



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **NAVIGATING THE DIGITAL ECONOMY: CHALLENGES AND STRATEGIES FOR COMPETITION ENFORCEMENT**

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## **Abstract**

The rise of the digital economy has reshaped numerous industries, offering unprecedented convenience, accessibility, efficiency for both consumers and businesses. Moreover, the increasing significance of data as an asset for firms in the digital era, poses numerous challenges for the competition enforcement authorities. This research article delves into the role of data in digital economies along with the enforcement of competition law in digital markets. The article also delves into the difficulties faced in defining relevant markets in digital economies, in comparison to traditional online and brick-and-mortar markets. In India, rapid emergence and expansion of digital based businesses has brought about both opportunities as well as challenges, prompting regulatory scrutiny to ensure fair competition and consumer protection in these markets. By analyzing relevant case studies and regulatory frameworks, this research article aims to provide insights as to how the Competition Commission of India (CCI) navigates/investigates the complexities of digital economy, to promote market efficiency and innovation while addressing potential anti-trust concerns.

Keywords: competition, digital, platform, market, anti-competitive, CCI.

## **Introduction**

The ascent of digital platforms signifies a significant transformation in the global business landscape. These digital platforms, driven by sophisticated algorithms, are fundamentally reshaping how markets function, how the work is organized, and how value is generated in the economy. Unlike traditional business models and markets, digital platforms rely on complex algorithms to govern their operations, leading to substantial restructuring of economies across different sectors.

Digital platforms not only disrupt established industries like retail and entertainment but also introduce entirely new activities, as seen with the emergence of social media platforms. The diversity of digital platforms is reflected in the various terms used to describe them, such as the creative economy, gig economy, sharing economy, etc. However, none of these labels fully capture the intricate and transformative nature of digital platforms.<sup>1</sup>

A wide range of companies, including startups, internet giants, and traditional businesses are adapting to the digital age. As platforms evolve and proliferate, their impact goes beyond disrupting markets; they reshape societal norms and fundamentally change how value is created, exchanged, and consumed.

Over the past decades, there has been a remarkable surge in technological progress due to the advent of liberalization, privatization, and globalization, especially with the increase of the internet. This has profoundly impacted individuals worldwide, with the rise of various platforms like search engines and social media significantly enhancing convenience and connectivity. There have been various concerns about the use of consumer data with the advent of technology. Proponents argue that the use of consumer data for targeted advertising is not inherently harmful to competition.<sup>2</sup>

In 2016, Reliance JIO made a notable entry into the wireless mobile network service market, offering complimentary calls and internet services to its subscribers for a year. This action stirred controversy within the telecom industry, with the already established players like Airtel accusing JIO for using predatory pricing and aggressive market tactics. Airtel lodged a complaint against JIO, alleging that its competitive pricing aimed to undermine rivals and monopolize markets. However, investigations revealed otherwise and consequently, JIO was not deemed a dominant market force. Further scrutiny conducted by the CCI, revealed that in a competitive market, new entrants often offer attractive incentives to lure customers. The Commission thus concluded that Reliance JIO's strategies were not anti-competitive and thus, no evidence was found that suggested a violation of Section 4(2)(a)(ii) of the Competition Act by JIO. This ruling emphasizes the Commission's acknowledgment of

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<sup>1</sup> Parsheera, S., Shah, A., & Bose, A. (2017). Competition issues in India's online economy. National Institute of Public Finance and Policy. <http://nipfp.org.in/publications/working-papers/1786/>

<sup>2</sup> Competition Commission of India Journal on Competition Law and Policy, Doi: 10.54425/ccijoclp.v.2.43 Vol. 2, December 2021, pp. 97-120, Digital Economy, Data, and Dominance: An Indian Perspective, Ankit Srivastava and Divyansha Kumar



competition's role in fostering innovation and consumer welfare. It underscores the principle that firms should be permitted to pursue aggressive pricing and promotional strategies in a competitive environment, if they do not engage in practices that harm consumers or hinder competition in the long term.<sup>3</sup>

Numerous digital platform providers have adopted the strategy of offering significant discounts and cashback incentives to attract new users and customers to stimulate the network effect. Companies like Ola, Uber, and Paytm incurred substantial losses in the initial years of their entry into the market in 2015/16 due to their practice of subsidizing rates or providing cashbacks to increase demand for their services. However, in subsequent years, they reaped significant profits, amounting to billions. This phenomenon has also drawn attention from policymakers regarding its impact on market dynamics. Foreign Direct Investment (FDI) guidelines address the pricing practices of online firms, stipulating that foreign investment would be permitted if these companies ensure fair competition and refrain from exerting influence over sale prices.<sup>4</sup>

According to various economists, data is regarded as the most crucial economic asset in the informational economy, which in turn serves as a fuel for the digital markets/platforms.<sup>5</sup> It can also be seen that data can offer valuable and important insights into market structure and dynamics, which highlights the importance of the study of how market power can manifest in data driven markets.<sup>6</sup>

### **The Concept Of Relevant Market**

The Injeti Srinivasan Report extensively addressed the importance and significance of the emerging technology and the ever- evolving digital markets. This report reflected about the increasing awareness of the evolving landscape. This report has been proven to be a positive and a constructive development in the field of Competition Law. It is also further foreseen that the amendment bill of 2020 will address various issues related to digital markets and aim to align these issues with the competition law standards.<sup>7</sup> Moreover, the analysis of the traditional brick-and-mortar markets differs

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<sup>3</sup> Bharti Airtel Ltd. and Reliance Industries Limited, Reliance Jio Infocomm. Ltd.; Case no. 03 of 2017, Competition Commission of India.

<sup>4</sup> DIPP (2016, March 29). Press Note 3

<sup>5</sup> See generally Greer, 2019

<sup>6</sup> See generally Delrahim, 2019

<sup>7</sup> Report of the Committee on Digital Competition Law  
<https://www.mca.gov.in/bin/dms/getdocument?mds=gzGtvSkE3zIVhAuBe2pbow%253D%253D&type=open>

from online platforms and digital markets. Competition authorities face numerous challenges which will be discussed below.

### ➤ **Defining Relevant Market under Competition Law**

The concept of relevant market is the sole filter or factor through which the area of the business within which a firm's behavior is analyzed by the competition authorities, can be differentiated/demarcated. Though the concept of relevant market is applied as an economic concept in competition enforcement, it is also to be kept in mind that the term "relevant market" must be interpreted in a way that it provided legal certainty.<sup>8</sup>

According to Section 2(r) of the Competition Act, 2002, "*relevant market means the market which can be determined by the Commission with reference to the relevant product market or the relevant geographic market or with reference to both the markets*". Defining relevant product and geographic market is the first step to decide dominance, and thus Section 19(6) and 19(7) of the Act lays down the parameters respectively.<sup>9</sup> The Competition Act, 2002, focuses on "substitutability" as a test for defining of the relevant market. Let us take an example of Amazon. Amazon plays a dual role as a market and an online retailer, where using the Amazon market place, its own products compete within each other. In this case, the question arises: How would the relevant market(s) be determined? The Amazon hybrid platform has raised concerns both in Europe and in the US. The European Commission has recently initiated proceedings against Amazon for violations of Article 101 and 102 of the TFEU.<sup>10</sup>

In a landmark case, the CCI had stated that online and offline markets are different channels of the same distribution channel and included both online and offline markets in the definition of relevant market.<sup>11</sup> Thus, they are not different but a single market.<sup>12</sup> Further, in *All India Online Vendors Association and Flipkart India Private Limited & others*<sup>13</sup> which was quashed by the NCLAT in

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<sup>8</sup> Robertson, Viktoria H.S.E., The Relevant Market in Competition Law: A Legal Concept (January 30, 2019). Journal of Antitrust Enforcement, Vol. 7, 2019, pages 158-176, Available at SSRN: <https://ssrn.com/abstract=3325929>

<sup>9</sup> The Competition Act, 2002, Section 19(6) & Section 19(7)

<sup>10</sup> The Treaty on the Functioning of the European Union (1958), Title VII, Chapter 1, §1, Article 101 & 102

<sup>11</sup> Ashish Ahuja v. Snapdeal, Competition Commission of India, Case No. 17 of 2014

<sup>12</sup> Also see Competition Commission of India, Case No. 80 of 2014, Competition Commission of India, Case No. 23 of 2016

<sup>13</sup> Competition Commission of India, Case No. 20 of 2018.

March 2020,<sup>14</sup> the CCI changed its decision/stance, by differing/distinguishing between online and offline markets. In this case, the CCI delineated relevant market as “*services provided by online market places for selling of goods in India.*”

Furthermore, in a very recent and landmark case, *Federation of Hotel India Pvt. Ltd (MMT) and other Restaurant Associations of India*<sup>15</sup>, the need for further investigation to determine the extent and scope of harm caused by several anti- competitive activities, was highlighted, and emphasized by the CCI. The CCI while addressing the allegations of abuse of dominance under Section 4 of the Act in this case, defined relevant market to be “*market for online intermediation services for booking hotels in India.*”

Tools like Critical Loss Analysis (CLA) and Small but Significant Non- Transitional Increase in Price (SSNIP), are used to assess dominance in the relevant traditional markets. These tests aid in evaluating the substitutability of the product, which is usually based on a modest price increase on demand and profitability. There are many challenges that these tools face in multi-sided markets, the reason being the pricing nature, which leads to potential limitations in providing effective solutions.<sup>16</sup>

Another issue that arises while defining market, is overlooking a multi- sided platform’s relationship with other market platforms. For example, in the case of *Vinod Kumar Gupta v. WhatsApp Inc.*,<sup>17</sup> CCI defined relevant market as “*market for instant messaging services using consumer communication apps through smartphone.*” This approach is like the European Commission’s decision in the Facebook/WhatsApp<sup>18</sup> merger, where narrower involved markets were considered.

### ➤ **Relevant Market in Digital Platforms**

Defining the relevant market in the digital economy, poses various obstacles due to the intricate nature of consumer behavior and the dynamic landscape of digital platforms. Market as defined by the traditional method, may pose to be a shortcoming in capturing the complexities and difficulties of digital platforms, especially considering their operation in multi- sided markets. Moreover, the conventional pricing-based assessments may prove to be inadequate in digital markets where services are commonly offered for free, with consumers compensating through alternative means like data

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<sup>14</sup> Competition Appeal (AT) No.16 of 2019

<sup>15</sup> Competition Commission of India, Case No.14 of 2019

<sup>16</sup> Dogan, C. (2019). Challenges associated with the market definition process on e-commerce platforms: Why bother with a market definition? SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3612664>

<sup>17</sup> Competition Commission of India, Case No. 99 of 2016

<sup>18</sup> Case No. Comp/M7217, decision dated 3.10.2014

usage or exposure to advertising.<sup>19</sup>

There is also a risk that traditional market identification tools may oversimplify the market's dynamics, failing to capture its fluid and evolving nature. Therefore, establishing competitive boundaries in digital markets necessitates a holistic evaluation of business models and external factors across various platforms. Thus, in conclusion, limitations in defining relevant markets should be based on a digital platform's capacity to extract value from other entities rather than merely focusing on profit margins.<sup>20</sup>

In the era/realm of digital/online platforms, the definition of relevant market usually revolves around the specific good and services that have been or are being offered to users and advertisers. The sole and main reason being that the digital/online platforms do not share data with third parties for the purpose of trading, which makes it difficult to identify the distinct markets on digital/online platforms.<sup>21</sup> Let us take the example of the Facebook/WhatsApp merger, in this case, the European Commission did not explore any potential definition of market which was related to data or data analytics, as neither of the party to the case was involved or active in such markets.<sup>22</sup>

### ➤ CCI and Digital Platforms

In 2018, CCI addressed complaints from Matrimony.com and CUTS, who had alleged that Google had abused its dominant position in the online search and online search advertising markets. It was alleged that Google had exhibited search bias, promoted its own services, and had also manipulated the search results. To assess whether Google had violated the provisions of the act, it had to first determine the relevant market. The investigations that were conducted/initiated by the Director General, had revealed/identified two relevant markets: general online web search and online search advertising in India.<sup>23</sup>

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<sup>19</sup> Cremer, J., Montjoye, Y.-A.de, and Schweitze (2019). *Competition Policy for the Digital Era*. European Commission, [https://competition-policy.ec.europa.eu/publications\\_en](https://competition-policy.ec.europa.eu/publications_en)

<sup>20</sup> *Id.*

<sup>21</sup> Roy, A. (2020). Competition law in digitalworld: Understanding the frontiers. Sunday Guardian. <https://www.sundayguardianlive.com/legallyspeaking/competition-law-digital-world-understanding-frontiers>

<sup>22</sup> Case No COMP/M.7217 – Facebook/WhatsApp, October 3 2014, para. 72; Also see European Commission, Mergers: Commission fines Facebook €110 million for providing misleading information about WhatsApp takeover. Retrieved from [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_1369](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1369)

<sup>23</sup> Matrimony.com Limited. v Google LLC and others and the Consumer Unity & Trust Society (CUTS) v Google LLC. Google India Private Limited, Google Ireland Limited, Case No 07 and Case No 30 of 2012 (Competition Commission of India, 31 January 2018)

In regards to the general online search services, the DG found that there are no substitutes for such services. In the online search advertising market, the Director General distinguished online advertising from offline advertising, emphasizing the unique targeting capabilities of internet search advertising. Unlike generic advertising methods, internet search advertising can be personalized and tailored to specific demographics, making it distinct from other forms of advertising such as display, social media, mobile, and email advertising.<sup>24</sup>

The CCI's rulings in the Google cases offer insights into the online advertising market and highlights the consideration of internet access when defining geographic markets. However, the lack of consistency in addressing digital market antitrust issues and the absence of a unified vision regarding two-sided and multi-sided digital markets are evident in these decisions. The success of Indian internet start-ups like Flipkart and Snapdeal suggests that fears of Google stifling internet competition in India are unfounded. Allowing competition to proceed unimpeded is more likely to foster the full potential of the Digital India initiative and facilitate the growth of Indian internet businesses with robust business models. Consequently, their failure to provide a coherent approach highlights their struggle in navigating evolving digital markets.<sup>25</sup>

### **Competition Assessment By CCI In Digital Markets/Platforms**

#### **➤ CCI and Mergers**

In the digital era, competition authorities must examine Mergers and Acquisitions (M&A) meticulously while keeping in mind their effect/impact on competition as well as consumer welfare. Mergers usually lead to acquiring of data, which may in future lead to hindering competition within the market, as well as hinder entry of competitors, violating competition laws. The assessment criteria for assessing of Mergers by the regulators/competition authorities should be based on consumer choice, innovation, and product quality to prevent stifling M&A and maintain a fair market.<sup>26</sup>

The CCI in 2020, granted approval of Facebook's acquisition of a high stake in JIO Platforms Ltd.,

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<sup>24</sup> Geeta Gouri & Michael Salinger, Protecting Competition vs. Protecting Competitors: Assessing the Antitrust Complaints Against Google, 2 The Criterion Journal on Innovation (2017)

<sup>25</sup> Matrimony.com Limited. v Google LLC and others and the Consumer Unity & Trust Society (CUTS) v Google LLC. Google India Private Limited, Google Ireland Limited, Case No 07 and Case No 30 of 2012 (Competition Commission of India, 31 January 2018)

<sup>26</sup> *Supra* 21

despite their being a recognized potential anti- competitive behaviour arising from data sharing between the parties. As per the CCI, any such concern that arises, could be addressed as anti- trust issues in the future.<sup>27</sup> Furthermore, later that year, the CCI had also approved of Google's investment in JIO, where Google had acquired a 7.73% stake in JIO along with board representation and various other rights. The stance CCI had formulated in the Facebook/JIO case, was maintained by the CCI, which indicated that potential anti- competitive conduct resulting from the transaction would be scrutinized by the authorities at a later stage, notwithstanding the initial approval granted by CCI.<sup>28</sup>

The CCI sanctioned Google's acquisition in 2022 in Bharti Airtel Limited, a significant player in the telecommunication sector and a competitor of JIO. While dealing with the case, CCI discovered/was confronted with a new challenge in the digital market, i.e., the significance of user data as competitively sensitive information (CSI) held by the entity possessing it. Concerns were raised by the CCI regarding the potential flow of CSI between Google and Airtel, given the existing investment of Google in JIO. Nonetheless, CCI approved of the transaction, as Google had pledged that it would implement a firewall that would aid in not sharing the CSI with JIO. This decision of CCI in the present case, indicates a departure from its previous approach, which primarily addressed user data sharing as an ex- post concern.<sup>29</sup>

In another case of the Flipkart- Walmart, the CCI approved Walmart's acquisition of Flipkart without defining relevant market. The merger was assessed based on 2 principles, i.e., ensuring compliance with competition laws and evaluating any potential adverse effects on competition. During the examination, the CCI had found some horizontal and vertical overlaps in their lifestyle products, but considered them as insignificant as compared to the overall size of their markets. Furthermore, it noted that Walmart's focus on B2B sale and Flipkart's focus on digital/online platforms/marketplaces meant there were no vertical overlaps. Approval was given to the merger by CCI noting that Walmart's resources can provide benefits to the merged entity without impacting competition.<sup>30</sup>

### ➤ CCI and Big Data

The role of big data in shaping the competitive dynamics within digital markets/platforms, has been

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<sup>27</sup> Combination Registration No. C-2020/06/747.

<sup>28</sup> Combination Registration No. C-2020/09/775.

<sup>29</sup> Combination Registration No. C-2022/03/913.

<sup>30</sup> Combination Registration No C-2018/05/571 (Competition Commission of India, 8 August 2018).

assessed by the CCI at various times. The proliferation of big data has raised numerous concerns in competition law, the reasons being that it creates barriers to entry into the market and strengthens market dominance. While assessing/addressing the role of big data, CCI has observed two key aspects: the potential abuse of collecting consumer data by the entities that are dominant in the market and the abuse of refusing to share user data in market facing context.<sup>31</sup>

The CCI's investigation in 2021 into WhatsApp's privacy policy changes, showed that the collection of user data and imposing a take-it-or-leave-it approach could constitute an abuse of dominance, impacting the control of users over data. The jurisdiction of CCI in the present case was challenged by the Meta, the parent company of WhatsApp in the Delhi High Court. Meta argued that the present matter was already under review in the Supreme Court for potential violations of the right to privacy.<sup>32</sup> In another recent case involving Google, CCI had fined Google with approximately 9.36 billion rupees for abusing its dominant position in the Play Store, the primary reason being its mandatory Google Play billing system, which in turn affected the competitiveness of app developers. An appeal was filed by Google before the National Company Law Appellate Tribunal (NCLAT) which is still pending. App developers have also raised concerns about Google's new billing policy compliance with CCI's order. Following complaints from digital news publishers, the CCI initiated an investigation into Google's advertisement exchanges and revenue sharing practices. Google was also found to be abusing its dominant position through its policies for the Android operating systems. The NCLAT upheld some parts of the CCI's order but reversed certain directions, highlighting the need for CCI to demonstrate effects of the abuse of dominance.<sup>33</sup>

### ➤ **CCI and Abuse of Dominance in Digital Markets/Platforms**

Dominance itself is not per se problematic. The main concern in dominance is the abuse of it. An entity which is dominant in the relevant market, must refrain from engaging and indulging into anti-competitive activities to maintain its position within the relevant market. The CCI has through various cases has defined what constitutes abuse by dominant firms.<sup>34</sup> The Commission utilizes a two- step test to ascertain whether the enterprise is dominant in the relevant market, based on certain factors. If

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<sup>31</sup> Toole, K.O., & Athey, S., (2013). How big data changes business management. Stanford Business. <https://www.gsb.stanford.edu/insights/susanathey-how-big-data-changes-business-management>

<sup>32</sup> *WhatsApp LLC v. Competition Commission of India*, 2022 SCC OnLine Del 2582; Suo Moto Case No. 01 of 2021.

<sup>33</sup> Case No. 7 of 2020, Case No. 14 of 2021, Case No. 35 of 2021 and Case No. 41 of 2021.

<sup>34</sup> Provisions relating to Abuse of Dominance, Advocacy Series 4, Competition Commission of India, [https://www.cci.gov.in/sites/default/files/advocacy\\_booklet\\_document/AOD.pdf](https://www.cci.gov.in/sites/default/files/advocacy_booklet_document/AOD.pdf)

after the assessment of the Commission it is found that the entity is dominant in the relevant market, it is then seen whether that entity has abused its position.<sup>35</sup>

Abuse of dominance can be seen in another landmark case, where Vinod Kumar Gupta had filed a complaint with the Commission alleging the anti- competitive behaviour of WhatsApp due to its changes in the privacy policy post- merger with Facebook.<sup>36</sup> Initially, WhatsApp had assured the Commission that there was no data sharing post- merger, but in 2016 it changed its policy, which then lead to a fine being imposed by the European Commission on Facebook for providing misleading information.<sup>37</sup> Furthermore, in 2021, CCI took suo motu cognizance of the case after WhatsApp had removed the opt- out option, potentially compromising consumer privacy. During its investigation, the CCI had found that WhatsApp is dominant in the instant messaging services market and raised concerns about the “lock-in” effect of the new privacy policy.<sup>38</sup> CCI’s jurisdiction was upheld by the Delhi High Court, emphasizing the broader issue at hand since the merger in 2014.<sup>39</sup>

In another landmark case, the Hon’ble Supreme Court of India decided on the case of abuse of dominance by cab aggregators, which was initiated when Meru filed a case with CCI against Uber. In *Re: Meru Travel Solutions Private Limited (MTSPL) v. Uber India Systems Pvt. Ltd.*,<sup>40</sup> Meru had accused of using predatory pricing and offering deep discounts, along with huge incentives to its drivers. In response, the CCI dismissed the case by citing competition from ola in the relevant market and fluctuating market shares indicating competitiveness.<sup>41</sup> An appeal was then filed by Meru to COMPAT, which changed the relevant geographic market to Delhi- NCR and ordered a DG investigation based on the evidence.<sup>42</sup> In response to this, Uber appeal to the Supreme Court, which upheld COMPAT’s order by stating that there is prima facie evidence of abuse of dominance due to deep discounts, indicating an intention to eliminate competition.<sup>43</sup> The Supreme Court dismissed the appeal, instructing the DG to complete the investigation. In July 2021, the CCI re- examined the

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<sup>35</sup> See Section 19 (4), (6) and (7) of Competition Act, 2002; *Google Inc. & Ors v. Competition Commission of India & Anr.*, (2015) 127CLA367(Delhi)

<sup>36</sup> Case No. Comp/M7217, decision dated 3.10.2014 (‘Acquisition Approval’)

<sup>37</sup> A separate case for privacy is in Delhi High Court, *Karmanya Singh Sarren and Other v. Union of India* [W.P.(C) 7663/2016]

<sup>38</sup> suo motu Case No. 1 of 2021.

<sup>39</sup> W.P.(C) 4378/2021 & CM 13336/2021

<sup>40</sup> Case No. 96 of 2015.

<sup>41</sup> Section 26(2) of the Competition Act, 2002.

<sup>42</sup> *Meru Travels Solutions Private Limited v Competition Commission of India*, Appeal No. 31 of 2016.

<sup>43</sup> *Uber India Systems Pvt. Ltd v Competition Commission of India*, Civil



accusations against Uber using the DG's report, confirming that Uber lacked dominance in the Delhi-NCR radio-taxi services market due to Ola's strong competition. The CCI determined that Uber's lower pricing strategy did not amount to abusing dominance, as it aimed to enhance network effects and draw in consumers, aligning with past rulings.<sup>44</sup>

## **Legislative And Policy Developments**

The Competition (Amendment) Act, 2023, was passed by both the houses of the Indian Parliament on April 3, 2023, the sole aim being to amend the Competition Act to align it with the evolving business dynamics and global standards. It was initiated by the Ministry of Corporate Affairs and the amendment process was driven by the Competition Law Review Committee in 2019.

Several changes were introduced and included in the amendment act in relation to the digital economy:

- Penalties for anti- competitive behaviour are based on global turnover, disregarding the previous limitation of relevant turnover.
- Settlement and commitment provisions are introduced for abuse of dominance and anti-competitive agreements, which aims for a faster case resolution.
- Merger control timelines are reduced to 30 calendar days for assessment and deemed approval within 150 calendar days, aiming for quicker approvals but necessitating CCI capacity.

While the amendments aim to modernize the Competition Act and promote industry friendliness, their success will depend on detailed regulations and their implementation.

## **Conclusion And Suggestions**

The increasing challenges posed by the digital economy and the data- driven markets, need a detailed scrutiny by the regulatory authority. Big tech companies like Google, Amazon, Apple, are evolving into data monopolies, posing to be a threat to smaller players and companies and new entrants in the market. According to the Competition Law Review Committee, data must be recognized as a factor for market dominance. Furthermore, data should also be considered as an asset while assessing market dominance, specifically when mergers of big giants such as Facebook and WhatsApp are involved.

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<sup>44</sup> *Id* 43

In multi- sided markets, while defining relevant market in cases of dominance, two things need to be considered, i.e., network effects and positive feedback loops. Further amendments in Competition Act should also address issues related to data dominance. It should also ensure that there is procedural consistency in the Commission's approach. Additionally, regulating access to essential data may also aid in preventing abuse of dominance. Despite these challenges and various other challenges, the CCI is well- equipped to handle dominance cases in digital markets/platforms effectively.

