Google must crack open Android for third-party stores, rules Epic judge



Google's Android app store is an illegal monopoly — and now it will have to change.

Today, Judge James Donato issued his final ruling in *Epic v. Google*, ordering Google to effectively open up the Google Play app store to competition for three whole years. Google will have to distribute rival third-party app stores *within* Google Play, and it must give rival third-party app stores access to the full catalog of Google Play apps, unless developers opt out individually.

These were Epic's biggest asks, and they might change the Android app marketplace forever — if they aren't immediately paused or blocked on appeal.

And they're not all that Epic has won today.

Starting November 1st, 2024, and ending November 1st, 2027,

Google must also:

- Stop requiring Google Play Billing for apps distributed on the Google Play Store (the jury found that Google had illegally tied its payment system to its app store)
- Let Android developers tell users about other ways to pay from within the Play Store
- Let Android developers link to ways to download their apps outside of the Play Store
- Let Android developers set their own prices for apps irrespective of Play Billing

Google also can't:

- Share app revenue "with any person or entity that distributes Android apps" or plans to launch an app store or app platform
- Offer developers money or perks to launch their apps on the Play Store exclusively or first
- Offer developers money or perks **not** to launch their apps on rival stores
- Offer device makers or carriers money or perks to preinstall the Play Store
- Offer device makers or carriers money or perks **not** to preinstall rival stores

In *Epic v. Google*, Epic successfully argued that Google had created such a substantial array of deals with developers, carriers, and device makers that it was nigh-impossible for rival stores to spring up. By blocking those sorts of deals, and proactively helping rival app stores, it's possible some real competition to Google's monopoly could now arrive.

Google will still have some control over safety and security as it opens up the Google Play Store to rival stores. The injunction says that Google can "take reasonable measures" that are "strictly necessary and narrowly tailored" and are

“comparable” to how it currently polices the Google Play Store. Google will be able to charge a fee for that policing, too. Epic has repeatedly argued that Google should not be able to deter third-party app stores through policing, so it’s likely Epic and Google will keep butting heads over this.

Judge Donato is giving Google eight months from now to come up with a system, with a three-person technical committee jointly chosen by Epic and Google reviewing any disputes. That system will also come with a way for developers to opt out of being listed in rival Android app stores.

Epic didn’t quite get everything it asked for: it wanted the judge to crack open Google Play for six years, not three; allow users to sideload apps with a single tap; and for Google to stop being able to tie Android APIs to Google Play.

Why not six years? “The provisions are designed to level the playing field for the entry and growth of rivals, without burdening Google excessively,” writes Donato in his order. “As competition comes into play and the network effects that Google Play unfairly enjoys are abated, Google should not be unduly constrained as a competitor.”

Yet Amazon, of all companies, convinced Judge Donato that Google’s rivals need a helping hand. “Even a corporate behemoth like Amazon could not compete with the Google Play Store due to network effects,” writes Donato, citing a key piece of evidence from the trial: an internal Google presentation that suggested Amazon would struggle with the chicken-and-egg problem of attracting both users and apps. To date, the Amazon Appstore has not become a substantial competitor.

But with access to the Google Play catalog of apps, Donato argues, rival app stores will now have “a fighting chance of getting off the ground”.

Today, Google says the changes will cause “a range of

unintended consequences that will harm American consumers, developers and device makers." It will appeal.

Meanwhile, Epic is calling it a victory:

"The Epic Games Store and other app stores are coming to the Google Play Store in 2025 in the USA — without Google's scare screens and Google's 30% app tax — thanks to victory in Epic v Google," Epic Games CEO Tim Sweeney says in a post on X.

Epic Games originally sued Google on August 13th, 2020 — the very same day it sued Apple, too. The game developer sprung a premeditated trap on both tech giants by attempting to bypass their 30 percent fee on in-app purchases with a surprise update to its mega-popular game *Fortnite.* Both tech companies retaliated by kicking *Fortnite* off their app stores, only to be met by a coordinated #FreeFortnite action campaign and a pair of lawsuits accusing each of creating illegal monopolies.

The Apple case is already over, and Apple mostly won: the Supreme Court rejected Epic's final appeal this January. The only thing Epic legally achieved there was an order dismantling Apple's "anti-steering rules," theoretically letting developers freely tell their customers how to bypass Apple's payment systems. (I won't discuss the Apple case more than this brief outline since I'm ethically bound.)

But the Google case took far longer to kick off, and it went very differently. I spent 15 days reporting live from the courtroom, and I saw Epic show time and again that Google was running scared, didn't treat developers equally, and had something to hide.

The jury in *Epic v. Google* was thoroughly convinced: last December, it reached the unanimous verdict that the Google Play app store and Google Play Billing service were an illegal monopoly and that many of the special deals it made with game developers and phone manufacturers were anticompetitive behavior.

“We’re going to tear the barriers down”

In August, Judge Donato warned that Google would pay for its behavior. “We’re going to tear the barriers down, it’s just the way it’s going to happen,” he said. In remedy hearings, he rejected Google’s suggestions that meeting Epic’s demands would take too much work, cost too much money, or were impossible to arrange without taking substantial time.

It’s not yet clear whether Google will have to immediately follow the court’s demands, even though the permanent injunction will take effect November 1st. Google already promised to appeal the verdict, and it’s now apparently looking for an immediate stay — Google says it will ask to “pause Epic’s requested changes” in this new blog post today.

Like Apple, Google now hopes the appeals court will press pause on Judge Donato’s order while it tries its luck again. Apple spent years delaying the anti-steering rules change with its legal appeals.

Epic filed a second lawsuit against Google (and Samsung) one week ago, arguing the companies were already attempting to sidestep this upcoming injunction by adding additional friction for third-party app stores. Since that case is now officially related to this one, Judge Donato will be hearing it as well.

You can read the full order and permanent injunction embedded below:

Update, October 7th: *Added Sweeney’s post.*

https://www.theverge.com/policy/2024/10/7/24243316/epic-google-permanent-injunction-ruling-third-party-stores