


Name:			
Enrolment No:			
UPES End Semester Examination, May 2024			
Course: Competition Law Program: BTech LL.B.-Cyber Law Course Code: CLCP5001P		Semester: X Time : 03 hrs. Max. Marks: 100	
<u>Instructions:</u> Write briefly focusing on relevant concepts, provisions, amendments, and case laws.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Write short notes on the following:		
a.	Hub and spoke Cartels	2	CO1
b.	CLRC report	2	CO1
c.	Status quo bias	2	CO1
d.	Relevant Product Market	2	CO1
e.	Hard core Cartels	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 2	Discuss the concept of 'Control' in the light of 2023 amendments in the Competition Act. Cite cases.	5	CO2
Q 3	Define term Algorithmic Pricing? When can such pricing be anticompetitive?	5	CO2
Q 4	Enumerate the duties and powers of the Director General Investigation provided in the Competition Act?	5	CO2
Q 5	'Enjoying Dominant position is per se not bad but abuse of dominant position is bad'. Comment while describing factors provided in Competition Act to determine the Dominant Position.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 6	Read the below passage carefully: "While the Competition Act deals with these subjects generally, the Patents Act deals with these subjects specifically in the context of patents. The legislature, in its wisdom, after enacting the Competition Act, amended the Patents Act to introduce Chapter XVI and has chosen to keep the effect of the	10	CO3

	orders of the Controller <i>in personam</i> . It is not for this Court to comment on the propriety thereof, nor does this persuade us to permit exercise of powers by CCI contrary to legislative intent.”		
	Analyse and comment on the observations of the Hight Court given above in light of the jurisdictional interface between Competition Act and the Patents Act in India.		
Q 7	Critically examine various factors that the Competition Commission of India considers while determining whether the Combination has AAEC in India. Cite relevant provisions and cases.	10	CO3
(SECTION-D = 50 Marks)			
	Read the passage carefully and answer the following questions:		
	<p>In 2015, Jeo wanted to enter the e-book market with the launch of its J-Pad and the J-Bookstore. Horizon was already active on the e-book market with its book reader Bindle and the Horizon online bookstore. All major publishers sold through Horizon based on a <i>wholesale model</i>, i.e. the e-books were sold to Horizon at wholesale price, and Horizon using a proprietary algorithm then set the prices for the e-books sold on its platform. Certain contractual restrictions like RPM (resale price maintenance) and APPA (across platform parity agreements) were also placed to control the prices. Most of the publishers as well as Jeo were unhappy about the low retail prices set by Horizon, in particular for new releases and bestsellers. However, despite their concerns and a regular exchange of those concerns between them, the publishers did not manage to change Horizon’s pricing policy. It was in this situation that Jeo presented itself as a welcome retail alternative to the publishers.</p> <p>Jeo proposed an agency model to the publishers, where the publisher would set the retail prices for e-books sold via the J-Bookstore themselves, limited by maximum prices that depended on the pricing of the hardcover edition. Jeo would receive a commission of 32% for each e-book sold. This, however, did not resolve the problem of low-price competition by Horizon, and Jeo still faced the risk of being unable to sell e-books if Horizon’s pricing strategy would not be changed. To this purpose, Jeo included an MFN clause in the publishers’ contracts, which obliged them not to sell e-books on the J-Bookstore at higher prices than on any other platform. The only way the publishers could solve this problem was to move to an agency model in their contracts with Horizon as well, but individually this was a risky strategy, unless all publishers moved to the agency model at the same time.</p> <p>Jeo played a very active part in communicating between the publishers the state of its individual negotiations with the publishers, and their respective steps to negotiate agency contracts with Horizon, to provide the reassurance the</p>		

Q 8	<p>publishers needed for this risky move. By March 2017, most of the major publishers had negotiated agency agreements with Horizon. Horizon wants to approach the Competition Commission of India.</p> <p>In the light of the above, answer the questions 8 and 9:</p> <p>A. Examine the nature of agreements provided in the above passage and justify whether such agreements can cause appreciable adverse effects on competition.</p> <p>B. Examine whether agreements discussed in the paragraph will be horizontal or vertical in nature. Discuss the applicable provisions in light of the recent amendments in the Competition Act.</p>	10	CO4
Q 9	<p>a. Critically examine two potential concerns related to Competition Act, 2002 with respect to competition issues in online platforms. Cite relevant case law.</p> <p>b. Analyse the presence of hub and spoke cartels in this case. Which test will apply to examine AAEC in this scenario?</p>	15	CO4
		10	CO4