



The Feature

Mapping Potential Antitrust Issues in AI Distribution and Deployment

Competition authorities in the EU are beginning to explore potential theories of harm across the AI value chain, from upstream AI model development to downstream distribution and deployment.

Recent cases suggest that regulatory scrutiny and policy initiatives are broadening from an initial focus on key inputs (such as compute, infrastructure and data) to issues relating to distribution and deployment, including integration of AI features into end user-facing products and services.

We briefly consider various distribution and deployment cases to date, which have addressed alleged pre-existing market power, namely: (i) restricting interoperability with existing products allegedly limiting distribution of rival AI products; (ii) leveraging alleged market power relating to existing products/ecosystems to benefit AI features; and (iii) integrating AI algorithms in existing products allegedly to self-preference.

Read our more detailed update [here](#).

The Niche

DOJ Is Serious About Antitrust Whistleblower Awards

The DOJ has signaled its commitment to whistleblower programs by issuing its first-ever Antitrust Division whistleblower award—\$1 million to an individual whose tip leads to a deferred prosecution agreement with a company for bid rigging. The program increases the risk of employees reporting potential misconduct directly to the DOJ before notifying their employers.

Companies should evaluate their compliance programs with a focus on reviewing whistleblower policies and trainings, M&A due diligence questionnaires, reporting channels, monitoring systems, anti-retaliation protections, and investigation protocols to meet potential self-reporting deadlines. The DOJ has published compliance program guidance: [the Antitrust Division's 2024 Evaluation of Corporate Compliance Programs in Criminal Antitrust Investigations](#) and [the Criminal Division's 2024 Evaluation of Corporate Compliance Programs](#).

For more information, review our analysis [here](#).

Other Interesting Recent Antitrust Developments

US: On February 4, 2026, three U.S. senators [asked](#) the DOJ and FTC to investigate AI-related deals for potential antitrust violations. The request highlights increased antitrust interest in so-called “acqui-hiring,” deals that target the hiring of specialized employees through non-HSR reportable transactions.

US: On February 3, 2026, the DOJ and eight plaintiff states cross-appealed the remedies decision in the *Google Search* case. Google filed a notice of appeal and sought a stay of some remedies on January 16, 2026.

EU: Following the EC's [announcement](#) in December 2025 that it is investigating alleged abuse of dominance by Google through the use of web publisher content to provide AI Overviews and AI Mode on Search results pages, the European Publishers Council has filed a [complaint](#) in support of the investigation. The investigation is considering the alleged use of content without authorization, effective opt-out mechanisms, and fair remuneration while displacing traffic, audiences, and revenues. The investigation is also considering alleged use of YouTube content to train GenAI models.

UK: The CMA is [consulting](#) on commitments proposed by Apple and Google relating to app review processes, app rankings, the use of non-public data, and in the case of Apple, interoperability. The proposals relate to some of the issues identified by the CMA in its July 2025 roadmaps and follow the SMS designations of Apple and Google in relation to the provision of their respective mobile platforms in October 2025.

What's in the Pipeline?

- The EC has begun [consultation](#) on its Digital Networks Act (DNA) proposal. The DNA aims to improve access to secure, fast, and reliable connectivity in Europe. Following the consultation period, the proposal will go into dialogue negotiations (with the European Parliament and the Council of the European Union).
- The EU's [Digital Omnibus](#) makes a number of important proposals, including amending Article 4(1) of the GDPR to modify the “personal data” concept as it relates to pseudonymised data, with potential ramifications for the Digital Markets Act, Digital Services Act, Data Act and the AI Act, alongside the GDPR itself.

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