


Name:			
Enrolment No:			
UPES End Semester Examination, May 2023			
Course: Competition Law Program: BA LL.B/B.COM LL.B/ BBA LL.B/BSc LLB Course Code: CLCC5001P		Semester : VIII Time : 03 hrs Max. Marks: 100	
Instructions: All questions are compulsory. Kindly attempt all parts of a question together.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1.	What is the objective of the Competition Commission of India (CCI)?	2	CO1
Q 2.	Define “combination”.	2	CO1
Q 3.	Define the "essential facilities doctrine" in competition law?	2	CO1
Q 4.	In brief define “per se rule”.	2	CO1
Q 5.	Define a “dawn raid”?	2	CO1
SECTION B (4Qx5M= 20 Marks) Short answer type questions			
Q 6.	Discuss the role of economic analysis in competition law enforcement in India.	5	CO2
Q 7.	Discuss the relationship between intellectual property rights and competition law in India.	5	CO2
Q 8.	Explain what the "deal value threshold" refers to in the context of merger control.	5	CO2
Q 9.	Explain the concept of gun jumping under competition law and the potential anti-competitive effects of such conduct in the context of mergers and acquisitions.	5	CO2
SECTION-C (2Qx10M=20 Marks) Long answer type questions			
Q 10.	Consider the following statement- “minority shareholdings have the potential to cause competitive harm”. Explain with relevant orders of CCI under its	10	CO3

	<p>'combination regulation' mandate as to how it perceives minority shareholdings /private equity deals and what standards does it follow in its adjudication of 'control' for such transactions. Also, delineate with the help of relevant order(s) the various levels of control contemplated by the CCI and consequent issues that may arise in pure financial investments and private equity transactions .</p>		
Q 11.	<p>In a hypothetical market, there are three major players with market shares of 40%, 35%, and 25%, respectively. Calculate the Herfindahl-Hirschman Index (HHI) for this market and interpret the results. Additionally, explain how the HHI is used in competition law to evaluate market concentration and assess the potential anti-competitive effects of mergers and acquisitions</p>	10	CO3
<p>SECTION-D (2Qx25M=50 Marks) Case study-based questions</p>			
Q 12.	<p><u>Factual Matrix</u></p> <p>The market for smart speakers in India is dominated by three major players, Amazon, Google, and Apple, who collectively account for 90% of the market share. The remaining 10% is divided between several smaller players. Recently, the three major players have announced a collaboration to develop a new technology that will allow their smart speakers to interact with each other seamlessly, creating a single network of devices that can be controlled using any of the three company's smart speakers.</p> <p>Critics of the collaboration have argued that this technology could lead to the three major players gaining collective dominance in the market for smart speakers, as it would create significant barriers to entry for smaller players. They have also expressed concern that the collaboration could lead to anti-competitive behavior, such as price fixing and market sharing.</p> <p>In response, the three major players have argued that the collaboration is necessary to promote innovation and improve the user experience for their customers. They have also emphasized that the collaboration will not</p>	25	CO4

	<p>involve any sharing of sensitive business information or joint decision-making.</p> <p><u>Question</u></p> <p>In the hypothetical scenario described above, discuss the concept of collective dominance in competition law and its application to the market for smart speakers. Analyze the potential impact of the collaboration between Amazon, Google, and Apple on the market structure, and discuss the legal and economic factors that would be considered to determine whether the three companies have gained collective dominance in the market. Additionally, evaluate the potential anti-competitive effects of the collaboration, including the possibility of price fixing and market sharing, and suggest measures that could be taken to promote competition in the market and protect consumers.</p>		
Q 13.	<p>Assume that Company V, a dominant player in the Indian market for social media, has proposed a conglomerate merger with Company W, a major player in the Indian market for online retail. The merger will also involve the transfer of significant amounts of consumer data from Company V's social media platform to Company W's online retail platform.</p> <p>Analyze the potential anti-competitive effects of this combination on market structure, consumer welfare, and innovation, particularly with respect to the use of consumer data and privacy concerns. Also, examine the potential for foreclosure of smaller competitors.</p>	25	CO4