



COURSE MANUAL

Fundamentals of Competition Law & Policy

L-CM-0014

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**FALL 2026
(AY2026-27)**

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far the elective course, Fundamentals of Competition Law & Policy, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **Fundamentals of Competition Law and Policy**

Course Code: L-CM-0014

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **UG and PG**

Medium of Instruction: **English**

Pre-requisites:

Equivalent Courses:

1. Acknowledgement of Course Ideators

This course is a product of inputs from a number of colleagues, experts in competition law and students including all my past teaching assistants.

2. Course Description

Competition law (also known as Antitrust law) regulates the activities of firms in markets in order to check unfair practices in the market. This is a specialized area of law that requires students to orient themselves towards a new way of thinking. The truly interdisciplinary nature of competition law as a discipline that integrates law and economics makes it a fascinating subject of study. Competition law is in the limelight because of the increasing importance of the digital economy and the growth of companies such as Google, Facebook, Amazon and Apple. The changing nature of markets is making it extremely important to understand the fundamental principles governing competition law. Moreover, India's competition regulator, the Competition Commission of India plays a significant role in India's regulatory landscape and many businesses have been affected by its decisions.

Competition law is relevant for all students interested in understanding the regulation of markets, business conduct and law and economics. This course will examine global competition law and policy from a conceptual and philosophical perspective. Students will dissect business practices and their policy relevance as well as the impact of competition enforcement on businesses and markets. Competition law relies heavily on economic theory. In fact competition policy is informed largely from the principles of economics. While economics is often daunting for lawyers, the intuitions and philosophy behind these economic principles are important for law and policy makers. With this in mind, this course aims to introduce students to the fundamental principles of competition law globally. This course will focus on providing students with a broad understanding of principles of competition law and different policy considerations that inform the enforcement of competition law. It will examine and compare principles of US Antitrust law, EU Competition law as well as Indian C

3. Course Aims

At the end of the course students should be able to:

- (i) Understand the nature of different types of anticompetitive conduct in markets and the implications of this conduct.
- (ii) Have a framework in mind through which to determine whether particular conduct is anticompetitive when advising clients or analyzing market conduct.
- (iii) Understand the essential rules of US Antitrust Law, EU Competition Law and Indian Competition Law.
- (iv) Understand the different objectives of competition law in jurisdictions globally.

(v) Understand the economic principles underlying each type of anticompetitive conduct. Develop their own thinking on competition policy and critically reflect on the law and economic approach including the usefulness of competition

4. Teaching Methodology

As this course is theory intensive, the teaching methods employed are lecture based. Class discussions will be invited within the lecture-based format. Student presentations will inject student voices into the class.

5. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
Demonstrates the ability to understand and apply legal principles and rules learnt in class.	50%	Lectures, in-depth case discussions in class which engages with students' understanding of rules.	End term exam / case presentation
Can assess different kinds of markets, understand the rationale behind business behaviours and factually apply the law to different factual contexts.	40%	Lectures and assessment component requiring students to do market studies.	Market studies / end term exams
Develops an understanding of policy contexts, normative frameworks and ways of critiquing the law.	10%	Lectures and students' engagement with cases and materials.	Case presentations / end term exams

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an "I" grade

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria.

Assessment	Weightage	Remarks
Case presentation	20 marks	Presentations in groups depending on class size, cases will be assigned and presentation dates will be communicated in advance. Marking will be done individually. Presentations must be made on the particular topic / issue assigned rather than the whole case.
Market study	40 marks	Individually or in groups of two. You can choose your own industry or pick from a list. Detailed guidance will be provided.
Viva on market study	10 marks	Questions will be asked from the market study report submitted by students.
End Semester Examination (Compulsory)	30 marks	There will be a compulsory end-semester examination/component.

Part III

Course/Class Policies

Students are expected to arrive to class on time and leave the class only during the break. Entering class late is disruptive to the entire class and slows the process of learning. Students are also expected to come prepared to class after doing the assigned weekly readings. Students should actively participate in class discussions.

Cell Phones, Laptops and Similar Gadgets

Cell phones should not be used during class hours and particularly in a manner that disrupts the class. It is disrespectful to the entire class to take phone calls during the class and to leave the class to take a call. Cell phones must be kept on 'silent mode' in class and only used during the class break. Most matters are not so urgent that they cannot wait for the break to be attended to. Laptops and similar gadgets are only to be used for making notes or to facilitate learning in the class. Note taking on pen and paper is preferred as it facilitates greater focus and engagement in class.

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the

classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Part IV

Keywords Syllabus

Competition Law, Antitrust Law, Law and Economics, Monopoly, Market Power, Market Share, Relevant Market, Abuse of Dominance, Cartels, Price Fixing, Collusion, Mergers and Acquisitions, Predatory Pricing, Tying, Resale Price Maintenance, Network effects, Two-sided platforms, Vertical restraints, Horizontal restraints, Consumer Welfare, Producer Welfare

Course Design and Overview (Weekly Plan)

Week 1	Introduction to Competition Law: what is competition, how do companies compete in markets, what is the need to regulate competition, what is competition law, broad outline of antitrust laws, different schools of thought, history of antitrust and the Indian competition regime, what is the subject matter of competition law.
Week 2	The theoretical basis for competition enforcement: laws of demand and supply, market structures, monopoly, perfect competition, oligopoly, efficiency, consumer surplus, producer surplus, concepts of cost and revenue, barriers to entry, natural monopoly.
Week 3	Enforcement of competition law: CCI: its nature, structure and role, who can bring a complaint, powers of CCI, how are proceedings conducted, role of DG, appellate power, comparison with institutional framework in other jurisdictions.
Week 4	Objectives of Competition Law: the centrality of clearly defined objectives to competition law, different types of goals, balancing competing goals of competition law.
Week 5	Competition Policy: role of competition policy, important considerations for competition policy in the past and in the digital age, regulatory overlaps.
	Market Definition: its centrality to competition law, defining the relevant market, SSNIP test, substitutability, product market, geographic market.

Week 6	
Week 7-9	Unilateral Conduct / Abuse of Dominance: what is market power and how can it be measured, market share, size and resources of enterprise, different ways of determining dominance, what is abuse of dominance, different kinds of abuse, exploitative abuse, exclusionary abuse, predatory pricing, excessive pricing, tying, essential facility doctrine, rebates, refusal to supply, objective justification, efficiency defence, effects based approach.
Week 10	Agreements in Restraint of Competition and Price Fixing: what is an agreement in competition law, what are the categories of agreements punished under competition law, per se standards for assessing horizontal agreements, is parallel pricing sufficient to constitute an agreement, tacit collusion, hub and spoke conspiracies, the use of Single Economic Entity doctrine, leniency rules, penalties.
Week 11	Vertical Restraints: difference between horizontal and vertical agreements, rule of reason analysis for vertical agreements: anticompetitive foreclosure, barriers to entry, inter brand and intra brand competition, free riding, kinds of vertical agreements: resale price maintenance, exclusive supply, refusals to deal, exclusive distribution agreements.
Week 12 - 13	Merger Review: different kinds of mergers, framework of merger review, notification requirements, exemptions from notification, definition of control, unilateral effects, coordinated effects, AAEC analysis: entry, efficiencies, innovation, failing firm defence, behavioural and structural remedies.
Week 14	REVISION WEEK [NOTE: There shall be teaching classes scheduled during the fourteenth week subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]

Part V Relevant Readings / Essential Readings

WEEK 1

Introduction to Competition Law

Reading:

1. Vijay Kumar Singh, Competition Law and Policy in India: The Journey on a Decade, NUJS Law Review, 2011, Pages 523 – 530.

2. Moritz Lorenz, Economic and legal foundations of EU competition law, An Introduction to EU Competition Law, EBSCO Publishing, 2013, Pages 1-12.

Videos:

1. Why competition is important?
 - https://www.youtube.com/watch?v=jN-8Gag7vBQ&index=1&list=PLJREEEp2I-xekJrmVFH-X21S-uHTG_R4x
 - https://www.youtube.com/watch?v=cemTusT9ufs&list=PLJREEEp2I-xekJrmVFH-X21S-uHTG_R4x&index=5
2. History of US Antitrust law
 - <https://www.youtube.com/watch?v=6MaJeW4XBxU>
 - <https://www.youtube.com/watch?v=IcghGCBROR0#action=share>

WEEKS 2-5

Foundations for Antitrust Enforcement

Reading:

1. David Francis & Christopher Jon Sprigman, Antitrust: Principles, Cases, and Materials, American Bar Association (2023), Pages 36 – 52.
2. Moritz Lorenz, Economic and legal foundations of EU competition law, An Introduction to EU Competition Law, EBSCO Publishing, 2013, Pages 13-20.
3. Giorgio Monti, EC Competition Law, Chapter on Economics and Competition Law, 2007, Pages 53-68
4. Steven Salop, A Modern Economic Approach to Antitrust Law, Industrial Organization, Decision Theory and Antitrust, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5379164
5. Alden Abbott, Acting AAG's Policy Speech Sends the Wrong Signals on Antitrust Enforcement (or "a Wild Ride Back to the Fifties and Sixties"), Trust on the Market, (2016), available on : <https://truthonthemarket.com/2016/09/22/acting-aags-policy-speech-sends-the-wrong-signals-on-antitrust-enforcement-or-a-wild-ride-back-to-the-fifties-and-sixties/>
6. Lina M. Khan, Amazon's Antitrust Paradox, The Yale Law Journal, 2018, Pages 717-722, 737-746
7. Telefonaktiebolaget Lm Ericsson v. CCI, 2023 LiveLaw (Del) 592, Pages 4-7, 42-59

Videos:

1. <https://www.youtube.com/watch?v=kIFBaaPJUO0>
2. <https://www.youtube.com/watch?v=00wQYmvfhn4>

3. <https://www.youtube.com/watch?v=00wQYmvfhn4>
4. <http://knowledge.wharton.upenn.edu/article/anti-trust/>

WEEK 6

Market definition

Reading:

1. Abir Roy, Competition Law in India: A Practical Guide (2024), pages 69-72.
2. Edward F. Sherry, Market Definition, The Palgrave Encyclopaedia of Strategic Management.
3. Rahul Singh, Of cycle rickshaws and competition law, Mint, 2011, available on : <https://www.livemint.com/Opinion/tjf24L0hvF11kfnJkrbaMO/Of-cycle-rickshaws-and-competition-law.html>

Case:

4. Case 27/76, United Brands v Commission [1978] ECR 207, Pages 224-228, 270-276

WEEKS 7-9

Unilateral Conduct / Abuse of Dominance

Reading:

1. LorenzMoritz,, Article 102 TEFU – abuse of a dominant position, 2013, Pages 213-224, 230-231
2. Bona Law PC, What are the Elements for a Monopolization Claim under the Federal Antitrust Laws, The Antitrust Attorney Blog, 2021, available on : <https://www.theantitrustattorney.com/elements-monopolization-claim-federal-antitrust-laws/>
3. Pablo Ibáñez Colomo, The Future of Article 102 TEFU after *Intel*, Journal of European Competition Law & Practice, 2018, Pages 293-298

Cases:

1. Case T-201/04 Microsoft Corp. v Commission of the European Communities, Paragraphs 15, 16, 18, 841-843, 852-868, 912-975, 1031-1039 1041-1046, 1058, 1060-1061, 1091-1094, 1144-1152, 1341, available on: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62004TJ0201>
2. Case C-7/97 Oscar Bronner v Mediaprint EU:C:1998:569, Paragraphs 22-47.

WEEK 10

Horizontal Agreements

Cases and readings:

1. United States v. Socony-Vacuum Oil Co., 310 U.S. 150, Pages 12-13, 38-44, 55-58.
2. Builders Association of India v. Cement Manufacturers' Association and Others, (2016), Paragraphs 5, 180-203, 208, 210, 214-223, 227-229, 231-240, 256-57, 259-260, 263-64, 272-72, 275-76, 284-290.
3. Abir Roy, Competition Law in India: A Practical Guide (2023), pages 91, 102-105, 108-113, 124-130, 122-123, 124-131, 134, 148-155.

Videos:

1. Lysine cartel - <https://www.youtube.com/watch?v=DPXTsPS-hyw>
2. Price fixing - https://www.youtube.com/watch?v=Mf3k0b5Cvh4&list=PLJREEEp2I-xekJrmVFH-X21S-uHTG_R4x&index=3
3. Harms of cartels - <https://www.youtube.com/watch?v=OQlvYRPhUyc>
4. Advising businesses on information sharing - https://www.youtube.com/watch?v=mvB1wQQjnGk&index=6&list=PLJREEEp2I-xekJrmVFH-X21S-uHTG_R4x
5. Bid rigging: https://www.youtube.com/watch?v=PjoQvDKW28U&list=PLJREEEp2I-xekJrmVFH-X21S-uHTG_R4x&index=3
6. Dividing and sharing markets: https://www.youtube.com/watch?v=ndwO9sm3DLI&index=4&list=PLJREEEp2I-xekJrmVFH-X21S-uHTG_R4x
7. The Informant – Steven Soderbergh (2009)
 - Interview of the Whistleblower: <https://www.youtube.com/watch?v=6TvW4AuVCsM>

WEEK 12

Vertical Restraints

Reading:

1. Monti Giorgio. Distribution Agreements, Pages 347-359.
2. Abir Roy, Competition Law in India: A Practical Guide (2023), pages 163 to 178.

Cases:

1. Leegin v PSKS, 551 U.S. 877 (2007)
2. Apple ebooks – US v. Apple, No. 13-3741(2d Circuit 2015) (hub and spoke)

WEEKS 12-13

Merger Review

Reading:

1. Mergers, A Framework for the Design and Implementation of Competition Law and Policy, Pages 41-58.

WEEK 14

Reading and revision

SUGGESTED ADDITIONAL READING:

1. Kumar, A. (2007), The Evolution of Competition Law in India, in Vinod Dhall (ed.), Dhall, Vinod (ed.), Competition Law Today: Concepts, Issues, and the Law in Practice, New Delhi: Oxford University Press.
2. Government of India (2000), Report of the High-Level Committee on Competition Policy and Law.
3. Singh, A. (1999), Competition Policy, Development and Developing Countries, South Centre
4. Gallego, Beatriz C. (2010), —Intellectual Property Rights and Competition Policy, in Correa, Carlos M. (Ed.) Research Handbook on the Protection of Intellectual Property under WTO Rules: Intellectual Property in the WTO, Volume I, Cheltenham: Edward Elgar.
5. Korah, Valentine (2007), —Competition Law and Intellectual Property Rights, in Dhall, Vinod (ed.), Competition Law Today: Concepts, Issues, and the Law in Practice, New Delhi: Oxford University Press.
6. Mazhuvanchery, Shiju (2010), “Indian Competition Act: A Historical and Developmental Perspective”, The Law and Development Review, Vol. 3, No. 2, Article 8.
7. OECD (2006), Environmental Regulation and Competition, OECD Policy Roundtables, available at <https://www.oecd.org/daf/competition/1920007.pdf>
8. Nordic Competition Authorities (2010), Competition Policy and Green Growth: Interactions and Challenges, available at

http://en.samkeppni.is/media/skyrslur2010/competition_policy_and_green_growth_final_version.pdf

9. Rubiano, Camilo (2013), Collective Bargaining and Competition Law: A Comparative Study on the Media, Arts and the Entertainment Sectors, available at https://www.fimmusicians.org/wp-content/uploads/fim_study_competition.pdf
10. Vagstad, S. (1995), Promoting fair competition in public procurement, *Journal of Public Economics*, 58 (2), 283-307
11. Noonan, Chris (2008), *The Emerging Principles of International Competition Law*, Oxford: Oxford University Press.
12. Taylor, Martyn D. (2006), *International Competition Law*, Cambridge: Cambridge University Press.
13. Ariel Ezrachi, *Competition and Antitrust Law: A Very Short Introduction* (Oxford University Press 2021)
14. Ioannis Lianos, Valentine Korah, Paulo Siciliani, *Competition Law: Analysis, Cases, & Materials*, (Oxford University Press 2019) freely available via Oxford Competition Law, 1655 p. Casebook (basics and shortcut to the case law):
15. Ariel Ezrachi, *EU Competition Law: An Analytical Guide to the Leading Cases* (Hart 2018)
16. Eleanor M. Fox and Damien Gerard, *EU Competition Law: Cases, Text and Context* (Edward Elgar 2017)
17. Herbert Hovenkamp, *The Antitrust Enterprise: Principle and Execution* (Harvard University Press 2008)
18. Herbert Hovenkamp, *Principles of Antitrust* (West Academic Publishing 2017)
19. Robert H. Bork, *The Antitrust Paradox: A Policy at War with Itself* (Bork Publishing 2021)
20. David D. Gerber, *Law and Competition in Twentieth Century Europe: Protecting Prometheus* (Oxford University Press 1998)
21. E. Thomas Sullivan (ed), *The Political Economy of the Sherman Act: The First One Hundred Years* (Oxford University Press 1991)
22. Ariel Ezrachi and Maurice Stucke, *Virtual Competition: The Promise and Perils of the Algorithm-Driven Economy* (Harvard University Press 2016)
23. Jonathan B. Baker, *The Antitrust Paradigm: Restoring A Competitive Economy* (Harvard University Press 2019)
24. David D. Gerber, *Global Competition: Law, Markets, and Globalization* (Oxford University Press 2012)
25. David D. Gerber, *Competition Law and Antitrust: A Global Guide* (Oxford University Press 2020)
26. Report of Competition Law Review Committee, Ministry of Corporate Affairs Government of India, Pages 19-27, 32-40
27. Carl T. Bogus, *Books and Olive Oil: Why Antitrust Must Deal with Consolidated Corporate Power*, Roger Williams University School of Law, 2018, Pages 31-46.

28. Competition Act 2002 : Leniency Programme, Competition Commission of India, 2020,
Pages 1-10, available on :
http://164.100.58.95/sites/default/files/advocacy_booklet_document/Leniency.pdf