

NATIONAL LAW UNIVERSITY JODHPUR

End Term Examination May 2024

Semester – LLM II Semester Corporate Law

Subject: Competition Law

Time: 3 hours

Mark: 100

Instructions:

- i. All the questions carry equal marks.
 - ii. Answer any four out of the six questions.
 - iii. Please substantiate your statement(s)/argument(s) with relevant case laws, whenever necessary.
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Q.1) Whether the existing regulatory framework in India for pricing algorithms in Vertical agreements, sufficient to regulate anti-competitive concerns arising out of Hub- -Spoke Cartels. Elaborate (Marks 25)

Q.2) *The intersection of data privacy and competition law is a complex and evolving area of legal and regulatory discourse. As digital technologies continue to transform the economy, understanding the implications of data control and privacy practices for competition becomes increasingly important. Policymakers and regulators will need to navigate these complexities carefully, crafting policies that protect consumer rights and promote a healthy, competitive digital marketplace. The future of regulation in this area holds the potential to shape the trajectory of the digital economy, influencing not only market dynamics but also the broader societal impacts of digital transformation.*

The ability to collect, analyse, and act upon vast amounts of information allows companies to make more informed decisions, tailor their offerings to individual customer preferences, and identify emerging market trends. In the context of mergers, the integration of big data capabilities from two entities can significantly enhance their competitive positioning.

In the context of the same determine challenges posed in the economy because of Data-driven mergers and its impact on consumer welfare standards.

(Marks 25)

Q.3). *“Competition laws and policies aim to prevent practices that stifle competition and safeguard a healthy market environment for consumers. Mergers and acquisitions, while a common growth strategy for companies, can have a double-edged sword effect on competition. Recognizing this, competition authorities take a case-by-case approach using a “rule of reason” standard. This standard evaluates the potential impact of a proposed merger on competition. The terms “merger,” “combination,” and “concentration” are used interchangeably across different jurisdictions. The first step in analyzing a proposed merger is to determine if it qualifies as a “combination” based on the level of control being transferred. If the transaction meets the control thresholds outlined in competition regulations, then the potential anti-competitive effects on the market are assessed.”*

In light of the same discuss the various thresholds for assessing combinations under Section 5 and Section 6 Of the Competition Act 2002 and the attached latest amendment to the same.

(Marks 25)

Q.4) Mr Sonam Sharma has furnished information to the Competition Commission of India (CCI) alleging that APPLE International Corporation has entered into an Tie-in agreement secretly with VODAFONE and AIRTEL for the sale of iPhone in India to get exclusive rights. Phones were compulsorily locked so that they could work on their network to the exclusion of other networks. Mr Sonam Sharma has also alleged that such activity resulted in limiting and controlling the iPhone market by creating entry barriers for other competitors in India. Based on the investigation report of the Director General, the CCI has ordered for closure of the matter. Against the orders of CCI, an appeal was preferred before the Supreme Court of India for various violations under the Competition Act, 2002. Decide

(Marks 25)

Q.5) Discuss the duties of the Director General under the Competition Act, 2002. If a person fails to comply without reasonable cause with directions given by the Commission or the Director-General, what punishment can be given under the

Competition Act, 2002?

(Marks 25)

(Marks 12.5*2)

Q.6). Write short notes on:

- (a) Bid Rigging
- (b) Data Privacy and Competition Law

