

Contents

Subject	Page No.
Preface	i
Table of Cases	ii-x
Acronyms	xi
Chapter 1: Introduction	1-11
Objective of the study	8-9
Research Hypothesis	9-10
Research Methodology	10
Universe of study	10-11
Plan of Study	11
Chapter 2: Competition and Law – Conceptual Dimensions	12-72
Concept of Competition	12
Competition Law and Policy	12-13
Overview of European Union Competition Law	14-68
India's Approach towards a Competition Policy and Law	69-72
Chapter 3: Horizontal Agreements and their impediments on Competition: Position in Europe and India	73-136
Position in European Community law	73-94
Cartels	73-77
Horizontal Price Fixing	77-80
Horizontal Market Sharing	80-82
Quotas and other restrictions on Production	82-84
Collusive Tendering	84-85
Agreement relating to Terms and Conditions	85-86
Information Agreements	86-92
Advertising Restrictions	93-94
Anti Competitive Horizontal Restraints	94-95
Oligopoly and Tacit Collusion	95-98
Collective Dominance	98-102
The ECMR and Collective Dominance	102-111
Mergers	111-122
Adoption of ECMR	111-119

Article 81 and ECMR	119-121
Article 82 and ECMR	121-122
Horizontal Cooperation Agreement	122-123
Horizontal Agreements relating to Intellectual property rights	123-124
Position in India	124-125
Anticompetitive Agreements	125-136
Chapter 4: Vertical Agreements and their anti competitive effects: Position in Europe and India	137-178
Single Branding Agreements	142-143
Exclusive Distribution Agreements	143-144
Exclusive Customer Allocation Agreements	144
Selective Distribution Agreements	144-147
Purely Qualitative Selective distribution systems	145-147
Franchising Agreements	147-148
Exclusive Supply Agreements	148-148
Upfront Access Payments	148-149
Category Management Agreements	149
Tying Agreements	149
Resale Price Maintenance	149-150
European Community Regulations	150-151
Relationship between intellectual property rights and competition law	152-154
The application of Article 81(1) to licenses of intellectual property rights	154-159
The application of Article 82 to licenses of intellectual property rights	159-162
Intellectual Property Rights and the free movement provisions of the Treaty of Rome	162-163
The doctrine of exhaustion	163-164
Application of exhaustion principles on Patents	164-165
Application of exhaustion principles on Copyright and analogous rights	165-166
Application of exhaustion principles on Trademarks	167-167
Repackaging in Trademark cases	167-168
Products having different trademarks in different Member States	168-168
The doctrine of common origin in Trademarks	168-170
International exhaustion	170-172

Position in India	172-173
Rule of Reason	173-178
Chapter 5: Abuse of Dominance: Anti competitive practices in	
Europe and India	179-231
Non Pricing Practices	179-179
Exclusive Agreements	179-181
Tie in Agreements	181-184
Refusal to Supply	185-185
Refusal to supply a downstream competitor	185-188
The 'essential facilities' doctrine	188-195
The practical application of the essential facilities doctrine	195-200
Pricing Practices	200-202
Application of Article 82 to exploitive pricing practices	202-205
Pricing Practices having effects similar to exclusive or Tie in agreement	205-206
Loyalty rebates and similar exclusive practices	206-211
Pricing Practices intended to eliminate Competitors	211-211
Predatory Price Cutting	211-216
Selective Price cutting but not below cost	216-219
Vertical Margin Squeezing	219-220
Price Discrimination	220-223
Pricing practices that are harmful to the single market	223-224
Position in India	224-231
Chapter 6: Requirement and Need for Competition Law and	
Policy in India	232-267
The emergence of Competitive laws in India	232-233
Competition and its role in the economic development of a democratic nation	233-233
The history of the Indian competitive legislation	234-236
Trigger cause for the enactment of MRTP laws	236-237
Thrust areas in the MRTP Act, 1969	237-239
Doctrine guiding the enactment of MRTP Act, 1969	239-243
Economic Reforms of 1991 and evaluation of new Competition law	243-248
Rubric of the new Competition Act, 2002 as amended by the Competition (Amendment) Act, 2007	249-249

Anti competition agreements	249-250
Horizontal Agreements	250-251
Vertical Agreements	251-252
Exceptions to the applicability of the Act under the provisions of The Competition (Amendment) Act 2007	252-253
Abuse of dominance under the provisions of the Indian Competition Act, 2002 as amended by The Competition (Amendment) Act 2007	253-256
The provisions on combinations regulations in the Indian Competition Act, 2002 as amended by The Competition (Amendment) Act 2007	257-260
Competition Advocacy	260-261
Competition Commission of India (CCI)	261-261
Investigation and Prosecution by the CCI	262-263
Adjudication by the CCI	263-263
Selection of Chairpersons and Members of CCI	264-264
Exemptions in the Indian Competition Act, 2002 as amended by The Competition (Amendment) Act 2007	264-264
Appeal provisions in the Indian Competition Act, 2002 as amended by The Competition (Amendment) Act 2007	265-267
Notification and enforcement of the Indian Competition Act, 2002 as amended by The Competition (Amendment) Act 2007	267-268
Conclusions and Suggestions	268 - 296
Conclusion on Indian Competition Laws	268-272
Jurisdictional Issues in India	272-272
Competition issues in Telecommunications Services	272-274
Competition issues in Professional services	274-275
Acts of Persons from abroad affecting Competition in India	275-277
Suggestions for Indian Competition Laws	277-281
Future :Where is Indian Competition Law Going?	277-281
Position in European Community Competition Law	281-282
Conclusion on European Community Competition Laws	281-282
Report on Regulation 1/2003	283-284
White Paper on Damages Actions (April 2008)	284-286
Introduction of new cartel settlement procedures	286-287

New guidelines on non horizontal mergers	288- 288
The Guidance Paper on the Commission's Enforcement Priorities in Applying Article 82 of the EC Treaty to Abusive Exclusionary Conduct by Dominant Undertakings.	288-291
Review of Vertical Restraints	291-291
Financial Crisis & Competition Policy	292-294
Suggestions on European Community Competition Laws	294-296
Future: Where is EC Competition Law going?	294-296
Bibliography	297-302