Course title: Competition Law and Policy			
Course Code: MPL 165	**No. of credits : 3**	**L-T-P Distribution** : 33-12-0	**Learning Hours** : 45
Pre-requisite course code and title (if any): Infrastructure Law and Policy (MPL 157)			
Course coordinator :Dr. Kavita **Course Instructor**: Dr. Manini Syali			
Contact Details:			
Course type: Core **Course offered in: Semester 2**			
Course Description Competition law is aimed at protecting the process of competition within the market. Since the nineties, almost all developing countries have enacted competition laws in the lines of the laws of developed countries. This course is an attempt to address some of the issues in competition law that are of interest to countries like India. This course builds on the basic course on *Competition law* at the undergraduate level and the *Infrastructure Law and Policy* course offered in the I Semester.			
Course objectives 1. To understand the need and rationale for competition law from a developmental perspective. 2. To critically examine some of the crucial issues like the interface with IPR laws, regulatory laws, environmental laws, and public procurement laws. 3. To critically analyse the emerging international competition law and its impact on developing countries.			
Course Content	**L**	**T**	**P**
Module 1: Introduction	12	**1**	**0**
• Objectives of competition law and policy • Evolution of Competition Law and Policy in India : MRTP Act, Raghavan Committee Report, Competition Commission • Basic concepts: relevant market, anti-competitive agreements, abuse of dominant position and anti-competitive combinations • Digital Markets and Competition Law • Emerging International Competition Law • Developing Countries and Competition Law			
Module 2: Competition Law and Regulation	7	4	
• Competition issues in network industries • Role of sectoral regulators in competition issues: case studies of infrastructure sector • Cross-Border Infrastructure Projects and Competition Regulation: role of international organizations, • Fintech and Competition Law –Data Portability and Competition Regulation			
Module 3: Competition Law and IPRs	6	4	
• Objectives: complimentary or contradictory? • Competition law remedies for IPR abuses • TRIPS provisions • Compulsory Licensing and Public Interest • Standard Essential Patents (SEPs) and FRAND Terms • IPR pools and Joint Ventures • Patent Trolls and Competition Law • Digital Copyrights and Competition Law			
Module 4: Competition Law and other Government Policies	8	3	

• Competition law and public procurement ; methods of public • procurement • bid rigging, collusive bidding and cartelization • International Guidelines on Public Procurement: WTO's **Government Procurement Agreement (GPA)-**			

• Competition law and environmental policy – the impact of environmental policy on environment; Climate Change and Competition Law and Policy • Types of governmental interventions and their impact on competition -Competition law and labour law – freedom of Association and collective bargaining - Competition Law and Healthcare Policy- Competition Law and Tax Policies- Competition Law and Consumer Protection			
Total	33	12	0

Evaluation criteria:

5. Minor Test: Written Examination- 20% [Syllabus: Module 1]
6. Written Assignment: Research Paper or Case Comment – 20 % [Entire Syllabus]
7. Presentation on the Assignment -20 % [Entire Syllabus]
8. Major Test: Written Examination-40 % [Syllabus: Module 2-4]

Learning outcomes

1. **Understand and Recall** key principles of competition law and its policy implications, particularly in the context of developing countries like India. *[Minor Test, Major Test]*
2. **Apply** competition law principles to real-world market scenarios, using legal reasoning to assess regulatory decisions, anti-competitive practices, and policy implications in various sectors. *[Minor Test, Major Test, Case Comment, Presentation]*
3. **Analyze and Critique** competition laws, policies, and reforms across different sectors, identifying potential areas for improvement and drawing comparisons with international practices. *[Research Paper, Presentation]*
4. **Evaluate** the intersection of competition law with other socio-economic policies, such as public procurement, labor rights, and environmental sustainability, considering the broader economic and societal impact. *[Minor Test, Major Test, Research Paper or Case Comment, Presentation]*
5. **Create** well-supported arguments and proposals for legal or policy reforms to address contemporary competition law challenges, including emerging issues in digital markets, public procurement, and international trade. *[Research Paper, Presentation]*

Pedagogical approach

Predominantly based on classroom teaching. In addition, role play and moot courts will be used. A lot of emphasis will be given on self-study. For this, study materials for each module will be circulated in advance.

Readings :

Module 1: Objectives of Competition Law and Policy

Key Readings:

1. Amelia Fletcher, *"Digital Competition Policy and Big Tech Regulation"* (2023).
2. Cristina Caffarra et al., *"Enforcing Competition Law in Digital Markets and Ecosystems"* (UNCTAD, 2024).
3. Eleanor Fox and Mor Bakhoum, *"Antitrust in Developing Economies"* (2023).
   Government of India (2000), *Report of the High-Level Committee on Competition Policy and Law.*
4. Kumar, A. (2007), *The Evolution of Competition Law in India*, in Vinod Dhall (ed.), *Competition Law Today: Concepts, Issues, and the Law in Practice*, New Delhi: Oxford University Press.
5. Noonan, Chris (2008), *The Emerging Principles of International Competition Law*, Oxford: Oxford University Press.
6. Singh, A. (1999), *Competition Policy, Development and Developing Countries*, South Centre.
7. Vinod Dhall, *"Competition Law in India: Developments and Challenges"* (2023).

Module 2: Competition Law and Regulation

Key Readings:

1. Ioannis Kokkoris, *"Cross-Border Infrastructure and Antitrust Regulation"* (2023).
2. Nordic Competition Authorities (2010), *Competition Policy and Green Growth: Interactions and Challenges*.
3. OECD (2006), *Environmental Regulation and Competition, OECD Policy Roundtables*.
4. Philippe Aghion et al., *"Green Growth and Competition Policy"* (OECD, 2023).
5. Rupprecht Podszun, *"Data Portability and Digital Competition"* (2024).
6. Sands, Philippe et.al. (2012), *Principles of International Environmental Law*, 3rd Edition, Cambridge: Cambridge University Press.
7. Simonetta Vezzoso, *"Regulatory Sandboxes and Innovation in Competition Law"* (2023).
8. Vagstad, S. (1995), *Promoting fair competition in public procurement, Journal of Public Economics*, 58(2), 283-307.

Module 3: Competition Law and IPRs (Intellectual Property Rights)

Key Readings:

1. Beatriz Gallego, *"Competition and Copyright in the Digital Economy"* (2023).
2. Carlos Correa, *"Compulsory Licensing in TRIPS-Compliant Jurisdictions"* (2023).
3. Gallego, Beatriz C. (2010), *Intellectual Property Rights and Competition Policy*, in Carlos M. Correa (Ed.) *Research Handbook on the Protection of Intellectual Property under WTO Rules*, Volume I, Cheltenham: Edward Elgar.
4. Herbert Hovenkamp, *"Antitrust and Patent Aggregation"* (2023).
5. Jorge Padilla, *"Standard Essential Patents and FRAND Obligations"* (2023).
6. Korah, Valentine (2007), *Competition Law and Intellectual Property Rights*, in Vinod Dhall (ed.), *Competition Law Today: Concepts, Issues, and the Law in Practice*, New Delhi: Oxford University Press.
7. Taylor, Martyn D. (2006), *International Competition Law*, Cambridge: Cambridge University Press.

Module 4: Competition Law and Other Government Policies

Key Readings:

1. Anders Aslund, "Public Procurement and Bid Rigging: International Guidelines" (OECD, 2024).
2. Eleanor Fox, "Competition Policy and Social Justice" (2023).
3. Ioannis Lianos, "Competition Law and Labor Markets" (2023).
4. Mazhuvanchery, Shiju (2010), *Indian Competition Act: A Historical and Developmental Perspective, The Law and Development Review*, Vol. 3, No. 2, Article 8.
5. Nordic Competition Authorities (2010), *Competition Policy and Green Growth: Interactions and Challenges*.
6. Philippe Sands, "Competition Policy and Environmental Sustainability" (2023).
7. Rubiano, Camilo (2013), *Collective Bargaining and Competition Law: A Comparative Study on the Media, Arts and the Entertainment Sectors*.
8. Singh, A. (1999), *Competition Policy, Development and Developing Countries*, South Centre.

Landmark Judgments:

International Judgments

1. United States v. Standard Oil Co. (1911)
2. United States v. Microsoft Corp. (2001)
3. Continental Can Company Case (ECJ, 1973)
4. Hoffmann-La Roche v. Commission (ECJ, 1979)
5. Intel v. European Commission (ECJ, 2022)
6. EU Google Shopping Case (2017)
7. United Brands v. Commission (ECJ, 1978)
8. AstraZeneca v. European Commission (ECJ, 2012)
9. Cartes Bancaires v. Commission (ECJ, 2014)
10. Facebook (Meta) v. German Competition Authority (2023)

Indian Judgments:

1. Brahm Dutt v. Union of India (2005)
2. CCI v. SAIL (2010)
3. Competition Commission of India v. Excel Crop Care Limited (2017)
4. DLF Ltd. v. Competition Commission of India (2014)
5. CCI v. Bharti Airtel Ltd. (2019)
6. Uber v. Competition Commission of India (2020)
7. Amazon v. Future Retail (2021)
8. Grasim Industries v. Competition Commission of India (2023)
9. Google LLC v. Competition Commission of India (2023)
10. Hindustan Zinc Ltd. v. Vedanta Ltd. (2023)

Course Reviewers:

1. Prof. Dr. Rashmi Salpekar, Dean and Professor, Vivekananda School of Law and Legal Studies
2. Dr. Narender Kumar, Assistant Professor, Allahabad University