

Foreword



It is my pleasure to introduce the first issue of the biannual *Competition Commission of India Journal on Competition Law and Policy*. It is at the request of the contributors that the journal is beginning its biannual journey. I do recognise that publishing a high impact journal requires many things to fall in place, but the enthusiasm of the contributors and the editorial board is a good starting point.

The last few months have been very exciting for all of us at the Commission. On April 11, 2023, the Hon'ble President of India gave assent to the Competition (Amendment) Act, 2023. The amendments facilitate compliance, while also enabling the Commission to bring about faster market corrections, by adding new instruments to its toolkit. The amendments reflect dynamism, modernity and align processes with the extant regulatory philosophy of the nation.

The current volume echoes this enthusiasm with the inclusion of four high quality papers from a range of advanced and emerging fields in competition law, as well as one comprehensive report on the National Conference on Economics of Competition Law organised by the CCI. The papers have been selected after a rigorous review process by the editorial board from amongst a large number of submissions received. The papers cover a broad spectrum of issues such as cartels, abuse of dominance, mergers and acquisitions, and digital markets. The authors of the selected papers are experienced professionals, academicians, scholars and practitioners.

The paper "Data Sharing for Contestability in Data Driven Digital Markets: An Analysis" advocates a mandatory data-sharing regime to promote competition, innovation, and consumer welfare in data-driven digital markets. It highlights the challenges faced by entrants due to limited access to big tech-controlled data and emphasizes the importance of balancing privacy and data efficiency, retaining trust among data-sharers,



building confidence among data-recipients, and preventing over-reliance on a data-sharing regime.

The paper titled “Copyright and Competition: A Legal Tightrope for Streaming Services” discusses the legal challenges faced by streaming services in balancing copyright and competition laws, focusing on the issues arising from the unauthorized distribution of copyrighted content and anti-competitive practices in the industry.

In “Antitrust Routine in Delineating the Frontier of SEP and FRAND-Encumbered Patents: A Comparative Study,” the author discusses the crucial role of Standards-Essential Patents (SEPs) and FRAND licensing commitments in enabling cooperation in highly competitive innovation markets. The study analyses frequent antitrust scrutiny in this regard, across jurisdictions aiming to recover the vitality of pandemic-ridden markets and the relevance of policy in encouraging innovation.

In the paper “CCI v. TRAI: Regulatory Framework for Better Coordination and Interoperability,” the author analyses the coordination and interoperability equation between the two regulators viz. Competition Commission of India (CCI) and the Telecom Regulatory Authority of India (TRAI). The paper highlights the jurisdictional & legislative issues through a judicial trend analysis and secondary research.

This volume also comprises a report, namely, the proceedings of the 8th National Conference on Economics of Competition Law, organised by CCI.

I would like to express my heartfelt gratitude to all those involved in compiling and publishing this volume of the journal, primarily the authors, the editorial board, the managing editors, and the Informatics Publishing team.

I would also like to extend my sincere thanks to the contributors as well as the readers, for facilitating an interaction through the medium of this journal, which aids in deliberation, debate and cross-fertilisation of ideas. I would like to take this opportunity to hand over the mantle of Chief



Editor to the Chairperson. With these words, I wish the journal all success and sincerely hope a critical mass of indigenous scholarship in the field of competition law and policy emerges using this platform.

Sangeeta Verma
Chief Editor
Member, CCI