Google argues iMessage should be regulated by the EU’s Digital Markets Act



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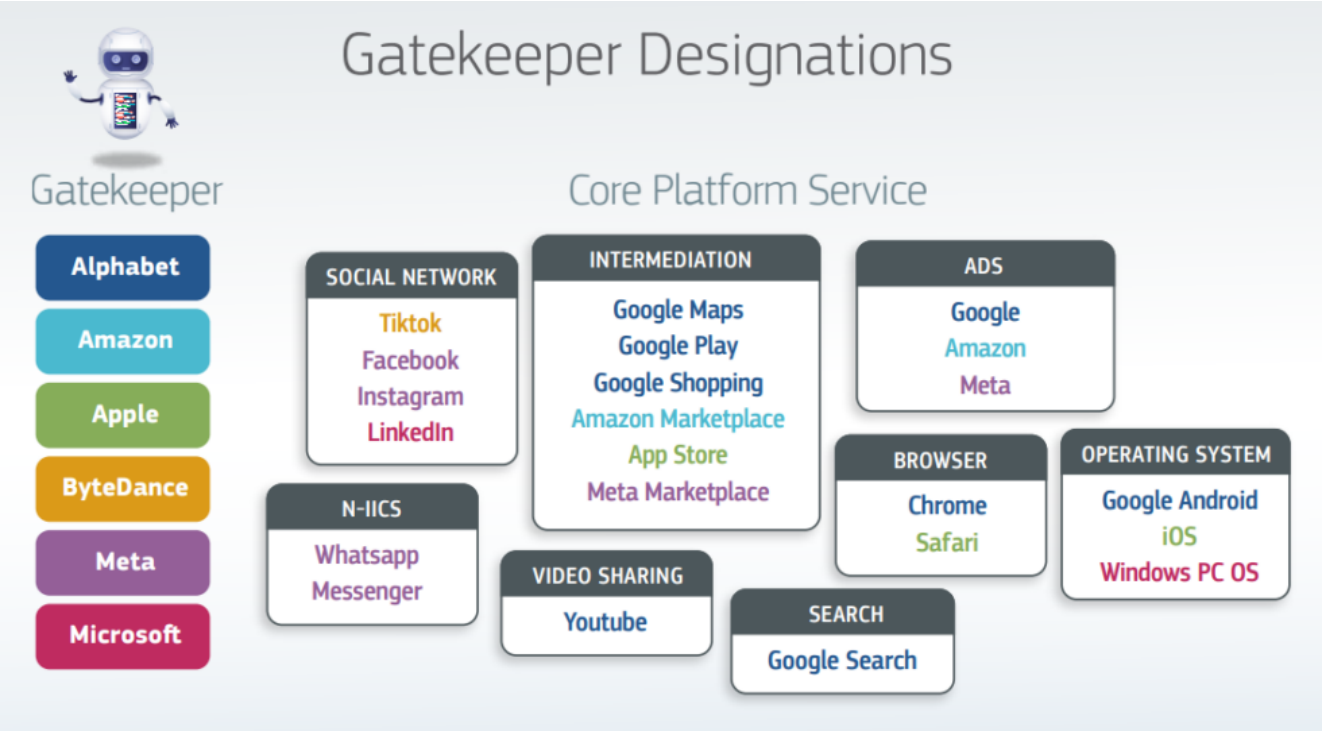
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Google is hoping regulators will bail it out of the messaging mess it has created for itself after years of dysfunctional product reboots. The Financial Times reports that Google and a few cell carriers are asking the European Union to designate Apple’s iMessage as a “core” service that would require it to be interoperable under the new “Digital Markets Act.” The EU’s Digital Markets Act targets Big Tech “gatekeepers” with various interoperability, fairness, and privacy demands, and while iMessage didn’t make the initial cut of services announced in September, Apple’s messenger is under a “market investigation” to determine if it should qualify.

So far, various services from Alphabet, Amazon, Apple, ByteDance, Meta, and Microsoft have been hit with "gatekeeper" status because the EU says they "provide an important gateway between businesses and consumers in relation to core platform services." The list targets OSes and app stores, ad platforms, browsers, social networks, instant messaging, search, and video sites, and notably leaves out web mail and cloud storage services.

The criteria for gatekeeper services all revolve around business usage. The services the EU wants to include would have more than 45 million monthly active EU users and more than 10,000 yearly active businesses in the EU, a business turnover of at least 7.5 billion euros, or a market cap of 75 billion euros, with the caveat that these are just guidelines and the EU is open to arguments in both directions. When the initial list was announced in September, the EU said that iMessage met the thresholds for regulation, but it was left off the list while it listened to Apple's arguments that it should not qualify.



Enlarge / The services with "gatekeeper" status. Amazingly Twitter is not on the list, and somehow YouTube and TikTok ended up in separate categories.

European Commission

Google and the carriers Vodafone, Deutsche Telekom, Telefónica, and Orange sent a letter to the European Commission detailing their counterarguments on why iMessage should be regulated. The argument is about what you would expect, that “through iMessage, business users are only able to send enriched messages to iOS users and must rely on traditional SMS for all the other end users.” Apple’s counter argument is that it’s too small for regulation, saying: “iMessage does not constitute an important gateway in the union for business users to reach end users due to its small scale relative to other messaging services.” The company also argues that “iMessage is designed and marketed for personal consumer communications” and therefore shouldn’t be subject to the business-centric Digital Markets Act.

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In the EU, the dominant messaging services are Facebook products WhatsApp and Facebook Messenger, which is why iMessage is only on the border of regulation. It’s hard to not think Google is trying to use the EU as a foot in the door to get Apple to open up in the US. The rest of the world is often confused by this, but in the US, iMessage is a cultural phenomenon in some circles: pop star Drake’s ‘Texts Go Green‘ is a Billboard Top 100 song about the inner workings of iMessage. Today a staggering 87 percent of US teenagers have iPhones, and The Wall Street Journal writes articles titled “Teens Dread the Green Text Bubble,” detailing the bullying kids are subject to if they don’t use Apple’s messaging platform.

Google’s response has the “get the message” campaign, which nicely asks Apple to adopt a slightly better form of SMS for its green bubbles, called RCS. It’s not clear how this would help any bullying problems, though. EU regulation would also mean Apple would only need to open up in the EU, not the US, which is its most dominant market. Of course, Google has only

itself to blame for being last in the instant messaging wars since, by our count, it has launched at least 13 messaging apps since iMessage debuted in 2011. It’s hard to build a platform when you are constantly shutting down your platforms.

The European Commission’s deadline for a decision on iMessage is February 2024. If iMessage qualifies, Apple would need to open up by August.

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