



May 22, 2022

Alan Davidson

Assistant Secretary for Communications and Information & NTIA Administrator
National Telecommunications and Information Administration
1401 Constitution Avenue NW
Washington, DC 20230

Re: Request for Comments on Developing a Report on Competition in the Mobile App Ecosystem, Docket No. 220418–0099

Dear Assistant Secretary Davidson:

Chamber of Progress appreciates the opportunity to submit a response to the call by National Telecommunications and Information Administration (NTIA) for public comments to Docket No. 220418–0099.

Chamber of Progress is a new progressive tech industry group fighting for public policies that will build a fairer, more inclusive country in which all people benefit from technological leaps. Our partner companies include mobile app ecosystem stakeholders, but our partner companies do not have a vote or veto over our positions.

Our comments will focus on “Question #22. The E.O. asks the Department to explore ways to maximize “user benefit” with regard to competition in the mobile app ecosystem. How should we measure or consider user benefit?”

I. Consumer choice should be an important consideration when determining an ideal mobile app ecosystem.

Consumers currently have – and should continue to have – a range of choices to shop for, acquire, and install mobile applications. A cell phone or tablet purchaser deciding which mobile app system to opt into confronts an initial choice between Apple’s generally more costly and well-tended “walled garden” and Google’s generally less expensive, more open, and more extensive Play Store.

Each has its advantages and disadvantages. Think of it as the difference between visiting Disneyland and visiting Yosemite National Park. Visitors appreciate both, but each involves tradeoffs of control and openness. It is not the law’s role to mandate that Disneyland operate more like Yosemite or vice versa. Consumers should be free to choose between those experiences and to make those tradeoffs for themselves.

Apple couldn't be clearer about its overall approach. As stated in its App Store Review Guidelines,

The guiding principle of the App Store is simple— we want to provide a safe experience for users to get apps and a great opportunity for all developers to be successful. We do this by offering a highly curated App Store where every app is reviewed by experts and an editorial team helps users discover new apps every day. For everything else there is always the open Internet. If the App Store model and guidelines are not best for your app or business idea that's okay, we provide Safari for a great web experience too.¹

Apple's highly curated approach appeals to users who prioritize security and protection. More specifically, the App Store offers benefits in the form of both "narrow" and "broad" security, not only thwarting "social engineering attacks" that trick users into granting access, but also bolstering privacy, quality, and trustworthiness through such measures as privacy labels, user opt-outs, objectionable-content bans, and anti fraud protections.

But there are tradeoffs for consumers. Apple App Store users lack access to nearly 1.3 million apps available in the Play Store—most of which are free.² And the Play Store features third-party "launchers" that can "completely change your phone into something else entirely," whereas the ability to modify the iOS home screen is more limited.³

The shopping experience offered by the two stores also differs. The Play Store draws on Google's search expertise to help users find apps⁴ and gives more prominence to "social" features, such as telling consumers whether any of their friends use and recommend the app. The App Store also features app reviews, but "they're not

¹ Apple, March 2022. App Store Review Guidelines. Available at <https://developer.apple.com/app-store/review/guidelines>.

² Ceci, L, April 2022. 'Number of apps available in leading app stores as of 2022'. Available at <https://www.statista.com/statistics/276623/number-of-apps-available-in-leading-app-stores/>; Zdraveska, S., January 2022. 'Apple App Store vs Google Play Store (2022 Comparison)'. Available at <https://cybercrew.uk/software/app-store-vs-play-store/>; Viswanathan, P., March 2020. 'iOS App Store vs. Google Play Store: Which Is Better for App Developers?'. Available at <https://www.lifewire.com/ios-app-store-vs-google-play-store-for-app-developers-2373130>.

³ Hill, S. & Jansen, M., April 2021. 'Android vs. iOS: Which Smartphone Platform is the Best?'. Available at <https://www.digitaltrends.com/mobile/android-vs-ios/>.

⁴ 245Tech, January 2021. 'What to Know: The Difference Between Google Play and the Apple Store'. Available at <https://245.tech/2021/01/12/what-to-know-the-difference-between-google-play-and-the-apple-store/> ("The search queries on the Google Play store are much more effective because Google will run the queries through all information available on a page including the descriptions. The App Store, on the other hand, compares queries against the keywords developers manually enter for search. However, the App Store is notorious for its extensive promotion via channels on the store including their trending categories.").

front-and-center like on the Google Play Store. Perhaps this is due to the assumption that iOS apps are of a higher quality or because it encourages users to choose apps based on those apps' merits rather than the opinions of others.”⁵

Consumers who forgo Apple's “walled garden” and opt instead for Google's “open” distribution system are then able to obtain apps from a variety of stores besides the Play Store.⁶ Some of them come preloaded on a specific brand of Android device.⁷ Others are distinguished by a focus such as gaming or entertainment,⁸ an especially friendly user interface,⁹ apps that are compatible with multiple operating systems,¹⁰ heightened security,¹¹ compatibility with a specific web browser,¹² a focus on open-source apps,¹³ or use of crowdsourcing.¹⁴ Some are just general app stores that compete with the Play Store.¹⁵ And Chinese users can access a plethora of app stores aimed at that market.¹⁶

Thus, the market now caters to an astonishing variety of consumer and developer tastes and philosophies concerning the best way to shop for, distribute, promote, and sell mobile apps. And the features that distinguish app stores really do matter to consumers.

When it comes to app stores, there is room for both the hothouse flower and the wildflower—and policymakers should let them all bloom.

II. Users are harmed by being forced to participate in app market models lacking effective content moderation practices.

The current models used by Apple and Google include centralized review systems that screen apps for privacy and security risks. Their curated marketplaces also bar apps that peddle conspiracy theories or hate speech. Altogether, these models give users

⁵ O’Leary, D., January 2017. ‘7 Things the Google Play Store Does Better Than the Apple App Store’. Available at <https://www.androidauthority.com/google-playstore-vs-apple-app-store-744204/>.

⁶ Chamber of Progress does not endorse the use of any alternative app stores, some of which offer apps of dubious security or reliability that could never survive the vetting processes of the App Store or the Play Store. The following characterizations of the various stores were obtained from Buildfire’s Ultimate Mobile App Stores List (2022), available at <https://buildfire.com/mobile-app-stores-list/> and Joe Hindy’s 10 Best Third Party App Stores for Android and Other Options Too, published in January 2022 and available at <https://www.androidauthority.com/best-app-stores-936652/>.

⁷ E.g., the Samsung, LG, Sony, and Amazon app stores (although the Amazon Appstore also is available to users of non-Amazon Android devices).

⁸ E.g., 1Mobile, Itch.io, Kongregate, QooApp, and Taptap.

⁹ E.g., APKPure and Aptoide.

¹⁰ E.g., Appland, GetJar, and Uptodown Market.

¹¹ E.g., Applicious and Uptodown Market.

¹² E.g., Bemobi Mobile Store.

¹³ E.g., F-Droid.

¹⁴ E.g., Mobilism.

¹⁵ E.g., SlideME.

¹⁶ E.g., Tencent, Myapp, 360, Baidu, Oppo, AppChina, VIVO, PP Assistant, Wandoujia, HiAPK, Flyme, HiMarket, 2345, Coolmart, Anzhi Market, and MaoPao.

certainty that the available apps do not pose a threat to their safety, their data, or their device.

Many users intentionally seek out Apple products for their security, privacy, and content moderation practices. Before apps are made available in the App Store, Apple reviews every line of their code to screen for misuses of user data, security bugs, and offensive or harmful content. As the App Store Review Guidelines state, “When people install an app from the App Store, they want to feel confident that it’s safe to do so—that the app doesn’t contain upsetting or offensive content, won’t damage their device, and isn’t likely to cause physical harm from its use”.¹⁷

Apple can block apps that do not properly protect user data, encourage violence or bullying, or publish content that is “offensive, insensitive, [...or] just plain creepy”.¹⁸ As Shira Ovide recently wrote in the *New York Times*, this means Apple can “weed out apps it believes promote harmful behavior, are in poor taste, rip off good ideas, or try to steal our money”.¹⁹

These practices are important features of products that millions of American consumers value. For example, in response to proposed federal legislation that would interfere with Apple’s ability to curate their marketplaces and take steps to protect users, lawmakers and civil society groups spoke up. In a statement, Free Press called out provisions in the legislation that would hamper platforms’ ability to block businesses for terms of service violations, saying they could “require platforms to host hate speech and other harmful content targeting Black and Brown people, the LGBTQIA+ community, women, immigrants, Indigenous people and other targeted populations”.²⁰

Senator Alex Padilla (D-CA) echoed those concerns during the legislation’s markup in the Senate Judiciary Committee, saying it could “hamper the efforts of platforms to address the spread of hate speech and misinformation and disinformation efforts online that have caused so many recent problems for our democracy”.²¹ Because Apple can tightly control which apps are available to users, it can limit the spread of hate speech and disinformation by removing the apps that publish them.

¹⁷ Apple, March 2022. App Store Review Guidelines. Available at <https://developer.apple.com/app-store/review/guidelines/>.

¹⁸ Id.

¹⁹ Ovide, S., May 2022. ‘Online Deciders like Apple have a Point’. Available at <https://www.nytimes.com/2022/05/05/technology/online-gatekeepers.html?searchResultPosition=1>.

²⁰ Free Press, January 2022. ‘Provision in Senate Antitrust Bill Would Undermine the Fight Against Online Hate and Disinformation’. Available at <https://www.freepress.net/news/press-releases/provision-senate-antitrust-bill-would-undermine-fight-against-online-hate-and-disinformation>.

²¹ Senator Alex Padilla Markup Remarks regarding S.2992. Available at https://www.youtube.com/watch?v=_Isos0SWuuM&t=25s.

Similarly, lawmakers and civil society groups have spoken up about the importance of maintaining the privacy and security protections built into app stores. During the same Senate markup, Senator Dianne Feinstein noted that “major platforms like Apple and Google take measures to address the privacy and cyber security of their users, [...including] taking steps to ensure that an application is safe before you download it from your phone”.²²

The Center for Democracy and Technology recently wrote to lawmakers arguing that allowing all companies to access platforms and devices could create “significant risks, especially considering the many types of sensitive information stored by these platforms, such as location and biometric and password information, and the threat that malware can pose to an operating system”.²³ The review system Apple and Google have in place, and their policy of only allowing access to apps that have been screened, protect against threats to users’ privacy and security.

In the aftermath of the January 6th insurrection, Apple and Google banned Parler from the App Store because Parler refused to take down posts organizing the violence and calling for more. Parler was only reinstated after it agreed to enforce its content standards.²⁴ Apple has similarly banned Gab (a messaging service frequented by white nationalists),²⁵ InfoWars (Alex Jones’ “news” app that was used to spread hateful conspiracy theories),²⁶ and Baby Shaker (a game that encouraged users to shake a virtual baby).²⁷ Most recently, Apple pulled RT and Sputnik from its App Stores outside of Russia in order to mitigate the spread of Russian disinformation about its invasion of Ukraine.²⁸ Google has banned many of these apps as well.

Although Google’s Android system allows direct “sideloading” of apps, Google still takes steps to protect user’s security and block access to dangerous apps. Google’s Play Store has similar standards to Apple’s App Store, blocking apps that misuse user data and

²² Senator Feinstein Remarks at Committee Markup of S.2992. Available at <https://www.youtube.com/watch?v=I-N7qfa1OAY>.

²³ Center for Democracy & Technology, March 2022. Available at <https://cdt.org/wp-content/uploads/2022/03/S2292-CDT-letter-3-9-22-FINAL.pdf>.

²⁴ The Verge, May 2021. ‘Parler returns to Apple App Store with some content excluded’. Available at <https://www.theverge.com/2021/5/17/22440005/parler-apple-app-store-return-amazon-google-capitol>.

²⁵ Inc. ‘Rejected Again by Apple, Gab Says It’s a Victim of Anti-Trump Bias’. Available at <https://www.inc.com/salvador-rodriguez/gab-apple-inauguration.html>.

²⁶ The Verge, September 2018. ‘Apple just permanently banned Infowars from the App Store’. Available at <https://www.theverge.com/2018/9/7/17833748/apple-just-permanently-banned-infowars-from-the-app-store>.

²⁷ The Guardian, April 2009. ‘Baby Shaker’ game pulled from Apple’s iPhone App Store’. Available at <https://www.theguardian.com/technology/2009/apr/23/apple-iphone-baby-shaker>.

²⁸ Business Standard, March, 2022. ‘The power of tech giants: How they are sanctioning Russia over Ukraine war’. Available at https://www.business-standard.com/article/international/the-power-of-tech-giants-how-they-are-sanctionin-g-russia-over-ukraine-war-122030700258_1.html.

requiring apps that publish user-generated content to moderate that content effectively.²⁹ Even with sideloaded apps, Google scans for potential security risks and warns users when they try to download them.

When apps are flagged as “Potentially Harmful”, Google’s Play Protect can disable them on user devices and remove them from the Play Store.³⁰ When users want to download apps, the feature displays a warning, giving users information about the potential risks before allowing an app on their device.³¹ While this model differs from Apple’s walled-garden approach, it still includes multiple layers of review by Google’s security experts, giving users more security than markets with no review procedures at all.

Less centralized app market models, in which apps are downloaded from stores with lax review policies or directly from developers without any security screenings, could result in the types of harm lawmakers and civil society groups have warned about: apps that misuse user data, spread hate speech against minority groups, or infect devices with malware. Apple’s model, and Google’s strict review policies, give users the peace of mind that their devices are protected.

Thank you for your leadership on this important issue. We are available for any further questions.

Sincerely,



Koustubh “K.J.” Bagchi
Senior Director, Federal Public Policy

²⁹ Google Policy Center. ‘User Generated Content’. Available at <https://support.google.com/googleplay/android-developer/answer/9876937>; Google Play Console Help. ‘User Data’. Available at https://support.google.com/googleplay/android-developer/answer/10144311?visit_id=637879790879175146-2426446250&rd=1.

³⁰ Google Play Protect, December 2019. ‘Potentially Harmful Applications (PHAs)’. Available at <https://developers.google.com/android/play-protect/potentially-harmful-applications>.

³¹ Google Security Blog, February 2019. ‘Google Play Protect in 2018: New updates to keep Android users secure’. Available at <https://security.googleblog.com/2019/02/google-play-protect-in-2018-new-updates.html>.