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**Presidency University**

**Bengaluru**

**SCHOOL OF LAW**

**Make-Up Examinations, July 2024**

**Winter Semester**: VII

**Course Code**: LAW308

**Course Name**: Competition Law

**Date**: 05-07-2024

**Time**: 9:30am to 12:30pm

**Max Marks**: 100

**Weightage**: 50%

**Instructions:**

1. *Read the all questions carefully and answer accordingly.*
2. *Do not write any matter on the question paper other than roll number.*

**Part A**

**Answer any 4 Questions. Each question carries 5 marks. (4Qx 5M= 20M)**

1. Explain the powers and functions of DG under Competition Act, 2002?

2. Whether the CCI has jurisdiction to take up the cases relating to intellectual property rights? Justify you stand with relevant cases.

3. “Dominance per se is not bad but abuse of dominance is.” Defend this statement in the light of Competition Act, 2002.

4. Identify the differences between exclusive supply agreement and exclusive distribution agreement under the Competition Act, 2002.

5. Critique Tata Engineering and Locomotive Co. Ltd. (TELCO) v. Registrar of Restrictive Trade Practices Agreement.

6. “Generally in economics, competition is seen as rivalry among firms for a larger share of the market, which leads to internal efficiency and lower prices for the consumers. Competition can be defined as a process by which cost efficient production is achieved in a structure where entry and exit are easy, a reasonable number of players and close substitution between products of different players in a given industry exists.” Discuss this statement in the light of perfect and imperfect competition and its relevance under competition law.

**Part B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx10M=40M)**

7. Analyze the role of the Competition Commission of India (CCI) in enforcing competition law and promoting fair competition practices in the Indian market.

8. Define the following according to the Competition Act, 2002:

1. Agreement
2. Cartel
3. Enterprise
4. Person
5. Relevant Market

9. BCCI- Board of Control for Cricket in India, a society registered under the Tamil Nadu Societies Registration Act, 1975 announced that it would organize IPL in 2020 from March 2020 to May 2020. BCCI entered into agreement with the broadcasters of the Indian Premier League and clause 9(1) in the agreement stated that “it shall not organize, sanction, recognize, or support another professional domestic Indian T20 competition that is competitive to the league.” The implication of this clause was that no other cricket league could be started by other players that is competitive to IPL. Anil filed a case before CCI alleging that BCCI was abusing its dominant position. Whether BCCI falls under the purview of ‘enterprise’ under the Competition Act 2002. Answer with the help of relevant cases.

10. Reflect on the repeal of the MRTP Act and its replacement by the Competition Act, 2002, examining the reasons for the transition and the implications for competition regulation in India.

11. “Unlike MRTP Act 1969, DG has no suo motu powers under the Competition Act, 2002.” Analyse this statement in the light of Fx Enterprise Solutions India v. Hyundai Motor India Limited (2014).

12. Compare and contrast the Chicago School to the evolution of antitrust law in the United States, including its emphasis on economic efficiency, and consumer welfare.

**Part C**

**Answer any 2 Questions. Each question carries 20 marks. (2Qx20M=40M)**

13. ‘Speedio’ is a web browser that is used by limited people across the world. ‘Speedio’ is sold only through a chain of distributors. No user can directly procure the software from Software Pvt. Ltd., the owner of the ‘Speedio’. It is mandated by the company and the distributor that the user must download ‘Virostop’, an antivirus software to prevent, detect and eliminate malware and to protect user data if they are willing to use ‘Speedio’. Without downloading, ‘virostop’, the user cannot browse on ‘Speedio’. Prashath who is a user of ‘Speedio’ files a case against Softyware Pvt. Ltd. Before CCI alleging that the arrangement would amount to tie in arrangement.

a) Whether the arrangement amounts to tie in arrangement under the Competition Act, 2002? Justify with reasons.

b) How can Softyware Pvt. Ltd. defend themselves before CCI?

c) How CCI has misinterpreted the provision of tie-in-arrangement in various cases? How would such misinterpretation affect this case?

14. ‘Reliance Jio was allowed to enter into the telecommunication market using penetrative pricing strategy by TRAI.’ Examine if penetrative pricing is well covered under the Competition Act, 2002. Also examine the jurisdictional clashes between TRAI and CCI.

15. Torango Technologies Pvt. Ltd., holds a patented technology in the cars that can prevent accidents. It requires INR. 50,000 for a person to install that technology to his/her car. Flihigh Technology Pvt. Ltd., a competitor of Torango, invents different technology which serves the same purpose but at a lesser price INR. 30,000. Consumers start purchasing Flihigh’s software as the cost is very less and they became a dominant player in the market. Flihigh sends a mail to the Director of Torango, the complete details about their invention and they threaten in the mail that if Torango fails to pay INR 100 crores to Flihigh, then Flihigh would apply for the patent and start manufacturing its patented product which ultimately would create losses to Torango.

a) Examine whether the act of Flihigh Technology Pvt. Ltd. would violare Section 4 of the Competition Act, 2002.

b) Whether it isbetter to regulate SEP licensing issues under the Patent Act, 1970 than under the Competition Act, 2002.