

## Foreword



It gives me immense pleasure to share the third volume of this journal. The year gone by has been eventful for Indian competition law. The Competition Amendment Bill, 2022 was introduced in the Parliament in August 2022. The proposed amendments not only reinforce confidence in the robust mechanism that CCI has set up for markets in India but also augment its mandate in line with international best practices. I see that digital markets have generated a lot of interest amongst scholars, as reflected in several submissions to the journal related to the digital space.

This volume comprises three research papers, four articles, one book review, and two reports, each dealing with an area relevant to competition law, such as cartels, abuse of dominance, mergers and acquisitions, and digital markets. These papers have been selected out of nearly 80 papers through a rigorous review process by the editorial board. Authors of the selected papers are experienced professionals, academics, scholars, practitioners, and competition agency officials.

The research paper titled “Evolving Character of the Indian Merger Control Regime” analyses CCI’s combination rulings to ascertain whether CCI has adopted a market-friendly approach while dealing with complex transactions and whether it is adaptable to meet new economy challenges.

In “Regulating Combinations in Platform Markets: An Indian Perspective”, the authors highlight the intricacies of digital market combinations, focusing on traditional competition assessment frameworks that allow such combinations to emerge unscathed from antitrust scrutiny. The authors also propose a new legislative framework to assess these digital market combinations.

“Collusion in Technical Development: A Perspective on EC’s Emission Cleaning Judgement” establishes a parallel between technology lock-in, network externalities, and collusion in technical development so far as their anti-competitive outcomes are concerned and shows that, in both technology lock-in and technical collusion, markets fail to produce efficient outcomes. The paper advocates prompt regulatory intervention in both situations to correct market aberrations.

The article “Data Privacy at the Altar of Competition Laws” aims to examine how digital platforms are leveraging the lacuna created by the lack of adequate data protection laws, resulting in antitrust issues. The paper also highlights the role of competition authorities and defines concepts such as lock-in and network effects.

“Anti-Google Law: An Analysis” focuses on the challenges faced by government agencies in regulating the anti-competitive behaviour of tech giants, with a focus on South Korea, as well as the US, Europe, and India.

“CCI’s Jurisdictional Conflict with the Proposed Cement Industry Regulator: An Analysis” attempts to highlight the role of policies in tackling cartelisation in the Indian cement industry, weighed against the formation of another administrative body in the same sphere as CCI. To this end, the author has examined other developing countries, using administrative measures and positive outcomes as examples to analyse the ways in which the proposed body will address underlying exigencies in the cement industry.

“Predatory Innovation in the Digital Era” examines the concept of predatory innovation, which is becoming increasingly prominent in the face of rapid technological developments. The paper discusses different types of predatory innovation and describes economic tests that can assess the likelihood of anti-competitive harm. The paper also presents in-depth reviews of select cases that exhibit predatory innovation.

A book review of Eric A. Posner’s *How Antitrust Failed Workers* explains the harms of monopsonised labour markets and makes an argument that

existing antitrust law could be easily applied to the labour market, with a few reforms.

This volume also comprises two reports, namely, the proceedings of the Workshop on Startup Ecosystem and Competition and the 7th National Conference on Economics of Competition Law, organised by CCI.

I would like to thank all those involved in compiling and publishing this volume of the journal, primarily the authors, the editorial board, the managing editors, the copy editor, and the Informatics Publishing team.

I would also like to thank the contributors and readers who have helped bring to fruition the idea of a journal that was born in 2020. I sincerely hope that scholarship in these fascinating areas of law and economics remains active. I demitted office in October 2022 as chairperson of the Commission, and I would like to take this opportunity to hand over the mantle of chief editor to the incoming chairperson.

**Ashok Kumar Gupta**  
Chief Editor  
Former Chairperson, CCI