



FORUM OF INDIAN REGULATORS

Report on Webinar

with

Mr. Ariel Ezrachi

Slaughter and May Professor of Competition Law and Director,

Centre for Competition Law and Policy, University of Oxford

on

"Digital Markets and Competition Law".

10th June 2020 (Wednesday)

Organized by:

FOIR Centre, IICA



**Indian Institute of
Corporate Affairs**
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Program title: Webinar with Mr. Ariel Ezrachi, Slaughter and May Professor of Competition Law and Director, Centre for Competition Law and Policy, University of Oxford on "Digital Markets and Competition Law".

Program Date & Time:

10th June 2020 (Wednesday)

3:30 – 5:00pm (IST)

Mode of Delivery: Online via Blackboard (LMS)

Speaker Profile:

Mr. Ariel Ezrachi

Slaughter and May Professor of Competition Law and Director, Centre for Competition Law and Policy, University of Oxford

Ariel Ezrachi is the Slaughter and May Professor of Competition Law and a Fellow of Pembroke College, Oxford. He serves as the Director of the University of Oxford Centre for Competition Law and Policy. He is co-editor-in-chief of the Journal of Antitrust Enforcement (OUP) and the author, co-author, editor and co-editor of numerous books, including Competition Overdose (2020, HarperCollins), Virtual Competition - The Promise and Perils of the Algorithm Driven Economy (2016, Harvard), EU Competition Law - An Analytical Guide to the Leading Cases (6th ed, 2018, Hart) etc.



His recently published papers include the award winning papers 'Sponge' and 'Artificial Intelligence & Collusion' and the BEUC consultation paper on 'EU competition law and digital economy'. He is also co-author of the report on 'Digital Platforms' (Stigler Center, Chicago University, Booth School of Business). His work on algorithmic collusion (together with Prof Stucke) has been central to policy discussions in international organisations and competition agencies (including, among others, the CMA, OECD, UN, House of Lords, Monopol kommission, Autorite de la concurrence and the Bundeskartellamt).

He is an Academic Advisor to the European Consumer Organisation - BEUC, member of the Independent Committee on Digital Platforms, member of UNCTAD Research Partnership Platform, and a former Non-Governmental Advisor to the ICN.

No. of participants: 192

Participant Profile: Regulatory officials from FOIR member organizations, Government officials, academicians and others from the field of regulation.

Participant Categorization:

FOIR Member officials: 26 (CCI – 10)

Other regulatory officials: 5

Academicians: 5

Others (Tier 1 law firms, professionals, students etc.): 76

Last minute logins (Unknown): 80

PROGRAM OUTLINE:

The School of Competition Law & Market Regulation and Forum of Indian Regulators (FOIR) Centre at Indian Institute of Corporate Affairs (IICA) successfully conducted a webinar with Mr. Ariel Ezrachi, Slaughter and May Professor of Competition Law and Director, Centre for Competition Law and Policy, University of Oxford on "Digital Markets and Competition Law" on 10th June 2020 (Wednesday). The webinar with Mr. Ariel Ezrachi is the fourth webinar of a weekly webinar series organized by the School of Competition Law & Market Regulation to create awareness on various regulatory concepts, issues and International best practices. The webinar series covers a range of topics from the field of regulatory affairs and market regulation and engages speakers from across the globe including academicians, subject experts and Senior regulatory officials. The participants of the webinar included officials from FOIR member organizations, government officials, academicians, various competition law professionals from top law firms of India such as Shardul Amarchand Mangaldas & Co., Trilegal etc. and others eminent professionals from the field of competition law and market regulation.

PROGRAM FLOW:

The webinar was led by Mr. Ariel Ezrachi, Slaughter and May Professor of Competition Law and Director, Centre for Competition Law and Policy, University of Oxford and moderated by Dr. Abha Yadav, Head, School of competition law & market regulation & Director, FOIR Centre.

The program initiated with a welcome speech by Dr. Abha Yadav. She introduced the speaker Mr. Ariel Ezrachi and threw light on the relevance of the topic in the current scenario. Dr. Yadav further elaborated the format of the webinar to the participants.

Mr. Ariel Ezrachi explained the concept of Digital Economy and its competition law perspectives to the participants in an effective manner. He covered various related topics such as benefits of digital economy, Power of platform business markets, Policy debate questions, Anti-competitive activities in the digital markets, Market power & self-favoritism, Quality degradation & exploitation, Data harvesting, Behavioral discrimination and Digital Collusion.

He also threw light on the current scenarios of market power and control of ecosystem by the digital market players by referring to anti-competitive practices that can be seen in everyday usage of digital platforms by the consumers and elaborated several international case studies such as Google's shopping case, Amazon investigation and apple investigations for better understanding of the participants.

Mr. Ezrachi shared various examples & explained how a single provider with voice recognition feature providing multiple services such as ordering a taxi, buying a product etc. acts as a Digital butler to the consumers and is taking control of their choices. The consumers who agree to the terms of the providers are giving power to the providers to choose from several market players to offer them a particular service, creating a distortion of competitive market. He also referred to the popular Facebook case on abuse of dominance for use of data and threw light on various arguments in the case.

He shared his views on the workings of the digital ecosystem and elaborated how it is designed to hook the users to create a massive engagement with consumers, extract personal data and use that data to further attract bidders. He stated that the participants

may refer to his book titled 'Competition Overdose' co-authored with Maurice E. Stucke to understand the concept in detail.

Mr. Ezrachi also encouraged the participants to read several books & papers titled 'Virtual Competition' (HUP), 'Competition Overdose' (Harper Colins), Ariel Ezrachi & Maurice Stucke 'Sustainable & unchallenged algorithmic tacit collusion' and Stigler report on Digital platforms which would apprise them in detail on the subject.

By the end of the session, the participants gained knowledge on various subjects and received answers to questions such as the amount of competitiveness in the online environment and the extent to which the digitalized hand still hold stay. The participants reflected on how to be mindful of risks and costs of over and under intervention and the impact of anti-competitive practices on the market for goods & services and the market for ideas. The session was engaging, and energetic participation was seen in the webinar. Questions were taken up from the participants at the end of the session, which led to a healthy discussion.

The Question-answer round moderated by Dr. Abha Yadav began with a question from Mr. Dhanendra Kumar, Former Chairman, Competition Commission of India (CCI) on the role of big data in mergers & acquisitions with respect to data harvesting & other anti-competitive practices, which was effectively answered by Mr. Ezrachi. Several other questions with respect to intervention of government in anti-competitive practices by digital markets, seller concerns on fair share on digital platforms, algorithm regulation by use of algorithm applications by regulators, suggestions on design of algorithms, enforcement of anti-trust laws in oligopolies, defense of increased efficiencies, Google's shopping case etc. were raised by the participants from various regulatory bodies such as Competition Commission of India (CCI), several law firms and other participants from the field of competition law and regulation, which were impressively & effectively answered by Mr. Ezrachi.

The participants received great insights on digital economy and its impact on competition law from the subject matter expert and gained from his knowledge. The participants

appreciated the School of Competition Law & Market Regulation and FOIR Centre, IICA for organizing the webinar & appreciated the program's content and speaker.

The webinar ended with a vote of thanks by Dr. Abha Yadav, Head, School of Competition Law and Market Regulations and Director FOIR Centre (IICA)

Image: Mr. Ariel Ezrachi, Slaughter and May Professor of Competition Law and Director, Centre for Competition Law and Policy, University of Oxford addressing the participants during the webinar.

