



About IICA

The Indian Institute of Corporate Affairs (IICA) is a premier think tank and capacity building institution established and promoted by the Ministry of Corporate Affairs, Government of India and is mandated to develop the subject of 'corporate affairs' and build a knowledge sharing system through synergised partnerships with premier academic institutions. The IICA, being a national institution in capacity building, service delivery and action research, renders holistic insight into all issues relating to corporate affairs that impact corporate functioning in view of the current developments and likely future scenarios. Pursuant to this objective, the IICA strives towards cutting edge intellectual leadership in corporate regulation, governance and sustainable businesses. The IICA is located at its newly inaugurated state-of-the-art campus at IMT Mansar, National Capital Region. The state of the art IICA Campus is fully equipped with modern classrooms and learning infrastructure, IT facilities, residential facilities etc.

School of Competition Law & Market Regulation

The School of Competition Law & Market Regulation, an integral part of the IICA, is a research based initiative, committed to policy support and capacity building in the area of competition law and market regulation. Shri Dhanendra Kumar, the first Chairman of the Competition Commission of India is presently the Principal Advisor, IICA and the Chief Mentor of the School. Shri Kumar was also the Chairman of the Drafting Committee for the proposed National Competition Policy, which may be notified soon. The School of Competition Law through its various training courses, seminars, discussions and workshops imparts foundational as well as advanced training to officials of ministries, government departments, public sector enterprises, regulatory authorities, private enterprises and other practitioners of competition law. As part of knowledge creation and management, the School has also established partnership with premier academic institutions such as George Washington University Law School, USA and the National Law School of India University, Bengaluru.

Our Recent Initiatives

The following are the events that were organized by the School of Competition Law & Market Regulation, in keeping with its mandate and spirit of capacity building, training, research and policy assistance:

- *Two Day Training Course on Regulation & Competition in Telecom Sector held on November 18-19, 2013 at the IICA Campus, IMT Manesar, Gurgaon*
- *Roundtable on Petroleum & Natural Gas Regulatory Framework on the Anvil of Competition Law held on November 16, 2013 at the Ministry of Petroleum and Natural Gas, Shashtri Bhawan, New Delhi*
- *Two Day Training Course on Competition Law for Public Sector Oil Marketing Companies held on August 2- 3, 2013 at the IICA Campus, IMT Manesar, Gurgaon*
- *Roundtable Discussion on Infusion of Competition in the Indian Economy held on March 12, 2013*
- *IICA-CCI-OECD Training course on Competition Assessment held between January 22, 2013 and January 23, 2013*
- *'Roundtable Conference on Facilitating Corporate Growth through Enlightened Regulation' on December 14, 2012.*
- *Appreciation Course on Competition Law and Policy for Officers of Indian Administrative Service held on 5th-9th September, 2011.*
- *Basic Appreciation Course in Competition Law for officers of Central Government / Departments and Regulators held on 25th-27th October, 2010*
- *Induction training program for officials of CCI, in April 2010.*

One-Day Training Workshop

“Competition Law & High-Tech Markets”

Friday, December 20, 2013

IICA Campus
IMT Manesar, Gurgaon



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School of Competition Law & Market Regulation



In the information age, the technological innovation is a key driver to overall economic development. Rapid innovation has offered advanced technological products and services which has facilitated in the creation of new markets. In the past decade, the technological revolution has catapulted the opportunities in the Information and Communication Technology industry ('High-Tech Markets'). High-Tech Markets are often borderless, virtual and characterized by strong network effects. However, these markets present unique challenges relating to market regulation.

For instance, new methods of production and distribution of information have evolved over the years. Social and community production and distribution of content and innovations facilitated by certain open source platforms have become a significant part of the information sharing systems. Social production of content challenges some of our basic assumptions about how markets work and raises new issues for regulation to adapt to the innovative environment.

The world over sector has attracted the attention of antitrust authorities and time and again the concerns have been raised on the conduct of the firms which may have potential bearing on the competition in the market. Many firms that have been subjected to antitrust scrutiny world over are also being probed by the Competition Commission of India (CCI). This specifically includes the market of search engines, mobile equipment, social networking, etc, where fast succession of technological changes and product innovation play a key role. Hence it becomes imperative to understand the dynamics in which firms in High-Tech Markets operate.

The interface between IPRs and Competition Law has also evolved several types of restraints on competition. More specifically, the phenomenon of exclusive licensing, manifested through several unilateral market tactics by enterprises such as tie-in arrangements, exclusive dealing, licensing restrictions (covering grant back clauses, extensions of IPR terms and field of- use restrictions as well horizontal agreements (like pooling and cross-licensing by parties collectively possessing market power), have attracted the attention of competition regulation authorities across the world.

The recent probe of the CCI into the alleged abuse of dominant position involving patent licensing and competition makes it even more evident how the High-Tech Markets is increasingly coming under the scrutiny of the antitrust authorities. One of the critical challenges is how changes in the technological and economic environment should be incorporated into the competition law analysis.

There is an imminent need amongst the market participants to understand the effect of regulation on competitive market structure and competitive conduct. Therefore, the executives across functional areas in the High-Tech Markets require clarity and ability to deal with the evolving competition regulatory regime so as to align their business decisions and conduct commensurate with the law. Further, the lawyers and competition professionals entrusted with the duty to render legal advice to the corporate need to develop skills relating to economics of antitrust analysis. In this background, this training workshop has been conceptualized to cater to the specific skill needs of the lawyers and the industry.



Agenda

10.00 - 10.30 am	Registration and tea/ coffee	
10.30 - 11.30 am	Inaugural cum Technical Session - I <ul style="list-style-type: none"> • High-tech markets in India & competition issues • Fundamentals of competition law • Market regulation issues in the IT industry 	
11.30 - 11.45 am	Tea Break <i>Participants (lawyers and industry professionals) go for parallel sessions</i>	
11.45 am - 1.15 pm	Session 2A/ Lawyers Track Analysing mergers and acquisitions in high-tech sector	Session 2B/ Industry Track Business strategy & competition law
1.15 - 2.15 pm	Lunch	
2.15 - 3.45 pm	Session 3A/ Lawyer Track Search and Online Advertising Vertical Agreements and antitrust analysis	Session 3B/ Industry Track Compliance with competition law
3.45 - 4.00 pm	Tea Break	
4.00 - 5.00 pm	Open discussion and Q&A	

How does Competition Act, 2002, along with the existing sector regulations, affect business decisions of your organisation?

What are the antitrust issues in High Tech Markets in India?

How do you apply economics in antitrust analysis?

What precautions should you take while dealing with your competitors and other market agents?

What should you do if you observe a likely anticompetitive conduct either within your organization or by your competitors?

Does your organisation have a framework and capacity to assess antitrust risks and acquire competitive advantage?

Tailor Made for Lawyers & Business Executives

The workshop has been tailored for a small group of participants comprising: (a) lawyers and professionals working in law firms/economic advisory firms/ business consultancy firms in the areas of Technology, Media & Telecom (TMT), competition law, corporate/commercial, M&A transactions and IP; and (b) nominated senior and mid level executives of the private sector enterprises operating in High-Tech Markets. The nominated executives may belong to various functional areas performing decision making and responsibilities relating to the compliance, regulatory, marketing and commercial aspects.

Key Takeaways

For lawyers

- Understanding the economic analysis for relevant market determination and also assessment of appreciable adverse effect on competition in the context of (a) agreements (b) unilateral conduct or abuse of dominance, and (c) mergers and acquisitions
- Using economic analysis for building legal arguments

For industry professionals

- Understanding the interplay between (a) business strategy and competition (b) IPRs and competition
- Evolving compliance structure and procedures vis-a-vis competition law

Training Approach: Experiential Learning

The training workshop will be conducted in two distinct and specialised parallel tracks for lawyers and industry. The workshop will provide ample opportunity to take part in group activities and interact with experts from the Federal Trade Commission (FTC), United States and select experts from India who have extensive experience in handling antitrust issues in High Tech Markets across several competition regimes. The discussions will be steered through case studies pertaining to multiple jurisdictions and analysis. The interactions will be oriented around case studies and comparative analysis to enhance decision making skills, develop business strategies and real life problem solving skills of the participants. The learner centric teaching methodology adopted during the workshop will provide a platform to the participants to delve deeper into contemporary competition issues affecting them individually, through active peer group learning.

Fee

A lump sum consolidated fee of Rs. 10,000/- (Rupees Ten Thousand only) plus applicable service tax per participant shall be payable to the "Indian Institute of Corporate Affairs". This covers: participation in the various sessions of the workshop, resource material, meals and refreshments. The nominations will be accepted on first come first serve basis.

Due to limited seats it is advised that nominations may kindly be sent to us at an early date. Outstation candidates may avail residential facilities at the IICA Campus on additional payment basis.

“*Competition induces innovation: competition law is about applying rules to make sure businesses and companies compete fairly with each other. This encourages enterprise and efficiency, creates a wider choice for consumers and helps reduce prices and improve quality. To deliver this choice, businesses need to innovate- in their product concepts, design, production techniques and services.*”