

<b>Name:</b>	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
<b>Enrolment No:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**Online End Semester Examination, May 2020**

<b>Course: Competition law</b>	<b>Semester: IX</b>
<b>Program: BA LL. B (Hons.) (Crim Law/ Const Law),</b>	<b>Time 03 hrs.</b>
<b>Course Code: CLCC 5001</b>	<b>Max. Marks: 100</b>

**SECTION A**

1. Each Question will carry 2 Marks
2. Instruction: Answer in 20-40 words.

S. No.	Question: Write short notes on:	CO
Q 1	What is Monopoly Leveraging?	CO 1
Q2	Give two examples of the CCI's role in Competition Advocacy.	CO 1
Q3	Competition Impact Assessment.	CO 1
Q4	Define 'Gun jumping'.	CO 1
Q5	When and why Green Channel for Combinations was introduced in India?	CO 1

**SECTION B**

1. Each question will carry 5 marks
2. Instruction: Write short / brief notes

Q 6	Robbins ltd. is a body corporate incorporated outside India. They entered into an agreement with Rainbow ltd a company incorporated in accordance with Indian Laws. The agreement was of such nature which clearly impacted the competition in Indian market in a negative manner. With the help of relevant case law and provisions explain whether the commission will be having extra-territorial applicability on the foreign corporation or not.	CO 3

Q 7	Write a short note on Rule of Reason for analyzing AAEC.	CO 2
Q 8	Briefly discuss whether Zero Pricing can be Abuse of Dominant Position under the Competition Act.	CO 2
Q 9	Briefly describe Algorithmic Pricing. How it can lead to anticompetitive concerns?	CO 2
<b>Section C</b>		
<p><b>1. Each Question carries 10 Marks.</b>  <b>2. Instruction: Write long answer.</b></p>		
Q10	Discuss the potential concerns related to Big Data and Abuse of Dominant position in Competition Law. Cite relevant case law/ examples.	CO 3
Q11.	“The provisions relating to anti-competitive agreements preserve the monopoly aspects of intellectual property rights granted in India and also permit imposition of such conditions as may be necessary for the purposes of protecting or exploiting the intellectual property rights. Based on abovementioned statement, critically comment whether the above exemption is in consonance within the purpose of Competition law stating the relevant provisions of the Act.	CO 3
<b>Section D</b>		
<p><b>1. Each Question carries 25 Marks.</b>  <b>2. Instruction: Write long analytical answer with case laws.</b></p>		
Q12	Comment and analyses the factors for determining AAEC in combination cases by CCI. Discuss the types of merger remedies and its utilities explaining the type of remedies given in any one case approved with modifications by CCI under Form-II notifications.	CO 3
Q13	Mr. Kartikya and Mr. Zubair, consumers of Android phones have filed information with the CCI alleging that Google LLC and Google India Private Limited (collectively, ‘Google’), have abused its dominant position in the mobile operating system related markets in contravention of the provisions of Section 4 of the Competition Act, 2002. Google is stated to be a multinational conglomerate specializing in internet related products and services. Google’s core products include Google Search, Chrome, Android, YouTube, Gmail, Google Maps, Google Play etc. The Informants stated that majority of smartphone and tablet manufacturers in India use Google’s Android Operating System (OS). Android is an open-source mobile OS, meaning that it can be freely used and developed by anyone. Android Open Source Project (AOSP) is the fundamental Android source code subject to a basic license. The majority of smartphone and tablet manufacturers in India use the Android operating system. A large number of them use the Android in combination with a range of Google's proprietary applications and services i.e., the Google Mobile Services (GMS). GMS is a collection of Google applications and Application Programme Interface (APIs) that help support functionality across devices. As per the Informants, GMS includes wide range of Google apps such as Google Maps, Gmail, and YouTube which the Informants allege are available only through GMS and cannot be downloaded separately by device manufacturers. In order to obtain the right to install these applications and services on their Android devices, manufacturers need to enter into certain agreements with Google. The Informants also alleged that end-users cannot avail such services directly. The following is one such type of agreement:	CO 4

**Android without GMS:** If an OEM wants to manufacture a ‘bare’ Android device, it needs to only pass technical tests and accept the Android License agreement but in bare Android devices OEMs are not permitted to include any of GMS such as Google Maps, Gmail and YouTube. The Informants have alleged that Google has engaged in different kinds of anti-competitive practices, either in the market in which they are dominant or in separate markets, with the aim of cementing Google’s dominant position in Online General Web Search Services and Online Video Hosting Platform (through YouTube).

- a) **With reference to above, identify and analyse the competition concerns under section 3 and 4 of the Competition Act, 2002. Cite relevant case laws.**