



# Online Safety Bill

## Impact Assessment Consultation Response

We provide here our response to three of the consultation questions in the impact assessment<sup>1</sup>. We specifically address questions 16, 17 and 20. To cover important context we provide an introduction and address question 20 first. We express concerns as a small UK search engine company. We also propose constructive suggestions for more effective outcomes and collaboration.

Colin Hayhurst, 27 July 2021  
CEO at [Mojeek, colin@mojeek.com](mailto:colin@mojeek.com)

### Introduction

We have examined in detail the draft [Online Safety Bill](#), the explanatory notes and impact assessment. As a UK search engine company our comments are about “**search services**” and not directly about “user-to-user services”. The Bill has rightly prioritised user-to-user services; these pose the biggest risks to online safety. However, we are concerned that **the draft Bill does not seem to reflect an understanding of the status of search market**. In a query about this, that we put to Baron Allan of Hallam, he commented that there may have been an assumption that web search is a matter concerned only with large companies.

We do have very significant concerns about the potential for this Bill to erode the human freedom to seek, receive information and ideas through search services. These important but more general concerns have been expressed by TAT (Tech Against Terrorism)<sup>2</sup> and six rights organisations<sup>3</sup>.

As a **UK search engine** with international user and customer base, we have a unique perspective on consumer web search. When it comes to genuine international consumer search engines we are, in fact, **the only one outside of USA, Russia and China**. As such we offer users and customers, and the UK in particular, an important service which should not be overlooked. The Bill as it stands is in danger of severely hampering competition from us, and in creating another large barrier to any new entrants.

We take our online safety seriously, taking measures to mitigate risks and working together with the IWF (Internet Watch Foundation) and TAT. However, as a small company we are very concerned that we will be unfairly affected by this Bill.

We have a rare and deep insight into the inner workings of search engines; how they are developed, built and maintained in reality. There are many important and fundamental choices made in search engine design, by both Google and Mojeek; these choices are unknown outside of a few individuals. Given our **unusual know-how and as a UK company, we are available and willing to assist** Parliament, DCMS and Ofcom, if and where we can, to provide insights so that there is more effective and practical implementation of this important Bill.

---

<sup>1</sup> The Online Safety Bill Impact Assessment, RPC-DCMS-4347(2), 26 April 2021

<sup>2</sup> Tech Against Terrorism—written evidence to House of Lords Communications and Digital Committee inquiry into Freedom of Expression Online, <https://committees.parliament.uk/writtenevidence/21381/html/>

<sup>3</sup> BBW, Adam Smith Inst., ORG, Article19, Global Partners, Index on Censorship: <https://saveonlinespeech.org/>

## **Consultation question 20: Do you agree with the assessment of the impacts on competition in the market? The government welcomes any evidence you can provide.**

---

### **The very different nature of the search engine market**

The Competition section (401) of the report refers only to user-to-user services and not to search. We do understand that the number of regulated search services will be small, compared with those of user-to-user services. But we are concerned that there is a lack of understanding about the different challenges in providing a web consumer search engine. A smaller social network, for instance, is in a different tier, Category 2B, to say Facebook which would be Category 1. But the proposed Bill would have **all search engine companies in the same tier**; Category 2A. Google and Mojeek, for instance would have the same duties.

This Bill will thus make the barriers to entry, and growth, for search much greater than they are already. Competition and innovation in search is already poor and **this Bill would strengthen the grip of Google and Microsoft (Bing) on this market.**

In search there is a wide misunderstanding about what are so-called search engine companies. The vast majority of smaller ones (e.g. DuckDuckGo(USA), Ecosia(D), StartPage(NL)) are in fact not search engines companies at all. They are in fact search syndication partners of Microsoft or Google. As such, they actually get almost all of their search results (and ads) from the search engines (Google and Bing) of these huge companies.

These syndication partners will have little or no cost burden placed upon them directly by this Bill; instead they will largely rely on the risk assessments and duties of care carried out by Microsoft or Google.

The genuine search engine companies will take the burden of risk assessments and duties. Currently there are only seven such companies offering search internationally<sup>4</sup>. Five are very large (Google(USA), Microsoft(USA), Yandex (Russia), Baidu (China), Sogou(China)) and two are small (Gigablast(USA), Mojeek(UK)). These two small search engines, and any new entrants, will face an even bigger barrier to growth, than they do already, with the Bill as proposed.

### **Effect on competition will be different to that of NetzDG**

With regard to REA on NetzDG (section 399 and Annex E) it would appear that the findings do not reflect the possible effect on the search market. It is very notable that the only search engine company in Germany, Cliqz, was shutdown in April 2020, having been unable overcome the barriers to growth. We do not know if NetzDG influenced the closure of Cliqz.

We note that in the UK Bill, there is no threshold for numbers of users (as there is in NetzDG; at 2 million users). The evidence from NetzDG does not thus translate over to the proposed Bill which has no threshold.

---

<sup>4</sup> <https://blog.mojeek.com/2021/05/no-tracking-search-how-does-it-work.html>

## Evidence presented is for user-to-user services and not search

In the SMB assessment we note that all considerations mentioned and referenced relate to user-to-user services. There is **apparently limited consideration of the differences for search**, specifically:

**Section 356** states: *“However, the evidence suggests that the objectives of the regulations would be compromised by exempting SMBs as business size is not always a good proxy for risk in the context of online harm.”* This may be true for user-to-user services but will be very different for search services. To illustrate consider a search for “shaheed” (used by Islamist groups as a term for “Martyr”) using across three search engine; this gives 27,200,000, 1,370,000 and 146,117 results on Google, Bing and Mojeek respectively.

**Section 357** states: *“The IWF notes that online harms exist ‘in vast quantities’ on smaller platforms<sup>5</sup>. 87% of the content the IWF removes from the internet is from small and medium size sites including file sharing sites, image hosting boards and cyberlockers”.* No evidence has been provided that online harms result from search engines. Indeed there is no reference to search engines at all, in the IWF response.

**Section 358** states: *“Daesh supporters use larger, well-known platforms (e.g. Twitter) to share links to smaller, less well-resourced platforms, where it is easier to exchange terrorist content”.* This is a primarily user-to-user service challenge and not relevant for all search services; notably those (like Mojeek) not indexing images and video.

**Section 358** states that *“there is a limited relationship between the size of an organisation in terms of turnover and employees and the reach and impact of a given organisation”.* This is followed with a comment about sharing information *“The Tech against Terrorism project indicated that Daesh supporters use larger, well-known platforms (e.g. Twitter) to share links to smaller, less well-resourced platforms, where it is easier to exchange terrorist content.”* Again whilst this may be true of some user-to-user services this does not apply to all search engines who **do not necessarily provide content sharing services**. Google and Microsoft have chosen to implement image and video search in a way that means they effectively share image based content. At Mojeek however we do not index images and we have chosen not to provide video search.

---

<sup>5</sup> IWF Online Harms White Paper Response (2021), [https://www.iwf.org.uk/sites/default/files/inline-files/IWF%20Online%20Harms%20White%20Paper%20Response\\_0.pdf](https://www.iwf.org.uk/sites/default/files/inline-files/IWF%20Online%20Harms%20White%20Paper%20Response_0.pdf)

**Consultation question 16:** Do you agree with the assessment of the impacts on small and micro businesses? The government welcomes any evidence you can provide to refine the estimates.

---

### **Costs of compliance**

In Table 53 (section 362: Annual per business cost) we note the cost of £104 for micro and small businesses that are low and medium risk. The discrepancy between this extremely low cost and those for larger and higher risk businesses is dramatic. Does this very low cost of £104 reflect an assumption that these user-to-user services will be unregulated?

We are concerned here about search services, which are very different as explained above. Unless all micro/small, low/medium risk search services are to be unregulated this cost is not representative.

We note that the costs of joining the IWF, whilst low for us at present, do nevertheless amount to £1,150 per year; so that cost alone is above £104.

## Consultation question 17: Is there anything additional the government can do to support small and micro businesses in the implementation of this regime?

---

### Innovation fund support

We welcome the proposals in the Bill to support SMEs, as detailed in Appendix B. An innovation fund to generate solutions to safety technology problems, will be welcome, much needed and produce a long term return for the UK. Particular support for search services is important as there has been limited innovation in search in 20 years. We hope that the unique characteristics and opportunities of this market will be recognised and that we will have an opportunity, as a UK search company, to bid and compete on fund calls which encourage search service innovation.

### Remove financial disincentives to engagement with IWF and TAT

We would encourage the government to consider how it can provide further support to SMBs through the IWF (Internet Watch Foundation) and TAT (Tech Against Terrorism). Small and micro businesses can be helped tremendously by these organisations. We have engaged positively with TAT and IWF and are in the process of becoming members of both.

The Government (Home Office) is to be commended for funding and supporting TAT, so that there services are free; this can only help the progress towards online safety and SMBs in particular.

The Government can help tremendously by further funding and support for the IWF, so that their services are also free, at least to UK companies. Their fees are a disincentive to companies carrying out duties; although we recognise that the memberships fees are based on company size.

### Require search services to contribute data

We understand from the IWF that they find and assess content (for illegality) through their own efforts. Their URL list and keyword list, which are particularly relevant to search, are compiled by their own internal efforts. We were surprised to learn that they **do not receive contributions of data from Google (in particular) and Bing**. Certainly we would have no problem is contributing to IWF where we can in this respect; a joint approach across search engine companies would help everybody.

We understand that, in contrast, some coordination happens in TAT/GIFCT. Google, for instance helpfully provide their Content Safety API for free to NGOs and private companies. However, as we understand it, this Google API and the TAT/GIFCT coordination concerns image and video content only. Since we do not index images and videos this is of no benefit to us.

The government can thus support society, and other search engines, by encouraging/enforcing sharing, by Google and Microsoft in particular, of:

- **URLs of destinations** which contain illegal, and harmful to children, **content which is textual, not just those containing images and video**.
- **Keyword lists for search queries** which indicate intent to discover URLs of destinations which contain illegal, and harmful to children, **content which is textual, not just those containing images and video**.
- Safety resources on search; for instance through the [GIFCT resource guide](#). It is notable that **Google have provided no contributions there regarding search**, except for those relating to YouTube.

Google and Microsoft offer “Safe Search”. This filters out destinations from search results which are likely to fall into the category of legal but “harmful to children” as envisaged in the Bill. At Mojeek we make efforts to filter out content that we consider “harmful to children” but as a micro company this puts a considerable burden on us. We wish to improve our service in this respect, hence we work with the IWF. But we also have to find a path to becoming a sustainable business. The suggestions made above would enable us to offer safer search and sooner.

All search engines (Mojeek, and notably Google and Microsoft) can work together to everybody’s benefit to filter out “harmful to children” content. In the same way that GIFCT and TAT are particularly helping small companies on terrorist content, so similar **collaboration on matters relating to the online safety of children** can be encouraged through further support for the IWF, or other bodies and measures.

### **Christchurch Call commitments and extension to child safety.**

In the [Christchurch Call](#), “Governments and online service providers, commit to work collectively to... Support smaller platforms as they build capacity to remove terrorist and violent extremist content, including through sharing technical solutions and relevant databases of hashes or other relevant material, such as the GIFCT shared database.”

Also in that call both Google and Microsoft have already committed to “Work together to ensure cross-industry efforts are coordinated and robust, for instance by investing in and expanding the GIFCT, and by sharing knowledge and expertise.”

The government can help by ensuring that Google and Microsoft deliver on these commitments. And that they do so in a timely manner, both now and in the future. Specifically that the **shared resources, databases and APIs are provided free of cost in perpetuity** and not just in the current period when governments are proactive with regulation. Mojeek (and other search services) should have access to these, and we would be willing also to contribute to them in a similar way as we grow.

A similar commitment (from Google and Microsoft, in particular, regarding search) to the Christchurch Call but regarding child safety would be make a huge contribution to online safety.