

From: Ben Johnston [REDACTED]
Sent: Friday, 1 April 2022 4:56 PM
To: Digital Monitoring
Subject: Digital Platform Services Inquiry

Dear ACCC,

Thank you for providing the opportunity to write this submission and for taking it under consideration. I am writing as a private citizen who has over 15 years of professional experience as a software engineer, I am currently the Head of Data Engineering for harrison.ai.

I am certainly grateful that the ACCC is seriously considering gatekeeping behaviour by a number of extremely large and entrenched companies. In my experience the individual "walled gardens" are perfect examples of anti-competitive behaviour that has not only hindered innovation, prevented further competition and resulted in worse outcomes for consumers. In many cases consumers are simply have a single choice that is dictated by the particular "walled garden" they happen to find themselves in.

The Apple AppStore is a perfect example of such an anti-competitive gatekeeping device for a number of different reasons both technical and policy based. Firstly Apple is the gatekeeper and ultimate arbiter of which applications are to be included in the AppStore and those which aren't. In isolation this policy isn't anti-competitive, but when combined with the technical restrictions that prevent applications being installed on a consumer's iPad and iPhone through means other than via the AppStore. This results in owners of these devices being restricted prevented from accessing software and installing it on their own devices depending upon the Apple's gatekeeping policies and behaviour. The recent lawsuit in the United States between Apple and Epic has highlighted this behaviour where Apple executives have directly ordered applications be prevented from being listed on the AppStore, despite the applications complying with all conditions of being listed in the AppStore. This article by the Verge effectively highlights this anti-competitive behaviour in a series of emails presented as evidence in the case [The best emails from the Apple vs. Epic trial \(theverge.com\)](#).

There is one very clear example of the AppStore application restriction and that is through the prevention of any other internet browsers being allowed to be available within the AppStore that is not in fact a version of Safari ([Web developers challenge Apple to allow other engines on iOS - 9to5Mac](#)). What is not known to most Apple device owners is that any version of Firefox, Chrome or Vivaldi that is installed through the AppStore is not in fact what they are actually expecting. Firefox on all non iOS devices uses their own open source engine known as Gecko, but this is not the case on iOS. This is by definition anti-competitive and has many downstream consequences for customers, developers and the industry as a whole. This is extremely similar to the case brought to Microsoft in the early 1990's where their anti-competitive behaviour ensured that Internet Explorer was essentially the only internet browser used on desktop computers. If Apple decides to not support specific web pages and technologies because it either affects their business model, avoids for 30% "Apple Tax" for being presented in the AppStore or is simply because they are ideologically apposed, by limiting Safari's technology to support these pages Apple can effectively strangle the competition. Apple will claim that there is no monopoly due to the availability of Android systems, and while at the device level there is a case here, for those 50% of phone consumers in Australia who choose Apple devices their choices are taken away by Apple's policies. While as customers we purchase this hardware and it is ours to use, our choice is limited as Apple sees its customers and business partners as guests on their platform.

In an ideal world these walled gardens are completely removed to provide a free and open mobile computing ecosystem on which anyone can develop applications and compete. There is an effective means of doing this while

also providing device providers with the ability to curate their own stores. If the ACCC were to include laws that mandated all mobile operating system providers allow internet browsers from competing companies, organisations, groups or individuals to be used on the platform. If these laws were also to mandate that web applications or web-apps be given first class citizen status, i.e. have all the services available to them that native iOS or Android applications to then we could achieve such as ecosystem. This would be extremely beneficial to consumer and business choice as application developers do not need to blessing of Apple or other gatekeepers for their products to be used. Such a framework would also drive innovation by removing the arbitrary constraints by gatekeeping organisations and would make application development much more efficient. Developers would only need to target W3C (international web standard) supported browsers and all devices be it mobile phones, tablets, desktop computers, kiosks or even servers could run the application. For such a world to exist regulators must mandate these changes, gatekeeping companies such as Apple and Google will not do it on their own as their is no incentive. They hold all the power and the profits and would not give either up of their own free will. In fact I even suggest that Apple would sooner lose money then give up control of their platform, the trial vs Epic is an example of this.

Thank you for taking the time to read my submission. If you have any further questions please do not hesitate to contact me. I could write in much more detail on this subject but the deadline for this submission is fast approaching.

Kind Regards,
Ben Johnston
Greenwich NSW

Sent with [ProtonMail](#) secure email.