



Global Institute for
Structure relevance,
Anonymity and
Decentralisation i.G.

GISAD statement on <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13308-EU-competition-law-updating-the-market-definition-notice-revision- en>

GISAD (Global Institute for Structure relevance, Anonymity and Decentralisation i.G.) is an institute in founding. GISAD wants to develop a digital system (EU-D-S) from the perspective of the citizens of Europe, which can hold its own in system competition with gatekeepers and a social credit system.

The aim of GISAD is to support the creation of a holistic Marshall Plan, as called for by the President of the European Commission, Ursula von der Leyen. The core of the Marshall Plan must be a digital concept adapted to civil rights and diversity. If individual measures are taken without an overall system of their own, Europe runs the risk of losing the system competition to other economic areas such as a centrally controlled China.

- GISAD's opinion is subject to the proviso that it is to be as part of an overall digital concept understood (multiple use of the same infrastructure without additional costs).

GISAD has defined three goals on which a Marshall Plan should focus:

1. The optimal refinement and simple exploitation of digital data, while maintaining diversity and performance-adopted involvement of all parties involved in the value creation.
2. The stigma-free, lifelong digital inclusion of all citizens with incentives for self-development.
3. The digital guarantee of the necessary state tasks to maintain security for citizens, the economy and the state, while preserving pre-digital democratic achievements.

Challenges:

GISAD welcomes the review of the 1997 Market Definition Notice. However, an ex-post evaluation of the ECJ rulings and findings on the basis of the relevant product market and relevant geographic market alone by assessing the digitally developing markets is not expedient.

The concepts currently applied by gatekeepers essentially escape assessment under European competition law, namely:

- Technically, through the use of a meta-level, in which anyone can distort the market by depositing keywords that do not correspond to the actual offer and thus gain customers who actually do not want to move in this market,
- Psychological, in which bubbles are created in social media systems and in which influencers support business models tailored to target groups beyond defined markets,
- Conceptually, by using vertically scaling business models at the expense of diversity. This directly attacks and dissolves the social identity of the individual language areas. In a second step, it is to be feared that the self-concept and the control instances based on it with regard to democracy, civil rights and diversity in Europe will be replaced by a global foreign identity. The result is the loss of self-esteem from individuals as well as social groups and the states representing them.

It is assumed by the gatekeepers that they have rather accidentally come across business models that optimally satisfy the needs of their customers. GISAD has provided the Commission with evidence that through methods remote from the law, concepts that seek to preserve the European status quo, which has been built up over millennia, have been prevented. Today, gatekeepers are in a position to shape markets according to their wishes and to dilute them in such a way that it is difficult to enforce competition law through pure market definition. In addition, there are hidden dependencies in which companies are no longer perceived at all on the market if they do not advertise with the gatekeepers.

As can also be deduced from the statement on these initiatives by the BDI, the EU Commission currently has no effective indicators to define digital markets. It urgently needs an ex ante instrument to be able to enforce competition law at all. The prerequisite for this is an infrastructure of general interest, in which citizens, business and the state can exchange information with each other without having to rely on the help/control of external gatekeepers. From this, competition regulators must be provided with extensive, non-personalized data from which a change in the purchasing behavior of customers and changing markets and business models can also be derived for the continuing Internet.

Minimum standards for competition law, which are implemented in the EU D-S:

In order to obtain a clear definition of the relevant geographic markets, GISAD proposes a multi-stage procedure:

- Definition and standardisation of categories for all product markets. This step has already been taken over by the [GraTeach](#) Institute. The shopping streets of the 60 largest German cities were systematically recorded with all shops and service providers. The categories of the essential libraries were integrated. It was found that more than 1,000 categories were not practicable. Also, subcategories, as for example in eCl@ss, were dispensed with. However, 45 disciplines are managed in the background as an order above the categories.
- A [European patent](#) has been applied for, which breaks down a search entry into the phonemes of the respective language and, if additional phonemes are taken into account, finds one or more of the standardised categories and transfers the search entry to the platforms behind it in their search. Manipulation via a meta-level is excluded. However, the user can store further preferences or search words for each category.
- A [social media concept](#) was developed in which users can post meaning pages for each phoneme of a language. Since the phoneme is predetermined by the language, it cannot be manipulated. It is not the person who arouses the greatest emotions, but the person who publishes something factually appropriate on his or her sense page, who has the chance to be perceived as the trendsetter first in the search results. In German and English, the phonemes are largely already assigned to categories. The social media concept includes a procedure in which the phonemes, as the smallest sense-bearing unit, are also found and stored for any other language during the creation of the sense page. A wide range of EU initiatives on education, data use and participation can be built on this, see <https://gisad.eu/category/social-system-education/>.
- A committee is to be formed in each language area which adapts the category standard to the changes in terminology and coordinates it into a common category standard with the other language committees. In this context, unambiguities in coordination with the market definition of the European Commission are also to be taken into account.

In order to obtain a clear definition of the relevant product markets, GISAD proposes the following conditions:

- Automatically, authorised participation must be verifiable within the EU D-S.
- The trust station associated with a citizen's place of origin can be uniquely identified via each IP address used, similar to a car registration number.
- This allows regional shops to distinguish between locals and tourists and adapt their offers accordingly.
- The user can restrict a global search to a region. In the case of gatekeeper searches, this works either via extended metatags in the form of a city name, for example, or via the immediate surrounding display of a map. In this way, global search engines give preference to global product providers at the expense of regional offers. Even if the user actually wants to experience for example Greek specialities digitally as if he were in Greece, global providers have the opportunity to place an ad in all languages for all Greek regions. The result is the loss of regional diversity and the preference of global providers. This is countered by the EU-D-S, in which the user determines in his preferences whether he wants to see results globally or from a specific region and gets exactly the expected results.
- The social media concept makes it possible to find like-minded people in the same category in the same language, but also to find like-minded people with sense pages with the same sense in other languages. With today's increasingly good automatic translation programmes the meaning pages can be automatically translated and displayed in one's own language, thus strengthening the global community without limiting one's own linguistic identity. Here, too, the user decides whether he wants to find like-minded people on a regional level, in the same language or globally.

Preserving the market definition for the future:

If digital development is left to the global players, any market definition will come to naught in the near future. Microsoft has just bought an exclusive license for the GPT-3 speech AI for one billion US dollars. This does not have to be trained anew for each application, but can evaluate unstructured data on the basis of a trained world view. Against this background, concepts are conceivable in which business models and products can be developed just in time for customer groups or even individuals. Market affiliation is completely eliminated. Another threat to market definition comes from the metaverse, in which attempts are made to transfer the rules of a virtual world to the real world via a dominant presence of users in the virtual world. Both approaches suggest a further increase in the manipulation of users in favor of the business models of global players.

In the EU-D-S, on the other hand, technology is understood as a means to an end for the preservation and optimization of democratic social achievements and their markets.

- Conflicts of data utilization with the GDPR do not exist, since data in the EU-D-S is basically used separately from a personal reference and can thus be utilized as desired by the members of the cooperatives of the individual language areas,
- Care is taken to ensure that different platforms are integrated behind the individual categories, so that the user has freedom of choice between the algorithms used.
- The data is only collected within one category. This prevents the claim of an omnipotent AI. Between two categories, interaction of AI systems is only possible to the extent that they can be monitored and understood by humans.

The market definition can thus essentially be retained in the future.