relation to the Hon'ble Commission's prima facie findings that the display of payment warnings for certain transactions on Google Pay may be connected to the selection of RMG apps for the Pilot Program and that payment warnings are allegedly not shown on DFS and Rummy apps that are listed on Google Play as part of the Pilot Program, Google has clarified that this is not the case. Payment Warnings are developer agnostic, applied in a uniform and transparent manner and are objectively necessary for user safety, as mandated by several directives of the Reserve Bank of India and the National Payments Corporation of India. They are not specific to any consumer, individual merchant, or a particular product "class" (e.g. RMG vs non-RMG apps), nor do they differentiate between developers distributed on Google Play (by way of a pilot program or otherwise) or outside of Google Play. They are applied in a uniform and transparent manner and may be triggered by objective parameters that apply to all transactions alike.

12. In summary, the Play Commitment Proposal, along with the Ads Commitment Proposal, addresses the Hon'ble Commission's concerns by ensuring inclusive access to Google Play and Google Ads for all compliant RMGs, eliminating any alleged competitive disadvantages, and standardising policies to prevent any adverse effects on competition.
