Search Neutrality and Algorithmic Accountability between Freedom of Speech and Consumer Protection
Outline

- Introduction: the technical and legal framework
- The impact of search engines
- The right to be listed
  - Neutrality and accountability
- Questions
How a search engine works
SERP

Google search results for "cupcake pans" show various options from Macy's, Amazon, Walmart, Target, and Bed Bath & Beyond. The search results include product information, prices, and shipping details.
Some questions

- How does a search engine build a SERP?
- How does it decide
  - What it is shown, and
  - Its ranking?
- Secrecy (… Black boxes)
The legal framework: where do we stand?

- The Google Spain Case *(European Court of Justice, C131-12)*

- The right to be (digitally) forgotten

- Web Publishing / finding
Virtuous circle

1) SE works properly.

When does a search engine work properly?

2) Listing is carried out in compliance with

A. Neutral and

B. Embraceable Rules.

3) Operations are correctly performed.
Algorithms and software agents

- **Decisions** (ranking; hide or show?)
  - *(site B was/is also omitted…)*

- **Errors** *(anomalies and bugs, etc.)*
The impact of search engines

- Freedom of speech
- Consumer protection
- Business protection
One example (1/2)

Site A: unique word (no other meanings)

Site B: unique word (in Italy)
One example (2/2)
How can it happen?

- Software agents -> autonomous software (algorithms are executed)

- The challenge of language understanding

- SE = expert system

- Software agents “thought” that Site A and Site B were synonyms…
The right to be listed

- Is there a right to be listed?
- Providers’ (algorithmic) liability
  - Current E.U. laws
  - Issues of current laws (Dir. 2000/31/EC)
- Duty of transparency (and reasoning of the SE)
Questions

- E.U. vs. U.S. legal regimes

- Effectiveness of legal remedies, *and the issues of:*
  - Costs
  - International providers
  - Reverence

- Intellectual Property Rights on algorithms / software vs. burden of proof