

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Competition Law (Hons.) IPR 2015 **Semester:** X
Programme: BT-ET-LLB-IPR

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

| S. No. | | Marks | CO |
|--------|--|-------|-----|
| 1 | <p>Consider the following situations and decide the legality of such under the relevant provision of the competition Act, 2002.</p> <p>A)</p> <p>Manufacturer A: Look, none of us are really doing well. We must do something to increase our profit. What is your say on the idea to reduce the supply together? When there's less supply, we can increase the price. Things are only valuable when they are rare.</p> <p>Manufacturer B: Great idea! I'm in it. You should lead us in this and we all will take our hint from you.</p> <p>B)</p> <p>An Enterprise named ABC is a producer of mobile phones who distributes throughout India through its distributors. However, it gives only one distributorship for East, West, North and South India and it does not allow distributors to sell in each other's territory.</p> | 20 | CO1 |

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|------|---|----|-----|
| Ans. | | | |
| 2 | Two foreign companies named ABC Company and XYZ Company dealing in manufacturing of rubber tyres entered into an agreement in London. This deal will likely to cause an appreciable adverse effect on competition in tyre manufacturing business in India. Can CCI hear & decide the validity of such agreement under the Competition Act, 2002? Answer with reason. | 20 | CO2 |
| Ans. | | | |
| 3 | Predatory pricing is a phenomenon of driving other players out of the market, by offering goods or services at a price lower than the cost. In June 2017, CCI passed an order clearing Reliance Jio Infocom Limited (“RJio”) of all the charges of contravening Section 3 and 4 of the Competition Act, 2002 (“Act”) which mainly include the allegation of predatory pricing. Critically examine & evaluate the factors upon which predatory pricing cases are judged under the competition law. | 20 | CO2 |
| Ans. | | | |
| 4 | Critically identify & analyse the intricacies and conflicts between the domain of IPR and Competition law with the help of relevant legal provisions and case law. | 20 | CO3 |
| Ans. | | | |
| 5 | Company A manufactures and sells Printer’s ink in India. Company B manufactures and sells Printer in India. B approached A with a proposal to acquire 100% shareholding of A. For financial year 2017-18, sales turnover of Company A was INR 200 crore and sales turnover of Company Y was INR 7500 crore. Consider the above case and examine with reason whether such combination would attract the provisions of Section 5 of the Competition Act | 20 | CO4 |
| Ans. | | | |

I, Tauheed Alam, understand that submitting work that isn’t my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.