



DR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY

11TH RMLNLU INTERNATIONAL LEGAL ESSAY WRITING
COMPETITION ON COMPETITION LAW

JOURNAL COMMITTEE RML NLU



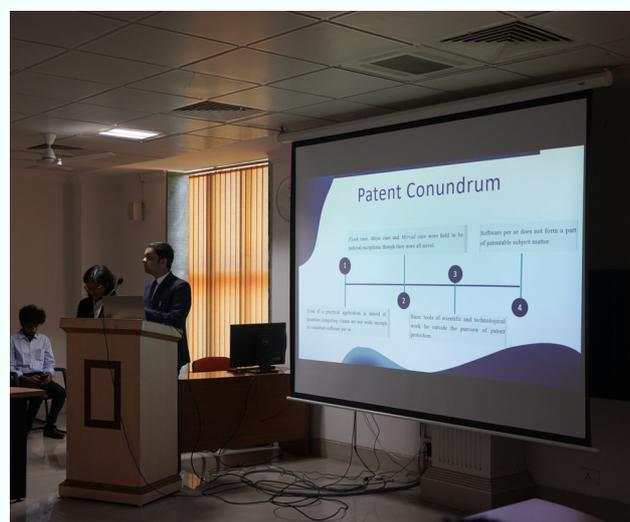
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INTRODUCTION

The Journal Committee ("Committee") at Dr. Ram Manohar Lohiya National Law University, Lucknow is organising the 11th edition of the RMLNLU International Legal Essay Writing Competition ("RILEC") along with the RMLNLU - Conference on Competition Law.

ABOUT RILEC

Since its inception in 2013, RILEC has expanded to greater horizons and today it is an internationally anticipated event. Every year, the Committee labours to promote legal scholarship. We provide intellectually challenging and contemporarily relevant themes for the legal fraternity to research and write on. During the course of our journey, we have covered numerous themes of law ranging from International Trade Law to Financial Regulatory Laws. For the 9th edition, the Committee invited submissions on Labour and Employment Laws and collaborated with Khaitan & Co. RMLNLU International Legal Essay Writing Competition 2023 was the 10th edition of RMLNLU's flagship essay writing event conducted in collaboration with Nishith Desai Associates. The competition had Intellectual Property Rights and Technology Law as its main theme along with various sub-themes which covered a wide-ranging issues of contemporary relevance. After receiving numerous outstanding entries and conducting an intensive review procedure, the top 3 teams were invited to present their essays in front of a panel from Nishith Desai Associates. The competition augmented the knowledge of many and was successful in its endeavour. Thus, the intention behind organising such an event paid off in the form of increased acuity in the particular field of law and the exploration of fresh perspectives with respect to the various sub-themes.





ABOUT RMLNLU

Dr. Ram Manohar Lohiya National Law University was established in 2006 to match the new challenges in the legal field and to strengthen the vision that was given by the establishment of the first National Law School in the country. The University is committed to providing

excellent infrastructural facilities and an environment to advance and disseminate learning and knowledge of the law and legal processes. The University aims to develop in students and research scholars, a sense of responsibility to serve society in the field of law by developing skills in advocacy and legal writing.

ABOUT THE JOURNAL COMMITTEE

JOURNAL **RML**
COMMITTEE **NLU**

The Journal Committee has been constituted with the objective of promoting legal research and writing. The RMLNLU Law Review is the annual peer-reviewed law journal of the committee which runs parallel to the RMLNLU Journal on CMET

(Communication, Media, Entertainment, and Technology) Law. Both these journals publish articles, essays, case notes/comments, and book reviews from contributors all over the world. To encourage legal research writing in the field of law, the Committee also organises the Dr. RMLNLU International Legal Essay Writing Competition, inviting entries on specific themes. The RMLNLU Law Review Blog is another such initiative of the Committee which provides a platform for people in the field to express their opinions on contemporary legal issues.



ABOUT KHAITAN & CO



Khaitan & Co is a top tier and full-service law firm with over 1000 legal professionals, including 240 Partners and Counsel, and presence in India and Singapore. With more than a century of experience in practicing law, we offer end-to-end legal solutions in diverse practice areas to our clients across the world. We have a team of highly motivated and dynamic professionals delivering outstanding

client service and expert legal advice across a wide gamut of sectors and industries. The firm's expertise in its practice areas has been widely recognised by various leading international rankings and publications including Chambers and Partners, Legal 500, IFLR 1000, WWL, Benchmark Litigation and Asialaw Leading Lawyers.

Additionally, the Competition law team offers unrivalled expertise on competition law matters, which stems from a strong understanding of the Indian business environment and pragmatic commercial considerations. The Firm has been recognized for its impeccable work in the field of Competition Law through various awards. Recently, it was recently conferred with the IBLJ Best Overall Law Firms 2023 in Competition Law Area, Global Competition Review 100 -2023 (Highly Recommended Practice), Benchmark Litigation Asia Pacific - Ranked as Tier I Law Firm 2023, and Legal 500 Asia Pacific Tier I Law Firm 2023.

To know more about our Firm, visit www.khaitanco.com

THEMES AND SUB-THEMES

This year the Committee is inviting original submissions from authors in the form of essays falling within the indicated contours of the theme of the offline conference - “Competition Law”. The list of the indicated sub-themes is given below to aid the participants:

1. Assessing the Efficacy of Deal Value

The 21st century came with a plethora of challenges and opportunities. There has been a constant uptick in the technological sphere with new start-ups coming up. This has posed a challenge to the regulatory authorities around the world to protect these companies and the market from killer acquisitions. The concept of Deal Value Threshold (DVT) has been introduced in various jurisdictions around the world to bring transactions, where the target company may have significant potential in terms of data, technology, and innovation despite having minimal assets and turnover.

In India, DVT is a new addition to the Competition Act designed to trigger a notification to the Competition Commission of India (CCI) in specific cases. The threshold is met when the value of a transaction exceeds INR 20 billion, and the target enterprise has substantial business operations in India. It is understood that the DVT could significantly change the Competition Law regime and its practice across countries, including India.

Participants could touch upon the history of DVT and its implications on the Indian market. They can also delve into the specifics of DVT with respect to various innovative sectors, particularly Technology & Pharmaceuticals. Furthermore, participants are free to explore the best practices around the globe to discuss the prospects of DVT in India.

2. Balancing IPR and Competition Law

Intellectual Property Rights (IPR) and Competition Law are two distinct legal frameworks that play significant roles in promoting innovation and fair competition. IPR refers to the legal protections granted to creators or inventors over their original works including patents, trademarks, copyrights, and trade secrets. These rights grant exclusive control and ownership over the use and commercial exploitation of the protected intellectual assets, serving as incentives for innovation and creativity.

Competition Law, on the other hand, ensures fair market competition by prohibiting anti-competitive practices that could harm consumers or restrict competition. It aims to maintain a level playing field for businesses, prevent monopolies or abuse of dominant market positions, and encourage economic efficiency. The interaction between IPR and Competition Law is vital, as the exercise of IPR can sometimes lead to anti-competitive behaviour.

There have been various developments in India's policies regarding IPR and Competition law where the Indian government has the recommendation of the Parliamentary Standing Committee on Finance to include the IPR defence in the existing Competition Law framework that deal with abuse of power.

Participants can explore the interplay of IPR and Competition Law in light of the existing provisions of the Competition Act. They can also discuss the various policy measures undertaken to safeguard such interests while maintaining fairness in the market. Lastly, the participants can analyse the feasibility of the same along with presenting how other jurisdictions around the globe view this interplay between IPR and Competition Law, etc.

3. Merger Control: The Introduction of the Green Channel Route



Merger control is a crucial aspect of Competition Law that aims to prevent anti-competitive practices and maintain market competition. It entails scrutinising and controlling corporate mergers and acquisitions to prevent a significant decline in competition or the creation of an extremely volatile market due to the concentration of

power. The concept of Green Channel was introduced in 2019 to provide hassle-free procedures in antitrust lawsuits pertaining to combination filings and mergers. The Green Channel Route is an automated approval scheme that acts as a filter for certain kinds of merger transactions or combination filings which do not pose any risk of harm to competition regimes. Recently, CCI has approved 80 proposed combinations, and 25 were approved through the Green Channel Route. This highlights the growing significance of such a practice.

Participants can assess the effectiveness of green channel mechanisms in detecting and deterring gun jumping practices and how green channel approvals may have led to anti-competitive outcomes, such as market concentration or foreclosure of competitors. Participants can also explore the issues and challenges that have surfaced due to the 2023 Amendment to the Competition Act, with special emphasis on some of the leading case laws. Participants are further encouraged to carry out an analysis of the various provisions related to the said concept and their comparison with similar mechanisms/provisions existing in other jurisdictions.

4. ESG Collaborations and Competition Law Concerns

Recently, the European Commission ruled that collusion among competitors in the development of emission-cleaning technologies for new diesel passenger cars constitutes cartelisation. The decision imposed penalties on the five colluding parties, marking the first of its kind. This has raised concerns for companies collaborating for the greater good.

The Indian Competition Law regime lacks provisions to strengthen the framework for Environmental, Social, and Governance (ESG) collaborations. Companies worldwide are increasingly focusing on improving their ESG scores, and the Indian government has also emphasised on net-zero carbon emission targets and other important CSR goals. Collaborations like the ‘emission cleaning collusion’ will fall under CCI’s anti-competitive assessment. CCI has not guided ESG collaborations, causing uncertainty for companies. Harmonising ESG objectives with traditional competition law objectives may require careful consideration to avoid conflicts or unintended consequences.

Participants can explore issues related to the applicability of cartel provisions and CCI’s anti-competitive provisions on such collusions. They may also analyse how such applicability is hindering social governance. They can also present a comparative analysis of similar provisions/safeguards existing in different jurisdictions, etc.

5. MSME & Competition Law

The MSME sector in India encounters several problems related to Competition Law enforcement. There is a significant lack of awareness among MSMEs about the Competition Law and its implications. This knowledge gap leaves them vulnerable to unfair market practices and limits their ability to identify and respond to anti-competitive behaviour. Moreover, the capacity constraints pose a major challenge for MSMEs in navigating complex competition law procedures. Limited resources and technical expertise hinder their ability to engage in legal proceedings or lodge complaints against anti-competitive practices. Additionally, collusive behaviour, abuse of dominance by larger firms, and inadequate remedies tailored to the unique needs of MSMEs further exacerbate the competition-related issues faced by this sector. Addressing these problems is crucial to create a level playing field and foster a competitive environment for MSMEs in India.

Participants can discuss the position of MSMEs in the markets and how they are affected/unaffected by the Competition Law regime across jurisdictions. They can also discuss various anti-competitive market practices like bid-rigging etc. in the context of MSMEs. They can further enquire about the applicability of cartel provisions to the MSMEs in the current Competition Law regime in India.

6. CCI's jurisdictional issues

The CCI's jurisdiction has been a subject of much debate and academic discourse. In particular, there exists a lack of clarity over the relationship between the CCI and sector-specific regulators, such as the Telecom Regulatory Authority of India (TRAI) and the Reserve Bank of India (RBI). The CCI has argued that it has concurrent jurisdiction with sector-specific regulators. This means that the CCI can investigate and take action against anti-competitive conduct, even if that conduct falls within the jurisdiction of a sector-specific regulator. Sector-specific regulators, on the other hand, have argued that they have exclusive jurisdiction over anti-competitive conduct in their respective sectors unless the matter is referred to CCI. The CCI has issued a number of guidelines on its relationship with sector-specific regulators which encourage and aim for coordinating with sector-specific regulators in order to avoid duplication of effort and to ensure that anti-competitive conduct is effectively addressed.



Further, CCI encounters another challenge with regard to its jurisdiction. Recently the Hon'ble Delhi High Court held that CCI cannot investigate statutory bodies. The decision is unprecedented and can have serious implications for CCI's present and future investigations. Given the wide scope provided to CCI in Section 18 of the Competition Act 2002, the recent judgement becomes a significant ruling.

The participants are free to explore the CCI's jurisdictional overlap and interplay with the sector-specific regulators. They can also discuss the current conundrum regarding its jurisdiction over the statutory bodies. Moreover, the participants can write about other issues that crop up in CCI's jurisdiction. Lastly, the participants can conduct a cross-jurisdictional analysis of the market regulatory authorities of other countries.

Note - Sub-themes are merely indicative in nature and are not exhaustive.

ELIGIBILITY OF PARTICIPANTS

Authors must be pursuing their 5-year integrated LL.B. (Hons.) course/3-year LL.B. course/LL.M. from any recognised university in India and equivalent law degree, abroad for the academic year of 2023-2024, to be eligible to participate in the competition.

STRUCTURE

All entries will be judged and ranked by the Committee and Khaitan & Co. The top three entries will be selected after an intense review procedure for an offline paper presentation. The participants may adopt any suitable means for presenting the papers including audio-visual aids, such as PowerPoint presentation. The final rankings of the authors will be determined on the basis of the cumulative score of the paper presentation in the offline conference and that of their essay. The entries selected for the offline conference will also be considered for publication in the next issue of the RMLNLU Law Review Journal & the RMLNLU Law Review Blog and will be monetarily rewarded by the Committee.

PRIZES

- **Winner - INR 15,000/-**
- **First Runner-up - INR 10,000/-**
- **Second Runner-up - INR 5,000/-**
- The authors of the top three entries to the competition will upon the discretion of Khaitan & Co get an opportunity to intern at Khaitan & Co. Khaitan & Co reserves all rights to determine the office, dates and team under which the internship is granted. The top three entries will receive a 'Certificate of Merit'.
- Top three entries will be published on the RMLNLU Law Review Blog.
- Top three entries may be considered for publication in the next issue of the RMLNLU Law Review Journal.
- All participants shall be receiving a 'Certificate of Participation'.

PARTICIPATION GUIDELINES

Co-authorship of entries (maximum two) among individuals from the same or different institutions is allowed. Multiple entries from the same authors are not allowed. Entries should be original, unpublished and non-plagiarized.

SUBMISSION GUIDELINES

- Participants are requested to adhere to the following submission guidelines:
- Word Limit for the Competition: 4000-5000 words (excluding footnotes).
- Individual Attachments: Name; e-mail; contact number; current academic status (year of study, name of university etc.); undertaking as to guarantee of originality.
- Formatting specifications:
 - Font and size for the essay: Times New Roman | 12
 - Font and size for footnotes: Times New Roman | 10
 - Line spacing: 1.5
 - Page size: A4 - Margin - 1' from all sides
 - Alignment: Justified
- Citation Style: Footnotes must be properly cited strictly in accordance with the latest OSCOLA (4th edition) format. No endnotes or speaking footnotes (descriptive footnotes) are permitted.
- Entries should be emailed to rilec.rmlnlu@gmail.com under the subject title "Entry for 11th RILEC - [Name(s) of Author(s)]" in Microsoft Word (.doc or .docx) format.
- Any queries relating to the Competition should be addressed to rilec.rmlnlu@gmail.com.

MISCELLANEOUS RULES

- The copyright for all entries shall vest with the Committee which herewith reserves the right to modify, postpone or defer the Competition and its adjudication indefinitely as and when exigencies of an unforeseen nature may arise.
- Any attempt, direct or indirect, to contact the panel of judges will be met with the immediate disqualification of the relevant entry.
- Any indication of the author's name or university in the entry shall lead to immediate disqualification from the Competition. Details about the author may only be specified in the body of the mail and the name of the author must not be mentioned in the name of the file submitted.

DATES & DEADLINES

- Last date for submission of manuscript: **27th August 2023**. Late entries will not be entertained.
- The dates of the offline conference will be announced soon.

CONTACT DETAILS

Write to us at rilec.rmlnlu@gmail.com in case of queries.

You may also reach us through the phone.

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