



# “KALEIDOSCOPIIC VISION OF COMPETITION LAW : A WAY FORWARD”

Edited by :

Dr. Sourabh Ubale

Dr. Stefano Civitarese Matteucci

Ms. Mayura Sabne



Marathwada Mitra Mandal's  
Shankarrao Chavan Law College,  
Pune (INDIA)

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सत्यमेव जयते



Fair competition  
For Greater Good

The Competition Commission of India  
(Government of India)





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**March 2022**





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## Patron's Message



**Prin. Mr. B. G. Jadhav**  
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Marathwada Mitra  
Mandal, (INDIA)



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**Dr. Kranti Deshmukh**  
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Pune (INDIA)

Being established through an inspiration of socially and educationally charged personalities, we, Marathwada Mitra Mandal established in 1967 as the charitable trust, serves with a motto "*Yethe Bahutanche Hit*" (Welfare of Masses). At its various educational campuses, excellent facilities of education are provided to more than 12000 students pertaining to Architecture, Management, Law, Commerce, Pharmacy and Engineering etc. Marathwada Mitra Mandal's four colleges are accredited with 'A' Grade and one with 'A+' Grade by National Assessment and Accreditation Council of India (NAAC). Under the patronage of Marathwada Mitra Mandal, Shankarrao Chavan Law College was established in 2003 with the objective of nurturing future legal professionals and researchers with ideals and values required for playing constructive role to create a better world. The College is affiliated to Savitribai Phule Pune University, approved by Bar Council of India, recognized by Government of Maharashtra with an ISO Certification and accredited with 'A' Grade by NAAC. And thus stands as one of the premier law colleges in India. Our College has a motto 'Quality Legal Education for Masses'. Since inception our College has been encouraging the students to develop themselves into the legal professionals having legal knowledge, acumen and expertise suitable for dynamic and globalized legal industry. With this view, apart from academic excellence, we nurture the students with several co-curricular and extra-curricular activities. We are having

collaborations with University of Colombo (Sri Lanka), Universidad Peruana de Ciencias Aplicadas (Lima, Peru), Transforming Mediation LLC (Georgia, USA) and honoured to have speakers from Nepal, China, Malta, Israel, Canada, etc. College also runs Center for Academic Research, Publication & E-content in Law (CARPEL) which is organising these events.

The Department of Legal and Social studies of the University of Chieti-Pescara (IT) comprises academics both from legal, social and political sciences backgrounds. This interdisciplinary character is key to the vibrant research and teaching environment it has created over the years. Within the University – based on two campuses in the close cities of Chieti and Pescara in the Abruzzo Region – the Department is the exclusive venue for legal research and teaching and it is the main reference for social and political sciences. The Department organizes two undergraduate courses, “law” and “criminology”, and two post-graduate courses, “social research and crime” and “Business International Legal Studies”. It co-founded a PhD course in “Business, Institution, and the Market”. The Department carries out a remarkable research activity both publicly (at national and international level) and privately funded.

Competition is the best means of ensuring that the ‘Common Man’ or ‘Aam Aadmi’ has access to the broadest range of goods and services at the most competitive prices. With increased competition, producers will have maximum incentive to innovate and specialize. This would result in reduced costs and wider choice to consumers. A fair competition in market is essential to achieve this objective. Our goal is to create and sustain fair competition in the economy that will provide a ‘level playing field’ to the producers and make the markets work for the welfare of the consumers. The objectives of the The Competition Act, 2002 are sought to be achieved through the Competition Commission of India (CCI), which has been established by the Central Government with effect from 14th October 2003. CCI consists of a Chairperson and 6 Members appointed by the Central Government. It is the duty of the Commission to eliminate practices having adverse effect on competition, promote and sustain competition, protect the interests of consumers and ensure freedom of trade in the markets of India. The Commission is also required to give opinion on competition issues on a reference received from a statutory authority established under any law and to

undertake competition advocacy, create public awareness and impart training on competition issues.

Azadi Ka Amrit Mahotsav is an initiative of the Government of India to celebrate and commemorate 75 years of progressive India and the glorious history of its people, culture and achievements. This Mahotsav is dedicated to the people of India who have not only been instrumental in bringing India thus far in its evolutionary journey but also hold within them the power and potential to enable Prime Minister's vision of activating India 2.0, fuelled by the spirit of Atmanirbhar Bharat. Azadi ka Amrit Mahotsav is an embodiment of all that is progressive about India's socio-cultural, political and economic identity. The official journey of "Azadi ka Amrit Mahotsav" commenced on 12th March, 2021 which started a 75 week countdown to our 75th anniversary of Independence and will end post a year on 15<sup>th</sup> August, 2023.

To strengthen the ties of these renowned Institutions & Celebrating Azadi Ka Amrit Mahotsav, we organised International Conference on "Kaleidoscopic Vision of Competition Law: A way forward" on 24<sup>th</sup> & 25<sup>th</sup> January 2022 which was graced by the presence of luminaries from the field of law and students, academicians and professionals across the country and abroad.

In the light of our association, we are greatly honoured to have this publication of an edited book in continuation of our research collaboration, edited by our esteemed faculties of both the institutes, Dr. Sourabh Ubale, Dr. Stefano Civitarese Matteucci & Ms. Mayura Sabne who are also acting as Representatives of respective Institutions in this collaboration.

We extend our profuse thanks to all the contributors from distinguished institutions across the country and also extend our warm wishes to all the august readers.

21<sup>st</sup> March 2022

**Prin. Mr. B. G. Jadhav,  
Prof. Fabrizio Fornari &  
Dr. Kranti Deshmukh  
(Patron)**

## Acknowledgement

We are deeply indebted to Prof. Fabrizio Fornari (Head, Department of Legal & Social Studies, University Of Chieti-Pescara, ITALY), Prin. Mr. B. G. Jadhav (Executive President, Marathwada Mitra Mandal, INDIA), Mr. Anuj Verma (Dy. Director, Combination Division, The Competition Commission of India, Government of India) & Mr. Shekhar (Jt. Director, Anti-Trust Division, The Competition Commission of India, Government of India) for their constant support, expertise knowledge and encouragement which have been the force behind the successful accomplishment of this edited book.

We are expressing our special thanks to Mr. S. D. Ganage, President, & Mr. Kishor Mungale, Secretary, Marathwada Mitra Mandal & Dr. Kranti Deshmukh, Principal, Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune.

We are also grateful to Ms. Mugdha Satpute & Mr. Sahil Shrivastav without their assistance we would not have successfully completed the task of this edited book.

We extend our gratitude to faculties & administrative staff of both, Department of Legal & Social Studies, University Of Chieti-Pescara (ITALY), Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune (INDIA) & The Competition Commission of India.

Finally, we are ever grateful to everyone who has become the part of our extended family of these institutions for their prayerful blessings and moral support without which this work could not be a successful one.

21<sup>st</sup> March 2022

**Dr. Sourabh Ubale,**  
**Dr. Stefano Civitarese Matteucci &**  
**Ms. Mayura Sabne**  
(Editors)

## Preface



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The pandemic times and the unexpected resort to digitalization have changed the trade and business landscape for each and every stakeholder across the globe. The global framework of competition law is also facing emerging challenges and issues unknown earlier. Two parts of the globe- Europe and Asia are tied with trade and finances since ages and the competition law across these parts is one of the cementing factors in global finances. These upheavals and trends need an in depth analysis from kaleidoscopic view in the upcoming future. In the light of these contemporary developments, Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune had taken an innovative international initiative to conduct research and also to host an International conference on the theme of "Kaleidoscopic Vision of Competition Law: A Way Forward" in

collaboration with Department of Legal and Social Studies, University of Chieti-Pescara, Italy under the aegis of the Competition Commission of India. The expert resources from India and Italy and dignitaries from the Competition Commission of India enlightened the audience across the globe on several niceties of competition law like the basic analysis of legal framework in Europe and India, practical difficulties faced by stakeholders in adhering to the competition law framework across the borders, legal framework of digital markets and products in the light of competitive market forces to name a few. The students of undergraduate and postgraduate law courses, academicians, competition law practitioners, research scholars witnessed the intellectual feast at international level. The expected outcome of this intellectual communiqué is the publication of this edited book encompassing the discourses put forth in the conference and research papers received from scholars at the international level.

The chapters of this book almost covers Sports in the Era of Competition and Law, Leveraging Competitive Dynamics with Market Efficiency, Trade Secrets and Artificial Intelligence vis-à-vis Competition Law, Covid-19 and Competition Law in India, : The Interface between Intellectual Property and Competition Law, A Critique on Issues and Challenges in India's Competition Law Regime, Pandemic and Digital Market in Competition Law, Interface between Competition Law and Block chain Technology, Competition Law and Implications of Regulations, An Emerging Issues in Digital Markets, etc.

We wish to thank all the contributors, their respective esteemed institutions and readers of this book.

**Dr. Sourabh Ubale,**  
**Dr. Stefano Civitarese Matteucci &**  
**Ms. Mayura Sabne**  
(Editors)

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