

Name:

Enrolment No:



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, December 2019**

**Course: Competition Law**

**Program: B.TECH. (CSE), LL.B. (Hons.) Cyber Laws**

**Course Code: LLBL - 502**

**Semester: XI**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

S. No.		Marks	CO
Q 1	Statement of question		
	I. Write a short note on Competition Audit.	2	CO 4
	II. The penalty imposed on parties who entered into an anti-competitive agreement cannot be more than a. 10 per cent of the average turnover in the last three preceding financial years b. 12 per cent of the average turnover in the last three preceding financial years c. 10 per cent of the average turnover in the last five preceding financial years d. 12 per cent of the average turnover in the last five preceding financial years	2	CO 4
	III. The abuse of predatory pricing would not be held as illegal in which of the following cases: a. Done without intention to distort competition b. High social obligations and social costs c. Done to meet competition d. None of the above	2	CO 4
	IV. In European Union, abuse of dominant position in the Treaty of Lisbon (2009) is covered under which of the following provisions: a. Article 101 b. Article 102 c. Article 107 d. Article 108	2	CO 3

	V. A car manufacturer merges with the insurance company, this is a form of a. Horizontal merger b. Vertical merger c. Conglomerate merger d. Reverse merger	2	CO 1
<b>SECTION B (Answer all the questions)</b>			
Q 2	Discuss evolution of competition law in India in light of the objectives the Competition Act.	10	CO 2
Q 3	Write a short note on predatory pricing discussing recent issues and case laws.	10	CO 2
<b>SECTION-C (Answer all the questions)</b>			
Q 4	Analyse the 'per se' and 'rule of reason' approaches and their application to Indian competition law.	10	CO 3
Q 5	Write a note on the amendments in the Combination Regulations in 2019. How these amendments will help achieve objectives of the Competition Act, 2002.	10	CO 2
<b>SECTION-D (Answer all the questions)</b>			
	Statement of question		
Q 6	Flex Technologies Ltd (Intex) alleged that Greekson International had abused its dominant position in the market for GSM technology by demanding excessive royalty based on the sale value of the entire mobile phone instead of the value of the patented technology used in the phone. The foremost objection raised by Greekson International was the lack of jurisdiction of CCI because the issue of abuse of patent rights must be resolved under the Patents Act. Greekson International approached High Court requesting to restrain the Director General to initiate investigation in the matter. Comment upon jurisdiction issue in the aforesaid passage drawing the interface of Patent law with Competition Law in India.	20	CO 4
Q 7	What are the duties and powers of the Director General Investigation, CCI in such cases?	10	CO 4
Q 8	Discuss with help of relevant case law the abuse of dominant position by a firm having patented technology. Compare with EU and US law.	20	CO 3