

# Search Engines

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Internet Law

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# Where we are

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- Part I: Public Law
- Part II: Private Law
  - Control over Computers
  - Domain Names
  - Copyright
  - Case Studies



# In today's class

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- *Search King* and search rankings
- Search query privacy feat. Ira Rubinstein



*Search King, Inc. v.  
Google Technology, Inc.*



# The background to *Search King*

- Google's search results depend on:
  - PageRank
  - The query terms you used
- Sites with high PR are valuable
  - Search King sells ads on high-PR pages
- Google lowers Search King's PR



# Tortious interference with contract?

- Is lowering a site's ranking "wrongful?"
- The parties agree that a PageRank is speech, but are they false speech?
- Or, rather, are PageRanks statements of fact, or unprovable opinion?
- If they're opinion, they're absolutely immune from tort liability



# Is this the right result?

- Absolute immunity means Google can disappear you for any—or no—reason!
- Is there a way to find a false statement of fact in the PageRank reduction?
- Or is there a way to avoid getting into this fact/opinion First Amendment morass?
- Then again, who's really the bad guy here?



# Search privacy

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Take it away, Ira!



# Next time

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Why your ISP hates the Internet