


Name:			
Enrolment No:			
UPES End Semester Examination, May 2024			
Course: COMPETITION LAW Program: BBA/B.COM/BA LLB Course Code: CLCP 4009		Semester: VIII Time : 03 hrs. Max. Marks: 100	
Instructions: ALL QUES ARE COMPULSORY			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Explain how can network effects serve as barriers to entry for potential competitors, and if so, how can these barriers be mitigated or overcome?	2	CO1
Q 2	Identify the challenges might arise when applying the SSNIP test to digital markets or industries with rapidly evolving products/services?	2	CO1
Q 3	Illustrate the distinction between rule of reason and per se rule.	2	CO1
Q 4	Define: A. Acquisition B. Merger <i>(in the context of competition laws)</i>	2	CO1
Q 5	Tell as to how competition compliance programs contribute to fostering a culture of fair competition within organizations?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Summarise the role and powers of the Competition Commission of India (CCI) in enforcing competition law and promoting fair market practices. In your response, address the following: A. What is the mandate of the CCI in regulating competition and promoting fair market practices in India? B. Outline the investigative and enforcement powers vested in the CCI to address anti-competitive behaviour and abuse of dominance by enterprises.	5	CO2
Q 7	Cite the historical underpinnings of competition law in India, highlighting key legislative developments and milestones that have shaped its evolution.	5	CO2
Q 8	Interpret the notion of AAEC in the context of competition law and briefly explain its significance in assessing anticompetitive behavior.	5	CO2
Q 9	With the rise of algorithmic decision-making and predictive analytics, contrast the challenges do regulators face in implementing ex ante	5	CO2

	measures to anticipate and mitigate potential harms to competition and consumer welfare, and how can ex post monitoring and enforcement mechanisms be strengthened to effectively address any unintended consequences or abuses that arise from these technologies?		
SECTION-C (2Qx10M=20 Marks)			
Q 10	<p><i>The Competition Commission of India (CCI) has ruled against Google in a case concerning its billing practices for in-app purchases (IAP) within the Android Play Store. The CCI found that Google's requirement for developers to use its own billing system (Google Play Billing) violated competition law.</i></p> <p>You are a legal intern at a law firm advising a small business that runs a food delivery app with IAP functionality. The business utilizes Google Play Store for distribution but is unsure how to proceed following the CCI ruling on Google Billing.</p> <p>Question: Sketch the potential impact of the CCI ruling on Google Billing on small and medium-sized businesses (SMBs) in the Indian mobile app market. How might this decision affect their ability to compete and access a wider customer base?</p>	10	CO3
Q 11	<p>The Indian Parliamentary Standing Committee on Finance, in its December 2022 report, delved into the critical issue of anti-competitive practices by big tech companies. This issue has significant implications for India's digital economy, consumer welfare, and overall market fairness.</p> <p>Question: Considering the Parliamentary Committee on Finance's report, articulate response to the following aspects of anti-competitive practices by big tech companies in India:</p> <p>Balancing Innovation and Competition: (5 Marks) International Best Practices and Collaboration: (5 Marks)</p>	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>Illustrate the legal consequences and real-world implications of the provision stating that no person or entity shall partake in a combination that leads to or has the potential to lead to a significant adverse effect on competition within the relevant market in India, resulting in such combinations being nullified. Evaluate the criteria and benchmarks utilized to gauge the appreciable adverse effect on competition, analysing the hurdles and factors encountered by competition authorities in efficiently implementing this provision. Furthermore, investigate the</p>	25	CO4

	actions and solutions accessible to tackle combinations discovered to breach this provision, highlighting the significance of competition policy in preserving market dynamics and consumer well-being.		
Q 13	<p>MOON Pharmaceuticals Pvt. Ltd. stands as a dominant force in India's pharmaceutical manufacturing realm, specializing in crafting essential medicines across diverse therapeutic segments. Bolstered by its extensive distribution network and well-established brand, MOON Pharmaceuticals commands a significant market share, granting it substantial sway over pricing and supply dynamics. Recent allegations from smaller pharmaceutical entities cast a shadow over MOON Pharmaceuticals' conduct, hinting at potential exploitation of its dominant position under Section 4 of the Competition Act, 2002.</p> <p>Amidst these accusations, MOON Pharmaceuticals stands accused of imposing unjust and discriminator terms upon smaller pharmaceutical entities vying to procure raw materials and active pharmaceutical ingredients (APIs) crucial for essential medicine production. Additionally, suspicions arise regarding MOON Pharmaceuticals' involvement in discriminatory pricing practices, allegedly favouring larger pharmaceutical counterparts with preferential pricing and discounts while subjecting smaller rivals to inflated prices.</p> <p>Devise:</p> <p>A. How does MOON Pharmaceuticals' dominant position in the pharmaceutical manufacturing sector facilitate the imposition of unfair or discriminatory conditions on smaller pharmaceutical entities seeking raw materials and APIs? (5 MARKS)</p> <p>B. What potential adverse repercussions might arise within the pharmaceutical manufacturing sector if MOON Pharmaceuticals engages in discriminatory pricing practices, extending preferential pricing terms to larger competitors while imposing higher prices on smaller counterparts? (5 MARKS)</p> <p>C. Can MOON Pharmaceuticals' imposition of unfair or discriminatory conditions on smaller pharmaceutical entities be construed as an abuse of its dominant position under Section 4 of the Competition Act, 2002? Provide rationale for your response. (5 MARKS)</p> <p>D. In what manner could smaller pharmaceutical entities suffer from MOON Pharmaceuticals' pricing strategies, especially if it resorts to predatory pricing tactics aimed at eliminating competitors from the market? (5 MARKS)</p> <p>E. How might regulatory bodies investigate and remedy allegations of MOON Pharmaceuticals' abuse of its dominant position, ensuring</p>	25	CO4

	equitable competition and safeguarding consumer welfare in the pharmaceutical sector? (5 MARKS)		
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