



COURSE REPORT

AI & Competition: Regulatory and Enforcement Perspectives

April 3rd to May 9th, 2026

Table of Contents

S. No.	Title	Page No.
1	About CIRC	3
2	Message from the Chairman	4
3	About the Course	5
4	Course Schedule	6
5	Meet the Experts	7-8
6	Sessions Proceedings	9-44
7	Team	45
8	Participants' Feedback	46
9	Contact Us	47

ABOUT CUTS INSTITUTE FOR REGULATION & COMPETITION (CIRC)

CUTS Institute for Regulation & Competition (CIRC)

CIRC is a leading not-for-profit research and capacity-building organisation dedicated to advancing competition, regulation, and sustainable development. It aims to be a leading centre for law and economics in India and is actively engaged in research, policy discourse, and capacity building at the intersection of competition law, regulation, public policy, and the digital economy.

Established by CUTS International in 2008, CIRC collaborates with global institutions, such as UNCTAD, UNICEF, and ADB to drive policy impact through research and knowledge creation. In the digital age, emerging technologies such as artificial intelligence (AI), the Internet of Things (IoT), and big data are reshaping markets and challenging traditional approaches to competition law. CIRC is at the forefront of these developments, delivering cutting-edge research, publications, and expert-led training programmes to address these evolving issues. With a strong network of specialists and international recognition, CIRC continues to influence policy, foster innovation, and build expertise for a dynamic and competitive future.

About CUTS International

Established in 1983, Consumer Unity & Trust Society (CUTS) is a registered, recognised, non-profit, non-partisan, non-government organisation (NGO) pursuing social justice, economic equality and environmental balance, within and across borders. Today, it operates out of programme centres in India located in Jaipur, Chittorgarh and Calcutta, India. The advocacy centre is located in New Delhi, India, and resource centres at Hanoi, Vietnam; Lusaka, Zambia; Nairobi, Kenya; Accra, Ghana; Geneva, Switzerland & Washington DC, USA, with a focus on research, advocacy and networking.

MESSAGE FROM THE CHAIRMAN



Pradeep S Mehta

Secretary General
CUTS International, and
Chairman, CIRC

Artificial Intelligence has moved beyond the realm of future possibilities and is now shaping our present along with fears of the unknown. Its growing influence on markets, businesses, and consumers brings immense opportunities for innovation and growth, while also raising important questions for competition policy and regulation, among other issues.

As AI continues to evolve, competition authorities and policymakers must be equipped to understand its implications and respond effectively, at least to ensure fair play. Building such capacity is essential to ensure that markets remain competitive and beneficial for consumers.

In this context, the CUTS Institute for Regulation & Competition (CIRC) organised the certificate course “AI & Competition: Regulatory and Enforcement Perspectives”. The six-week programme brought together experts, regulators, practitioners, academics, and participants from diverse jurisdictions to explore the competition implications of AI and emerging regulatory challenges in digital markets.

I would like to extend a special note of appreciation to the Fair Competition Commission (FCC) Tanzania and its cohort of participants, while also thanking all participants whose enthusiastic engagement and commitment significantly enriched the learning experience. The list included an old friend and competition expert: Taimoon Stewart, formerly at the University of the West Indies, who found the course very useful and would like to extend it to the Caribbean. The active participation of participants reflects the growing importance that stakeholders across the globe are placing on understanding and addressing the opportunities and challenges presented by AI-driven markets.

This report captures the key insights and discussions from the course. It reflects the collective wisdom of experts who explored the opportunities, risks, and regulatory challenges arising from the intersection of AI and competition law.

I congratulate our team for successfully organising this timely initiative and extend my sincere appreciation to all speakers, participants, and partners who contributed to its success. I hope this report will serve as a valuable resource for regulators, practitioners, researchers, and students wanting to better understand and address the emerging competition and regulatory challenges posed by artificial intelligence.

As we move forward, continued dialogue, learning, and collaboration will be crucial to ensuring that technological progress advances alongside the principles of fairness, innovation, and consumer welfare. We do wish to launch master classes in this area to build expertise in our country and the Global South.

ABOUT THE COURSE

The certificate course “**AI & Competition: Regulatory and Enforcement Perspectives**” offered by CUTS Institute for Regulation & Competition (CIRC) was a specialised capacity-building programme that explored the evolving relationship between artificial intelligence (AI), competition law, and digital market regulation. The course was designed to help participants understand how AI-driven technologies were reshaping market dynamics, business strategies, consumer interactions, and regulatory enforcement across sectors.

The programme provided a practical and policy-oriented understanding of key issues, such as algorithmic pricing, big data, platform dominance, AI-enabled collusion, merger control, consumer welfare, and algorithmic accountability. Through comparative perspectives from India and international jurisdictions, the course examined how competition authorities and regulators were responding to challenges arising from AI-driven markets and automated decision-making systems.

Structured across six weeks, the course covered themes including:

- Fundamentals of AI and competition law
- Anti-competitive agreements and algorithmic collusion
- Big data and abuse of dominance
- AI, privacy, and merger control
- Sector-specific regulatory challenges in healthcare, finance, and platform markets
- Consumer welfare and algorithmic accountability

The course brought together leading practitioners, economists, policymakers, regulators, and academics from organisations, such as the OECD, UNCTAD and NASSCOM, along with experts from prominent law firms and universities.

Designed for students, legal professionals, researchers, policymakers, government officials, and industry stakeholders, the programme aimed to equip participants with analytical and practical skills to assess emerging competition law concerns in the age of AI. Participants gained exposure to contemporary regulatory debates, enforcement strategies, and real-world case studies relating to AI governance and digital markets.

COURSE SCHEDULE

Week	Theme	Session Title
1	Introduction to Artificial Intelligence and Competition Law	Session 1: Understanding the AI Ecosystem
		Session 2: Competition Law Principles and Emerging Challenges in the Age of AI
2	Anti-Competitive Agreements in the Era of AI	Data as a Competitive Weapon: Unpacking the Abuse of Market Dominance
		Session 4: The Role of AI in Facilitating Vertical Agreements
3	Big Data, AI, and Abuse of Dominance	Session 5: Big Data and AI in Market Exploitation and Exclusion
		Session 6: Regulatory Approaches to Address Abusive Practices Facilitated by AI
4	Regulating Algorithms: Privacy, Competition Law, and Merger Control	Session 7: Data, AI, and Mergers – Antitrust Implications
		Session 8: Interface and Conflicts Between Big Data, Big Tech, and Privacy Issue
5	AI Across Industries: Sector-Specific Challenges and Opportunities	Session 9: Regulatory Challenges in AI Competition Law – Focus on Healthcare, BFSI
		Session 10: Regulatory Challenges in AI and Competition Law – Focus on platform markets or AI markets
6	Algorithmic Accountability in Dynamic Markets and Consumer Welfare	Session 11: Applications of AI and Their Impact on Consumer Welfare
		Session 12: Algorithmic accountability and regulatory compliance

MEET THE EXPERTS



Abir Roy

Co-Founder and Advocate,
SARVADA LEGAL



Abhivardhan

President, Indian Society of
Artificial Intelligence and Law



Aura García Pabón

Competition Expert – OECD



Aniket Ghosh

Partner, King Stubb & Kasiva,
Advocates & Attorneys



Dr Derek Ireland

Former Professor, Carleton
University – Arthur Kroeger
College (Ottawa)



Dr. Abha Yadav

Head, NLU Fair Square
Competition Law & Market
Studies Society



**Dr. Sangeeta Shah
Bhardwaj**

Professor, Management
Development Institute,
Gurgaon



Dr. Pierre Horna

Legal Affairs Officer, UNCTAD



Gowree Gokhale

Advocate & Solicitor,
Independent Legal Counsel
and Advisor

MEET THE EXPERTS



Neelambera Sandeepan

Partner, Competition & Antitrust Practice, Lakshmikumaran & Sridharan



Manas Kumar Chaudhuri

Partner, Khaitan & Co



Leonard Otuonye Ugbajah

Council Member ECOWAS Regional Competition Authority



Payal Malik

Former Economic Adviser and Head of the Economics Division at the Competition Commission of India



Rahul Rai

Partner, Axiom5



Rutuja Pol

Partner, Ikigai Law



Sudipto Banerjee

Deputy Director, NASSCOM

FIRST SESSION: UNDERSTANDING THE AI ECOSYSTEM

Speaker– Dr. Sangeeta Bharadwaj, Professor, MDI Gurgaon

Time– 4:30pm to 6:00pm IST

Day & Date– Friday | April 03, 2026

Introduction

The session provided a comprehensive overview of the AI ecosystem, highlighting its multi-layered and interconnected nature. Discussions focused on how artificial intelligence markets are driven by data, computational infrastructure, and machine learning capabilities, while simultaneously raising significant competition and regulatory concerns. The session underscored that AI ecosystems are increasingly concentrated around a few dominant firms controlling data, cloud infrastructure, and foundational models, thereby creating challenges related to market power, barriers to entry, transparency, and consumer welfare. It also explored the evolving intersection between AI development and competition law, particularly in the context of mergers, algorithmic conduct, and platform dominance.

Broad Topics

- Understanding the structure of the AI ecosystem, including data, infrastructure, development, foundation models, and application layers.
- Examining the role of data, computational resources, and cloud infrastructure in shaping market power and competitive advantages.
- Assessing market characteristics such as network effects, switching costs, vertical interdependence, and concentration.

Session Proceedings

Structure and Layers of the AI Ecosystem: The session began with an explanation of the AI ecosystem as a complex and interdependent market structure composed of multiple layers. The upstream data layer was identified as the foundation of AI systems, involving the collection, processing, and preparation of datasets, including proprietary, public, third-party, and synthetic data. The infrastructure layer, dominated by major cloud and computational providers such as AWS, Microsoft Azure, and Google Cloud, was discussed as a critical enabler of AI development due to its role in providing GPUs, TPUs, and cloud computing resources. The development layer and foundation model layer were examined in terms of machine learning, deep learning, reinforcement learning, and generative AI capabilities that support downstream applications across sectors such as healthcare, logistics, retail, and digital marketing.

Market Characteristics and Competitive Dynamics: Dr. Bharatwaj highlighted the structural features of AI markets, including strong network effects, high switching costs, vertical integration, and dependence on data and computational resources. Discussions focused on how these characteristics contribute to market concentration and create significant entry barriers for smaller firms and startups. Rapid market growth, accompanied by substantial capital investment requirements, has enabled large technology firms to consolidate advantages through access to infrastructure, talent, and proprietary datasets. The comparative advantages and limitations of open-source and proprietary AI models were also explored, particularly their differing impacts on innovation, accessibility, and competitive dynamics.

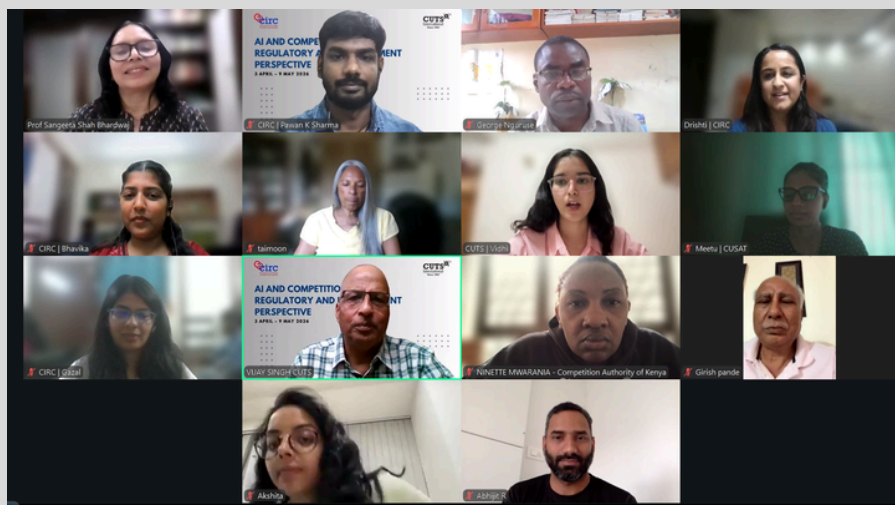
Partnerships, Mergers, and Regulatory Challenges: A major focus of the session was the changing nature of mergers and strategic partnerships within AI markets. The discussion examined how large technology firms increasingly acquire or partner with AI startups to secure access to talent, data, and innovative models. Strategic collaborations, such as the Microsoft–OpenAI partnership, were cited as examples of arrangements that may avoid conventional merger notification thresholds while still enabling indirect influence and market control. Concerns were raised regarding possible regulatory gaps and the adequacy of existing competition law frameworks in addressing these evolving business structures.

Algorithmic Conduct and Abuse of Dominance: The session also explored the intersection between AI systems and competition law enforcement. Discussions addressed how firms may engage in exploitative or exclusionary conduct through AI-driven mechanisms, including excessive pricing, discriminatory pricing practices, self-preferencing, predatory pricing, and tying or bundling strategies. Particular emphasis was placed on algorithmic collusion, where pricing algorithms, monitoring systems, and self-learning AI tools may facilitate tacit coordination without explicit agreements between competitors.

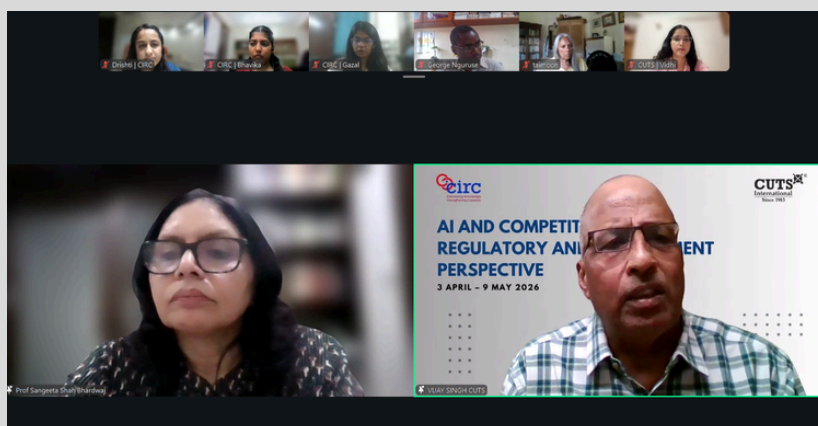
Transparency, Explainability, and Entry Barriers: The final segment focused on transparency and explainability challenges associated with AI systems. AI models were described as functioning increasingly as “black boxes,” creating enforcement difficulties and limiting accountability. The discussion further identified barriers to entry arising from restricted access to high-quality datasets, high infrastructure costs, scarcity of skilled talent, and substantial funding requirements. The session concluded by emphasising that regulatory responses should aim to preserve innovation while ensuring fair competition, transparency, and safeguards against abuse of dominance in AI-driven markets.

Key Learning Outcomes:

- Understand the layered structure of the AI ecosystem and the role of data, infrastructure, foundation models, and applications in shaping AI markets.
- Examine how network effects, switching costs, and concentration of computational resources contribute to market power and barriers to entry.
- Gain insight into the competitive implications of open-source and proprietary AI models and their impact on innovation and accessibility.



Panel Discussion around AI-enabled Collusion and entrenched market power



Vijay Singh & Dr. Sangeeta Bhardwaj sharing their perspective on AI as a tool in antitrust enforcement

SECOND SESSION– COMPETITION LAW PRINCIPLES AND EMERGING CHALLENGES IN THE AGE OF AI

Speaker 1 – Dr. Derek Ireland, Former Professor, Carleton University

Speaker 2 – Mr. Abhivardhan, President, Indian Society of Artificial Intelligence and Law

Time – 4:30 PM to 6:00 PM IST

Day & Date – Saturday | April 04, 2026

Introduction:

The session explored how Artificial Intelligence is reshaping competition law enforcement and market dynamics. It highlighted that while the foundational principles of competition law remain relevant, AI introduces new layers of complexity in detecting and regulating anti-competitive conduct. Discussions focused on AI-driven collusion, abuse of dominance, mergers in AI markets, and the growing need for adaptive and interdisciplinary regulatory approaches. The session also emphasised that AI creates both efficiencies and risks, requiring regulators to balance innovation with effective market oversight.

Broad Topics:

- Examining how AI changes traditional competition law concerns, including collusion, abuse of dominance, and merger control.
- Understanding the role of algorithms, data, cloud infrastructure, and network effects in strengthening market power.
- Analysing emerging regulatory and enforcement challenges arising from autonomous and self-learning AI systems.

Session Proceedings:

AI and Competition Law Enforcement: The session began by discussing the dual impact of AI on markets. While AI improves efficiency, productivity, and decision-making, it also enables more sophisticated forms of anti-competitive behaviour. A key takeaway was the “Golden Rule” that competition issues already difficult in digital markets become significantly harder to identify and regulate once AI is integrated. The discussion also highlighted opportunities for Global South economies, particularly through open-source and lean AI models that may reduce barriers to entry.

Abuse of Dominance and the AI Vertical Stack: The discussion then moved to abuse of dominance in AI-driven markets. Practices such as self-preferencing, exclusionary conduct, and algorithmic price discrimination were examined. A significant concept introduced was the “AI Vertical Stack,” comprising training data, foundation models, cloud infrastructure, and energy resources. Control over multiple layers of this stack was identified as a source of entrenched market power. The session also discussed network effects, switching costs, and market tipping risks arising from AI ecosystems.

AI Mergers, Accountability, and Regulatory Risks: The session analysed merger control concerns in AI markets, including killer acquisitions, reverse killer acquisitions, and serial acquisitions that may cumulatively reinforce dominance. The speakers highlighted the limitations of rigid market definition approaches and suggested a greater focus on competitive effects and consumer harm. Discussions also addressed the challenges posed by black-box AI systems, autonomous decision-making, and self-learning models, which complicate the establishment of intent and liability. The risks of both over-enforcement and under-enforcement by competition authorities were also explored.

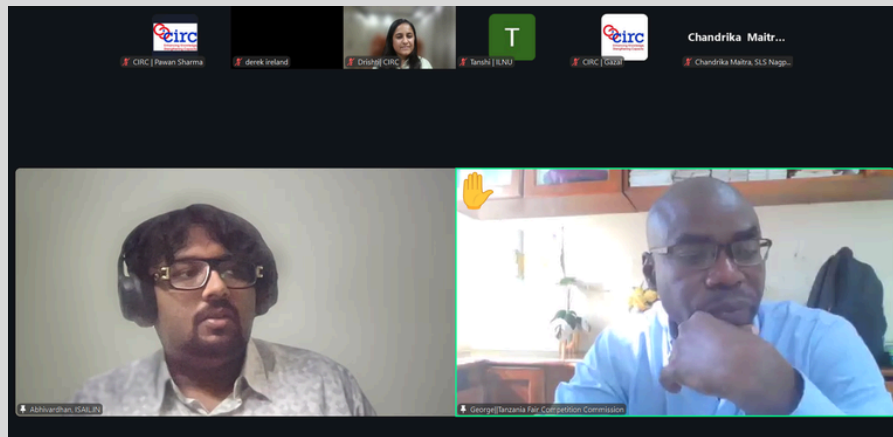
Interdisciplinary Regulation and Future Outlook: The final segment focused on the intersection of competition law with data protection, labour regulation, and intellectual property frameworks. The speakers emphasised that AI regulation requires interdisciplinary cooperation and more sophisticated analytical tools. The session concluded by stressing the importance of a balanced and adaptive regulatory framework capable of addressing new forms of harm without stifling innovation.

Key Learning Outcomes

- Understand how AI transforms traditional competition law concerns such as collusion, abuse of dominance, and merger control.
- Examine the role of algorithms, data access, and infrastructure in creating market power and reinforcing concentration.
- Gain insight into emerging forms of algorithmic and tacit collusion enabled by self-learning AI systems.
- Analyse the concept of the AI Vertical Stack and its implications for dominance and entry barriers.
- Assess regulatory challenges arising from black-box AI systems, autonomous decision-making, and enforcement errors.
- Appreciate the need for interdisciplinary and adaptive regulatory approaches to preserve fair competition in AI-driven markets.



Dr. Derek Ireland, Former Professor, Carleton University



Abhivardhan, President ISAIL and George Nguruse , FCC Tanzania

THIRD SESSION: CARTELS – SUBSTANTIVE CONCEPTS, DETECTION, AND ENFORCEMENT STRATEGIES IN THE AGE OF AI

Speaker – Ms. Aura García, Competition Expert, OECD

Time – 4:30 PM to 6:00 PM IST

Day & Date – Friday | April 10, 2026

Introduction

The session examined cartels as one of the most serious violations of competition law and explored how Artificial Intelligence is transforming cartel behaviour, detection, and enforcement. Discussions focused on the economic rationale behind cartels, their harmful impact on markets and consumers, and the evolving enforcement strategies adopted by competition authorities. The session also highlighted how AI creates both opportunities for more effective cartel detection and new risks of algorithmic coordination in digital markets.

Broad Topics

- Understanding the substantive concepts, economic rationale, and harmful effects of cartels.
- Examining cartel detection and enforcement mechanisms, including leniency programmes and investigative powers.
- Analysing the role of AI in cartel detection, algorithmic collusion, and evolving market dynamics.

Session Proceedings

Concept and Nature of Cartels: The session began with an overview of cartels as agreements or coordinated practices between competitors aimed at restricting or distorting competition. Common forms of cartel conduct such as price fixing, bid rigging, market allocation, output restriction, and suppression of innovation were discussed. Garcia explained that firms often engage in collusion to maximise profits, reduce uncertainty, and stabilise market conditions at the expense of competitive outcomes.

Economic Harm and Public Procurement Concerns: The discussion highlighted the significant economic and consumer harm caused by cartels, including higher prices, reduced output, lower quality, and diminished innovation. OECD findings indicating substantial overcharges resulting from cartel conduct were referenced to demonstrate the scale of consumer harm. Particular emphasis was placed on cartelisation in public procurement, where collusion can inflate government expenditure and impose broader economic burdens on taxpayers.

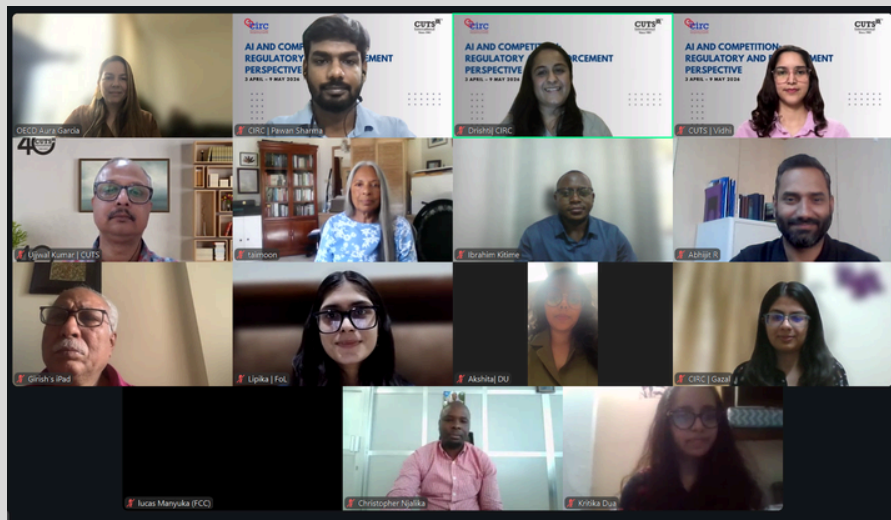
Detection and Enforcement Frameworks: The session examined the OECD's three-pillar approach to cartel enforcement comprising detection, investigation, and sanctions. Detection mechanisms such as leniency programmes, whistleblower systems, complaints, market screening, and procurement data analysis were discussed. The speaker also explained the importance of dawn raids, digital forensics, and evidence-gathering tools in cartel investigations. Leniency programmes were identified as a key enforcement mechanism that incentivises cartel participants to self-report in exchange for immunity or reduced penalties.

AI and Algorithmic Collusion: A major focus of the session was the growing role of AI in both cartel enforcement and conduct. AI tools were discussed as useful mechanisms for analysing large datasets, identifying suspicious pricing patterns, and improving monitoring capabilities. At the same time, concerns were raised regarding algorithmic collusion, where self-learning systems may facilitate coordination without explicit communication between firms. The difficulty of distinguishing unlawful collusion from lawful parallel behaviour in algorithm-driven markets was highlighted as a major regulatory challenge.

Market Dynamics and Future Challenges: The final segment explored how AI markets are shaped by economies of scale, data advantages, and network effects, which may increase concentration and dominance concerns. While AI can generate efficiencies and reduce costs, it may also facilitate foreclosure strategies, bias, and anti-competitive conduct. The session concluded by emphasising the need for adaptive enforcement tools and balanced regulatory approaches capable of addressing emerging AI-related competition concerns while preserving innovation.

Key Learning Outcomes

- Understand the substantive concepts and economic rationale underlying cartel behaviour.
- Examine the harmful effects of cartels on prices, innovation, output, and consumer welfare.
- Gain insight into cartel detection and enforcement strategies, including leniency programmes and investigative tools.
- Analyse the role of AI in improving cartel detection and monitoring capabilities.
- Assess the challenges posed by algorithmic collusion and AI-driven coordination in digital markets.
- Appreciate the need for adaptive and technology-aware competition law enforcement frameworks in the age of AI.



Shared insights on economic rationale underlying cartel behaviour

Effects of cartels

- Impact on a key parameter of competition: higher prices, fewer options, lower quality, lower innovation.
- OECD Guide for helping competition authorities assess the expected impact of their activities (2014) provides conservative estimates of harmful effects:

	EU	US	UK	Netherlands
Price Effect	10 – 15 %	10 %	10 – 15 %	10 %

- Bid rigging in public procurement – the victim is the State (i.e. taxpayers). Public procurement accounts for 12% GDP in OECD countries.

April 2014

OECD

Aura Garcia, Competition Expert – OECD, sharing inputs on the detrimental impact of cartels and subsequent enforcement strategies

FOURTH SESSION: THE ROLE OF AI IN FACILITATING VERTICAL ARRANGEMENTS

Speaker – Ms. Neelambara Sandeepan, Partner, Lakshmikumaran & Sridharan

Time – 4:30 PM to 6:00 PM IST

Day & Date – Saturday | April 11, 2026

Introduction

The session examined how AI and digitalisation are reshaping vertical arrangements and their assessment under competition law. It explored the legal framework governing vertical restraints in India and discussed how AI-driven practices such as personalised bundling, algorithmic pricing, and real-time monitoring have increased the complexity of competition analysis. The session highlighted that while vertical arrangements can generate efficiencies and consumer benefits, they may also create foreclosure risks and reinforce market power in digital ecosystems.

Broad Topics

- Understanding the legal framework and different forms of vertical arrangements under competition law.
- Examining the impact of AI, algorithmic pricing, and digital platforms on vertical restraints.
- Analysing the balance between anti-competitive effects and pro-competitive efficiencies in digital markets.

Session Proceedings

Legal Framework and Types of Vertical Arrangements: The session began with an overview of vertical arrangements as agreements between enterprises operating at different levels of the supply chain. Under Section 3(4) of the Competition Act, 2002, such arrangements are assessed through a rule of reason and effects-based approach rather than being treated as per se illegal. The discussion covered common forms of vertical restraints, including tie-in arrangements, exclusive supply agreements, exclusive distribution agreements, refusal to deal, and resale price maintenance (RPM). It was emphasised that their legality depends on their actual or potential impact on competition.

Tie-ins, Exclusivity, and Refusal to Deal: The speaker explained how tie-in arrangements and bundling practices in digital markets may leverage market power and restrict consumer choice. Exclusive agreements were discussed in the context of both anti-competitive foreclosure risks and efficiency-enhancing benefits such as quality control and investment incentives. The session also examined refusal to deal practices, particularly where denial of access to key inputs or essential facilities may adversely affect competition in concentrated markets.

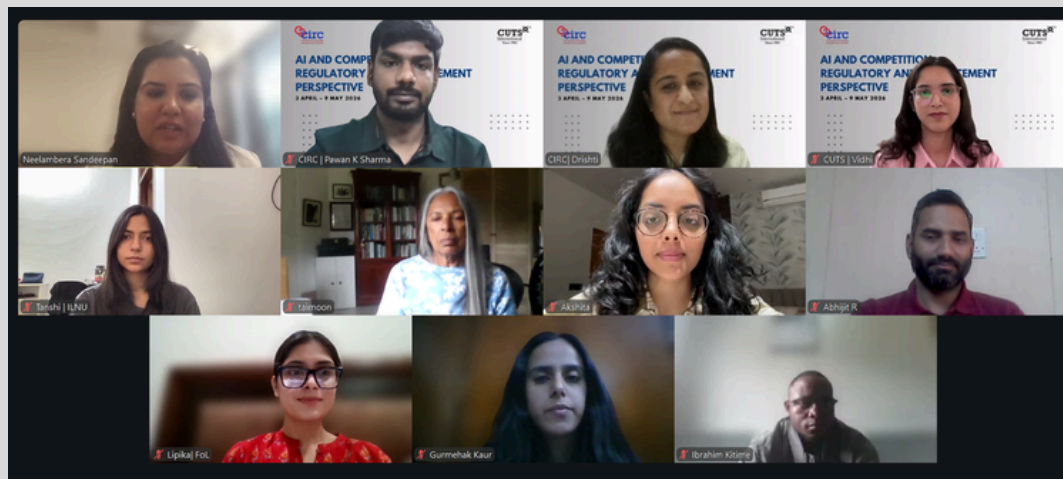
Resale Price Maintenance and Comparative Approaches: The discussion then focused on RPM and its treatment under Indian competition law. Unlike the European Union, where RPM is often viewed as a hardcore restriction, India follows a rule of reason approach that evaluates both restrictive and efficiency-enhancing effects. The session highlighted that RPM may improve service quality and brand positioning while also limiting price competition. The absence of fixed market-share thresholds in Indian competition law was also discussed, with emphasis on contextual assessment based on market structure and consumer dependence.

AI, Digital Markets, and Platform Concerns: A major focus of the session was the role of AI in facilitating vertical restraints in digital markets. AI-driven personalised bundling allows platforms to offer customised products and services based on individual consumer behaviour, making anti-competitive patterns more difficult to detect. AI also enables dynamic RPM through real-time price monitoring and automatic enforcement mechanisms. The session further explored platform economy concerns, such as self-preferencing, data exploitation, and restrictions on third-party access, which may lead to foreclosure and unequal bargaining power.

Content Aggregation and Future Challenges: The final segment discussed content aggregation platforms and the use of third-party content to train AI systems. Concerns were raised regarding reduced traffic to original publishers, declining advertising revenues, and growing dependence on dominant digital platforms. The session concluded by emphasising the need for balanced and context-specific competition analysis that preserves innovation and efficiency gains while addressing emerging anti-competitive risks in AI-driven markets.

Key Learning Outcomes

- Understand the legal framework governing vertical arrangements under the Competition Act, 2002.
- Examine different forms of vertical restraints, including tie-ins, exclusivity agreements, refusal to deal, and RPM.
- Analyse how AI and digitalisation are transforming vertical arrangements and enforcement challenges.
- Gain insight into AI-enabled personalised bundling and dynamic resale price maintenance practices.
- Assess competition concerns arising from digital platforms, self-preferencing, and data-driven market power.
- Appreciate the importance of balancing anti-competitive effects with efficiency and innovation considerations in digital markets.



Discussion on the Overlaps between Artificial Intelligence and how it influences different forms of vertical restraints

FIFTH SESSION BIG DATA AND AI IN MARKET EXPLOITATION AND EXCLUSION

Speaker 1 – Ms. Payal Malik, Former Economic Adviser and Head of the Economics Division, CCI

Speaker 2 – Dr. Derek Ireland, Former Professor, Carleton University

Time – 4:30 PM to 6:00 PM IST

Day & Date – Friday | April 17, 2026

Introduction:

The session explored how Artificial Intelligence and big data are transforming market structures and enabling new forms of exploitation and exclusion in digital economies. Discussions focused on the role of data access, cloud infrastructure, algorithmic pricing, and AI-driven business models in shaping market power and competition. Drawing extensively from her research reports and policy work, Payal Malik highlighted how concentration in cloud infrastructure and control over data ecosystems are emerging as critical competition concerns. The session also examined the growing challenges faced by competition authorities in regulating AI-driven conduct, particularly in relation to consumer exploitation, data concentration, labour markets, and market contestability.

Broad Topics

- Understanding how big data, cloud infrastructure, and AI create competitive advantages and barriers to entry in digital markets.
- Examining AI-enabled practices such as algorithmic pricing, data foreclosure, and self-preferencing.
- Analysing the regulatory and enforcement challenges posed by AI-driven markets and digital platforms.

Session Proceedings

AI, Data, and Cloud Infrastructure: The session began with an overview of artificial intelligence, large language models, and the AI supply chain. Drawing from her research reports, Ms. Payal Malik explained how access to data, computational resources, and cloud infrastructure has become essential for AI development and market competitiveness. Particular attention was given to the concentration of cloud computing services among major technology firms, which creates high switching costs, interoperability concerns, and dependence on dominant providers. The discussion highlighted how limited access to cloud infrastructure and computational capacity can significantly disadvantage startups and smaller market players.

Data-Driven Exploitation and Exclusion: The speakers examined how AI and big data facilitate new forms of market exploitation and exclusion. Practices such as bundling proprietary AI tools, data foreclosure, self-preferencing, and vertical integration across the AI stack were discussed as mechanisms that reinforce market dominance.

The session highlighted how dominant firms can leverage data advantages and infrastructure control to lock consumers and enterprises into specific ecosystems, thereby reducing market contestability.

Algorithmic Pricing and Consumer Exploitation: A major focus of the discussion was algorithmic pricing and AI-driven price discrimination. Unlike traditional price discrimination, AI enables firms to personalise prices based on consumer behaviour, purchasing patterns, and ability to pay. While such practices may increase efficiency, concerns were raised regarding fairness, surveillance capitalism, and exploitation of information asymmetries. The speakers explained that the availability of extensive consumer data makes near-perfect price discrimination increasingly feasible in digital markets, potentially undermining consumer welfare and trust.

AI, Copyright, and Data Governance Challenges: The session also explored tensions between AI development, copyright protection, and data governance. Licensing frameworks were described as both necessary for protecting creators' rights and restrictive in terms of data reuse for AI training. Discussions further addressed concerns relevant to developing economies, including dependence on multinational cloud providers, cross-border data flows, and the need to develop sovereign AI capabilities and stronger domestic digital infrastructure.

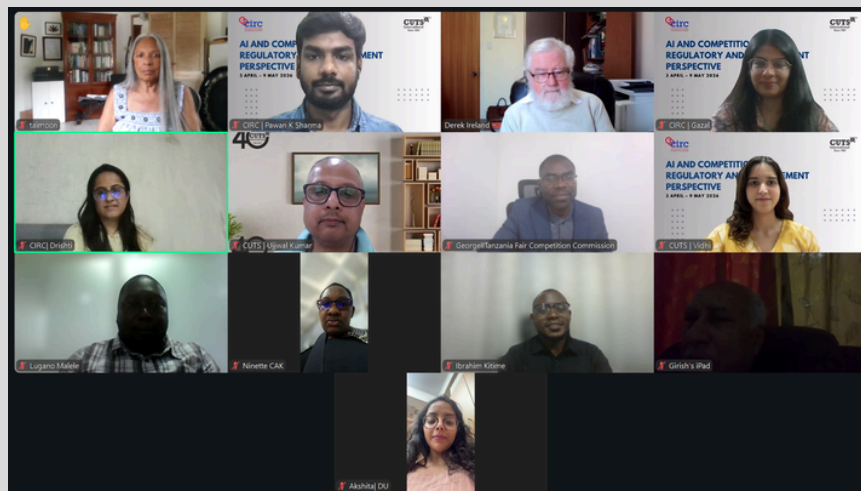
Regulatory and Enforcement Challenges: The final segment focused on the broader implications of AI for competition authorities. Derek Ireland described AI as a "double-edged sword" capable of generating efficiencies while simultaneously enabling anti-competitive conduct. Discussions covered transparency concerns, labour market implications, startup acquisitions, and the difficulties governments face in regulating rapidly evolving AI systems. The session concluded by emphasising the importance of adaptive competition law frameworks, advocacy initiatives, and coordinated policy responses to address emerging AI-related harms without stifling innovation.

Key Learning Outcomes

- Understand how data access, cloud infrastructure, and AI capabilities shape market power in digital economies.
- Examine the competition concerns arising from concentration in cloud computing and computational resources.
- Analyse the role of AI in facilitating exclusionary conduct, self-preferencing, and data foreclosure.
- Gain insight into the implications of algorithmic pricing and personalised pricing strategies for consumer welfare and fairness.
- Assess regulatory challenges relating to data governance, copyright, and dependence on dominant digital ecosystems.
- Appreciate the need for adaptive and balanced competition law frameworks capable of addressing AI-driven market exploitation while preserving innovation.



Ms. Payal Malik, Former Economic Adviser and Head of the Economics Division at CCI



Discussion on AI in facilitating exclusionary conduct

SIXTH SESSION: REGULATORY APPROACHES TO ADDRESS ABUSIVE PRACTICES FACILITATED BY AI

Speaker 1 – Leonard Otuonye Ugbajah, Council Member ECOWAS Regional Competition Authority

Speaker 2 – Manas Kumar Chaudhuri, Partner, Khaitan & Co

Time – 4:30 PM to 6:00 PM IST

Day & Date – Friday | April 10, 2026

Introduction

The session explored regulatory and enforcement approaches for addressing abusive practices facilitated by Artificial Intelligence in digital markets. Discussions focused on the evolution of competition law in India, the applicability of existing competition frameworks to AI-related conduct, and the growing need for technical and institutional capacity in digital market enforcement. The session also examined algorithmic accountability, interoperability, liability in autonomous AI systems, and the importance of international coordination in regulating AI-driven markets.

Broad Topics

- Understanding the evolution of competition law enforcement in digital and AI-driven markets.
- Examining regulatory approaches to algorithmic collusion, data-driven dominance, and exclusionary conduct.
- Analysing challenges relating to AI accountability, interoperability, liability, and cross-border enforcement.

Session Proceedings

Evolution of Competition Law and Digital Market Regulation in India: The session began with an overview of the development of India's competition law framework and the evolution of abuse of dominance jurisprudence. Manas Kumar Chaudhari discussed key milestones in the functioning of the Competition Commission of India (CCI), including early cases involving real estate and state-owned monopolies, before moving to contemporary investigations involving major technology companies such as Meta, Google, and Apple. The discussion highlighted how the existing Competition Act has been applied to digital markets despite the absence of a dedicated digital competition law.

Digital Markets and AI-Driven Competition Concerns: The speakers examined the challenges of applying traditional competition law principles to rapidly evolving digital markets. Discussions focused on issues such as algorithmic collusion, data-driven dominance, exclusionary conduct, and self-preferencing practices by digital platforms. It was emphasised that while AI introduces new complexities, existing legal concepts such as "agreement" under competition law may still apply to algorithmic coordination, provided sufficient evidence can be established.

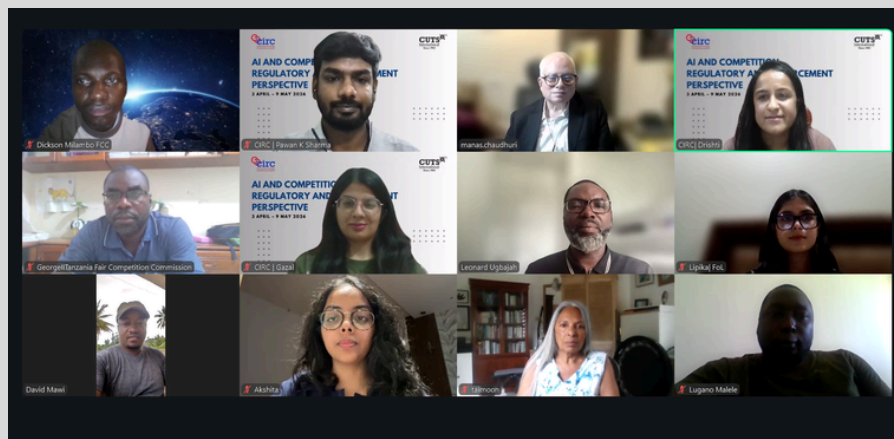
Regulatory Frameworks and AI Accountability: Mr. Leonard Uwaja introduced a four-part framework for analysing AI and competition law issues, centred around algorithmic audit and accountability, data interoperability and market fairness, liability and responsibility, and regulatory coordination. The session highlighted the growing importance of audit capabilities that enable regulators to reconstruct algorithmic behaviour, assess optimisation objectives, and examine training data and decision-making systems. Discussions also stressed the need for transparency, model documentation, traceability, and human oversight in AI systems.

Interoperability, Network Effects, and Access Concerns: A major focus of the discussion was interoperability and access in digital and AI markets. The speakers explained how strong network effects in platforms and AI ecosystems can reinforce concentration and lock users into dominant services. Challenges relating to interoperability between AI systems, cloud services, messaging platforms, and app ecosystems were discussed, with emphasis on the importance of fair, transparent, and non-discriminatory access mechanisms. The role of ex-ante obligations and regulatory interventions to maintain contestability in digital markets was also examined.

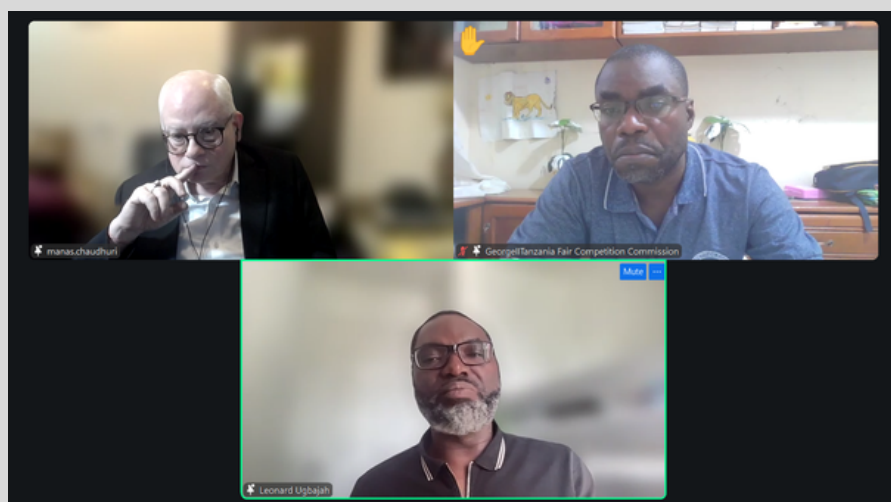
Institutional and Enforcement Challenges: The final segment focused on practical enforcement challenges faced by competition authorities, particularly in developing economies. Discussions covered the need for specialised technical expertise, judicial training, and enhanced investigative tools for AI-related cases. The speakers also emphasised the importance of cross-border cooperation and international regulatory alignment, given the global nature of digital markets and AI systems. The session concluded by stressing that effective AI regulation requires a balanced approach that combines innovation, accountability, and competition safeguards.

Key Learning Outcomes

- Understand the evolution of competition law enforcement in digital and AI-driven markets.
- Examine how existing competition law frameworks can address AI-enabled abusive practices and algorithmic collusion.
- Gain insight into regulatory approaches relating to algorithmic audits, accountability, and AI governance.
- Analyse the role of interoperability, network effects, and access obligations in preserving competition in digital markets.
- Assess institutional and enforcement challenges faced by regulators and courts in AI-related cases.
- Appreciate the importance of international coordination and adaptive regulatory frameworks for effective AI market governance.



Shared Insights on evolution of competition law enforcement in digital and AI-driven markets



Manas Kumar Chaudhuri, Partner, Khaitan & Co; Leonard Otuonye Ugabaja, Council Member ECOWAS Regional Competition Authority

SEVENTH SESSION: DATA, AI, AND MERGERS – ANTITRUST IMPLICATIONS

Speaker – Mr. Rahul Rai, Partner & Co- founder, Axiom5

Time – 4:30 PM to 6:00 PM IST

Day & Date – Friday | April 24, 2026

Introduction

The session explored the evolving intersection of data, Artificial Intelligence, and merger control in competition law. The discussion focused on how technological innovation and novel transaction structures are challenging traditional antitrust frameworks, particularly those based on asset and turnover thresholds. Drawing on Indian and international examples, the session examined emerging issues such as acqui-hires, reverse IP hires, killer acquisitions, and vertical integration in the AI ecosystem, while highlighting the need for merger control regimes to adapt to rapidly evolving digital markets.

Broad Topics:

- Understanding the rationale and evolution of merger control frameworks in digital and AI-driven markets.
- Examining novel transaction structures and their implications for antitrust enforcement.
- Analysing vertical integration and competition concerns across the AI value chain.

Session Proceedings:

Evolution of Merger Control Frameworks: The session began with an overview of the rationale behind merger control regulations and their evolution in India. Mr. Rai explained how traditional merger control frameworks were initially designed around asset and turnover thresholds to identify transactions likely to affect competition. However, the emergence of digital and technology firms exposed limitations in these frameworks, as companies with minimal assets or revenues could still possess substantial competitive significance due to their data, innovation potential, and user base.

Technology Acquisitions and Deal Value Thresholds: The discussion highlighted how acquisitions such as Facebook's purchases of Instagram and WhatsApp initially escaped merger scrutiny in several jurisdictions because the target companies lacked significant turnover or assets. In response to such concerns, jurisdictions including Germany, Austria, and later India introduced transaction value or deal value thresholds to capture acquisitions involving high-value digital and technology firms. The session examined India's transaction value threshold framework and the challenges associated with assessing digital market presence through business users, end users, revenues, and gross merchandise value.

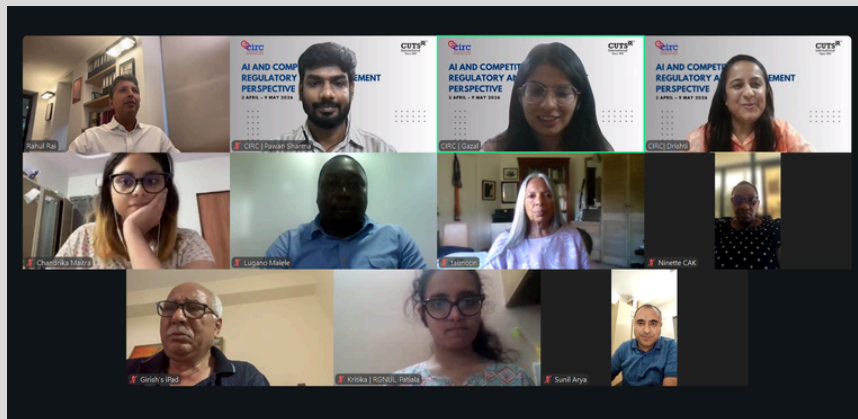
Novel AI Deal Structures and Regulatory Challenges: A major focus of the session was the emergence of innovative transaction structures in the AI sector designed to avoid traditional antitrust scrutiny. The speaker discussed concepts such as acqui-hires, reverse acqui-hires, and reverse IP hires, where firms acquire talent, intellectual property access, or strategic influence without undertaking conventional acquisitions. Microsoft's investment in OpenAI was examined as a case study demonstrating how licensing arrangements, investments, and strategic partnerships can create significant competitive advantages while remaining outside traditional merger notification frameworks.

Vertical Integration in the AI Ecosystem: The session also explored vertical integration across the AI value chain, including chips, cloud infrastructure, models, and downstream applications. Transactions involving companies such as NVIDIA were discussed to illustrate concerns regarding vertical foreclosure, preferential access, and control over critical infrastructure. The discussion emphasised that vertical integration may generate efficiencies and innovation benefits while simultaneously creating risks of exclusionary conduct and reduced competition.

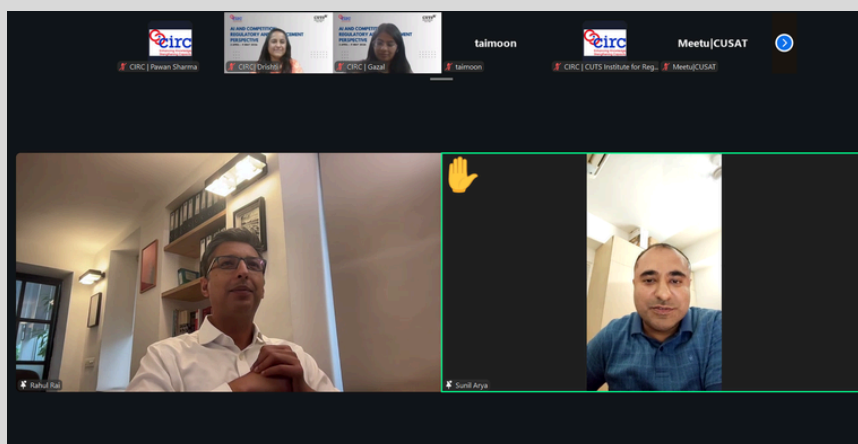
Indian Competition Law and Digital Market Transactions: The final segment focused on how Indian competition authorities have approached digital market transactions and investments involving major technology firms. Examples such as Google's and Meta's investments in Jio Platforms were discussed to illustrate how competition authorities assess strategic investments, vertical relationships, and potential foreclosure concerns. The session concluded by emphasising the importance of flexible and adaptive merger control tools capable of addressing rapidly evolving AI markets without unnecessarily discouraging innovation and investment.

Key Learning Outcomes:

- Understand the rationale and evolution of merger control frameworks in digital and AI-driven markets.
- Examine the limitations of traditional asset and turnover thresholds in assessing technology transactions.
- Gain insight into deal value thresholds and their role in capturing potentially anti-competitive digital acquisitions.
- Analyse emerging transaction structures such as acqui-hires and reverse IP hires in the AI ecosystem.
- Assess competition concerns arising from vertical integration across cloud, data, infrastructure, and AI services.
- Appreciate the need for adaptive antitrust frameworks capable of balancing innovation, investment, and competition in rapidly evolving digital markets.



Discourse on limitations of traditional asset and turnover thresholds in assessing technology transactions



Rahul Rai, Founder and Partner, Axiom5 speaking on deal value thresholds and their role in capturing potentially anti-competitive digital acquisitions

EIGHTH SESSION: INTERFACE AND CONFLICTS BETWEEN BIG DATA, BIG TECH, AND PRIVACY ISSUES

Speaker – Ms. Gowree Gokhale, Advocate & Solicitor, Independent Legal Counsel and Advisor

Time – 4:30 PM to 6:00 PM IST

Day & Date – Saturday | April 25, 2026

Introduction:

The session explored the evolving relationship between big data, digital platforms, privacy, and competition law from a data protection perspective. The discussion focused on key concepts such as consent, data fiduciary responsibilities, predictive analytics, targeted advertising, and data localisation, while examining the broader implications of data-driven business models on consumer autonomy, innovation, and market competition. The session also highlighted the challenges of balancing privacy protection with technological development and digital market growth, particularly in developing economies.

Broad Topics

- Understanding the interface between data protection, privacy regulation, and competition law in digital markets.
- Examining data-driven harms arising from targeted advertising, predictive analytics, and platform dominance.
- Analysing regulatory challenges relating to consent, data localization, anonymization, and compliance burdens.

Session Proceedings

Data Protection Frameworks and Consent Mechanisms: The session began with an overview of key data protection concepts, including data fiduciaries, consent requirements, and user autonomy under digital regulatory frameworks. Gokhale explained the Indian approach to data protection and contrasted it with the European Union's GDPR framework. Discussions focused on the practical difficulties of relying heavily on consent mechanisms in digital ecosystems, particularly given low levels of digital literacy, language barriers, and the complexity of data processing practices.

Data-Driven Harms and Predictive Analytics: A major focus of the session was the growing range of harms associated with data collection and AI-driven analytics. The discussion examined targeted advertising, predictive advertising, behavioural nudging, misinformation, and health-related content sharing on digital platforms. The speaker explained how AI systems increasingly predict and influence consumer behaviour by analysing personal data, often before users themselves are aware of their preferences or needs. Participants debated whether personalised advertising primarily enhances convenience or creates exploitative and manipulative market practices.

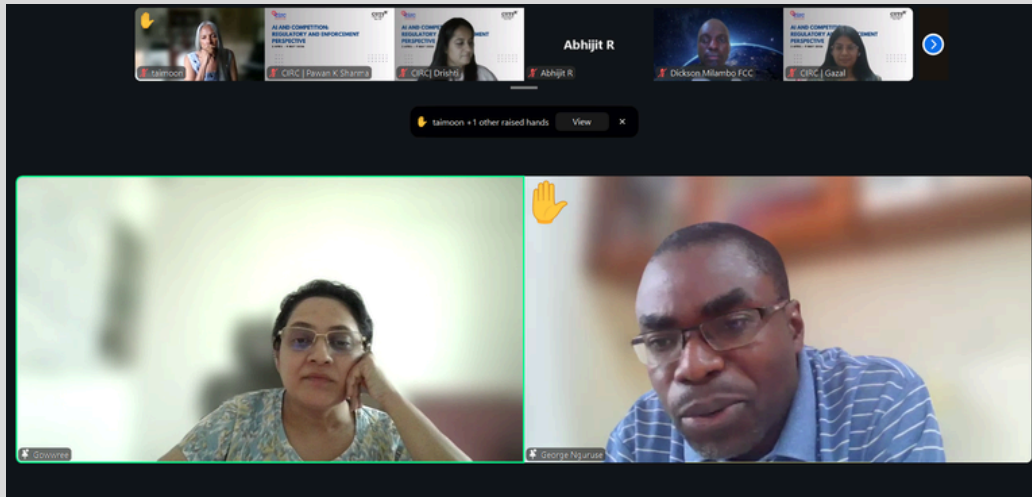
Consent Management and User Control: The session also explored the challenges users face in exercising rights such as consent withdrawal, data erasure, and privacy management across multiple digital services. The concept of consent managers was discussed as a potential mechanism to simplify user control over personal data. However, concerns were raised regarding implementation challenges, interoperability requirements, and the practical effectiveness of such frameworks in ensuring genuine user autonomy.

Data Governance, Anonymization, and Innovation: The discussion examined tensions between data protection obligations and innovation, particularly in sectors such as healthcare and AI development. Participants debated whether consent should be required for anonymized data processing and how data minimization principles can be effectively implemented. The session also highlighted how different jurisdictions approach data protection differently, with comparisons drawn between India, the United States, and the European Union in terms of regulatory philosophy and market structure.

Data Localisation, Competition, and Big Tech Regulation: The final segment focused on data sovereignty and the role of data localization policies in regulating big technology firms. Gowree Gokhale explained how localization measures are often linked to security concerns, regulatory oversight, and economic considerations relating to data monetization. Discussions also addressed how compliance obligations may disproportionately burden smaller enterprises while larger technology firms possess greater capacity to manage complex regulatory requirements. The session concluded by emphasising the need for balanced frameworks that protect privacy and consumer rights without unnecessarily restricting innovation or competition.

Key Learning Outcomes

- Understand the relationship between data protection, privacy regulation, and competition law in digital markets.
- Examine the implications of predictive analytics, targeted advertising, and behavioural nudging for consumer welfare and autonomy.
- Gain insight into challenges surrounding consent management, data erasure, and user control over personal data.
- Analyse tensions between privacy protection, innovation, and AI-driven data use.
- Assess the competition and regulatory implications of data localization policies and platform dominance.
- Appreciate the need for balanced and context-sensitive approaches to governing data, privacy, and digital market competition.



Gowree Gokhale, Independent Legal Counsel and Advisor and George Nguruse , FCCC

NINTH SESSION: REGULATORY CHALLENGES IN AI AND COMPETITION LAW – FOCUS ON HEALTHCARE AND BANKING AND FINANCIAL SECTOR

Speaker 1 – Ms. Rutuja Pol, Partner, Ikigai Law

Speaker 2 – Mr. Sudipto Banerjee, Deputy Director, NASSCOM

Time – 4:00 PM to 6:00 PM IST

Day & Date – Friday | May 01, 2026

Introduction

The session examined regulatory challenges arising from the growing use of Artificial Intelligence in platform markets, with a specific focus on healthcare and the banking, financial services, and insurance (BFSI) sectors. Discussions explored how control over data, infrastructure, and digital workflows increasingly shapes market power and competition outcomes. The session highlighted concerns relating to interoperability barriers, data concentration, algorithmic coordination, explainability, and accountability, while also examining India's evolving regulatory approach to AI governance and digital competition.

Broad Topics

- Understanding AI-driven competition concerns in healthcare and BFSI platform markets.
- Examining data access, interoperability barriers, and exclusionary practices in AI ecosystems.
- Analysing regulatory challenges relating to algorithmic coordination, explainability, and accountability.

Session Proceedings

AI and Competition Concerns in Healthcare: The session began with a discussion by Pol on the healthcare sector as a high-stakes digital market due to its dependence on sensitive data, high switching costs, and life-critical outcomes. She explained that AI-enabled healthcare systems operate across multiple interconnected layers, including infrastructure, workflow systems, clinical applications, and operational management. The discussion highlighted concerns relating to exclusive data partnerships, data hoarding, restrictive licensing, tying and bundling, and self-preferencing practices that may restrict competition and reinforce market power.

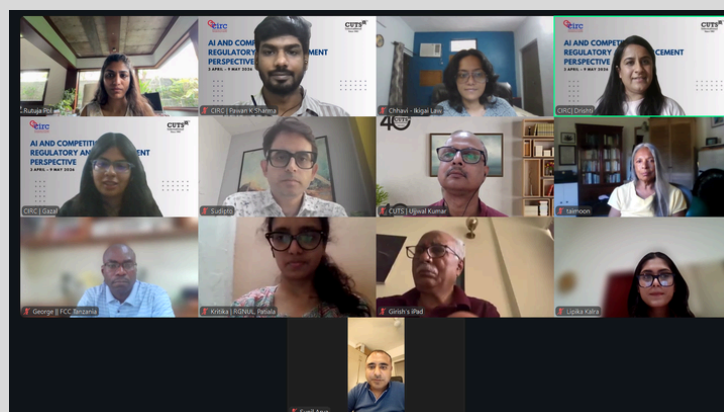
Data Access, Interoperability, and Regulatory Approaches: A major focus of the session was the role of access to data and interoperability in shaping AI competition dynamics. Rutuja explained how barriers to interoperability and exclusive access to annotated healthcare datasets can create significant entry barriers for competing firms. Examples involving telemedicine platforms, radiology data access, and AI diagnostic systems illustrated how control over

critical datasets may strengthen market dominance through self-reinforcing AI model performance. The session also examined India's regulatory approach, including subsidised compute access, interoperable digital health frameworks, and consent-based data-sharing initiatives aimed at preserving contestability in AI markets.

AI Adoption and Competition Issues in BFSI: Mr. Banerjee then discussed AI adoption in the BFSI sector, highlighting how institutions increasingly use AI for document processing, customer interaction, compliance, risk assessment, and automated decision-making. The session noted that while Indian financial institutions are actively experimenting with AI, large-scale deployment remains uneven due to fragmented data systems, legacy infrastructure, and shortages of skilled professionals.

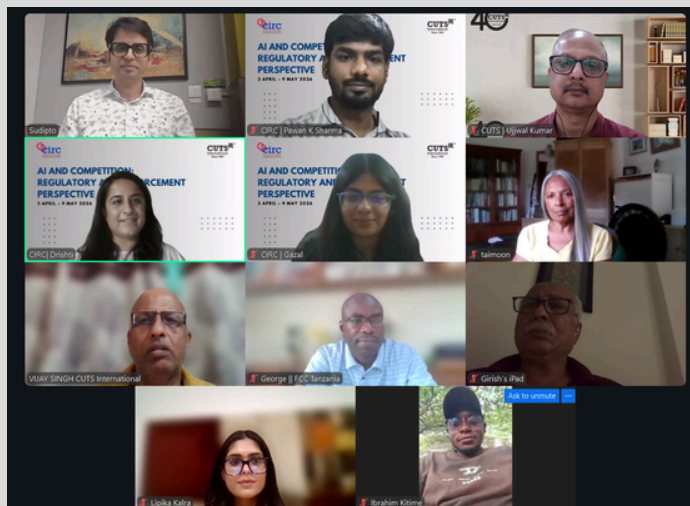
Algorithmic Coordination and Explainability Challenges: The discussion explored emerging competition concerns in financial markets arising from data concentration and algorithmic coordination. Firms with access to larger datasets were described as having the ability to develop superior AI models that further reinforce their market position. Particular attention was given to the possibility of algorithmic coordination, where competing firms relying on similar AI systems may generate outcomes resembling collusion without explicit communication. The speakers also examined the tension between explainability and efficiency in AI systems, noting that highly sophisticated AI models often lack transparency, thereby creating accountability and regulatory challenges.

Evolving Regulatory Approaches in India: The final segment focused on India's evolving AI governance framework. The speakers highlighted that India currently relies on sector-specific regulations, data protection frameworks, and market studies rather than a comprehensive horizontal AI law. Discussions emphasised the importance of balancing innovation with safeguards against data concentration, entry barriers, and algorithmic harms. The session concluded by noting that competition law and AI governance frameworks are evolving simultaneously, requiring adaptive and interdisciplinary regulatory approaches.



Key Learning Outcomes

- Understand the layered structure of AI-enabled platform markets in healthcare and BFSI sectors.
- Examine how data access, interoperability barriers, and exclusive partnerships shape competition in AI ecosystems.
- Gain insight into competition concerns arising from algorithmic coordination and data concentration in financial markets.
- Analyse the trade-offs between AI explainability, efficiency, and accountability in digital markets.
- Assess India's evolving regulatory approach to AI governance, interoperability, and digital market regulation.
- Appreciate the need for balanced and adaptive regulatory frameworks capable of addressing AI-driven competition concerns while supporting innovation.



Discussion on AI-enabled platform markets in healthcare and BFSI sectors

TENTH SESSION: REGULATORY CHALLENGES IN AI AND COMPETITION LAW – FOCUS ON PLATFORM MARKETS AND AI MARKETS

Speaker – Mr. Aniket Ghosh, Partner, King Stubb & Kasiva

Time – 4:30 PM to 6:00 PM IST

Day & Date – Saturday | May 02, 2026

Introduction:

The session examined how the growing integration of Artificial Intelligence into platform markets is creating new competition law and regulatory challenges. Through practical market scenarios, the discussion explored whether existing competition law doctrines such as abuse of dominance, vertical restraints, self-preferencing, and tying remain capable of addressing AI-driven conduct. The session highlighted that while AI does not fundamentally change the principles of competition law, it significantly complicates issues relating to evidence, detection, market foreclosure, and remedies.

Broad Topics:

- Understanding how AI-driven platform markets create new competition concerns and enforcement challenges.
- Examining the applicability of traditional competition law doctrines to AI-enabled conduct.
- Analysing issues relating to self-preferencing, vertical restraints, tying, and algorithmic enforcement in digital markets.

Session Proceedings:

AI as a Discovery Layer and Market Gatekeeper: The session began by discussing how AI systems increasingly function as a “discovery layer” in digital markets by directly recommending products, services, and information to users. This shifts market power towards platforms controlling AI-driven recommendation systems, as user decisions are increasingly shaped by algorithmic outputs rather than independent browsing. The discussion also highlighted how data feedback loops strengthen dominant platforms, since firms with larger datasets can continuously improve AI systems and attract more users, thereby reinforcing market concentration and barriers to entry.

Regulatory Approaches and Ex-Ante Obligations: The session examined two broad approaches to regulating AI-related competition concerns. The first relies on existing competition law frameworks, where conduct is assessed case-by-case through doctrines such as abuse of dominance and vertical restraints. The second involves ex-ante obligations imposed on large digital platforms, based on the view that traditional enforcement may be too slow for rapidly evolving digital markets. However, concerns were raised that overly prescriptive ex-ante regulation may increase compliance burdens, limit product design flexibility, and potentially affect innovation in emerging AI markets.

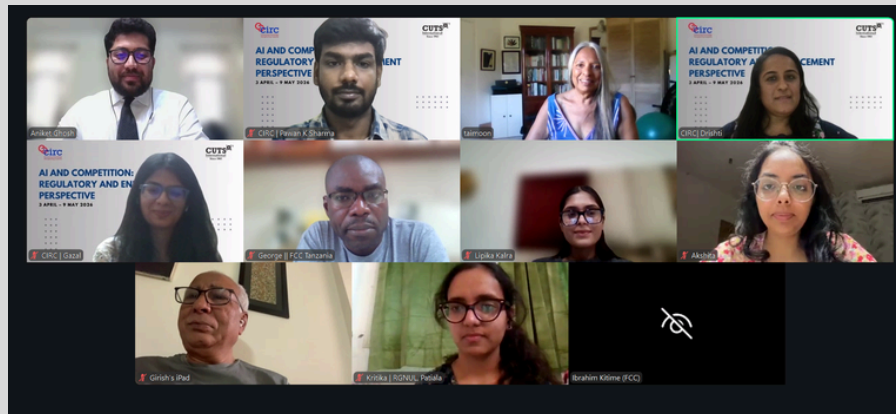
AI Tools in E-Commerce Platforms: One practical scenario discussed involved an e-commerce platform offering AI tools to sellers that influence visibility, pricing, and logistics decisions. Access to these tools was conditional upon price parity obligations and continuous data sharing by sellers. The session analysed these practices as potential vertical restraints and foreclosure mechanisms, particularly where sellers unwilling to comply experienced reduced visibility on the platform. The discussion highlighted how AI-enabled systems may reinforce platform dominance through access to commercially valuable market data and preferential treatment mechanisms.

Self-Preferencing and AI Search Systems: Another major focus of the session was AI-enabled self-preferencing in search markets. A scenario involving an AI-generated answer box prioritising a platform's own services over competing websites was discussed as an example of leveraging dominance across related markets. The session examined how reductions in traffic to rival platforms and resulting market foreclosure concerns may indicate anti-competitive effects. However, proving discriminatory conduct becomes more difficult in AI-driven environments because outputs are dynamic and personalised across users. Evidence in such cases may therefore rely on broader indicators such as traffic patterns, comparative performance data, and market studies.

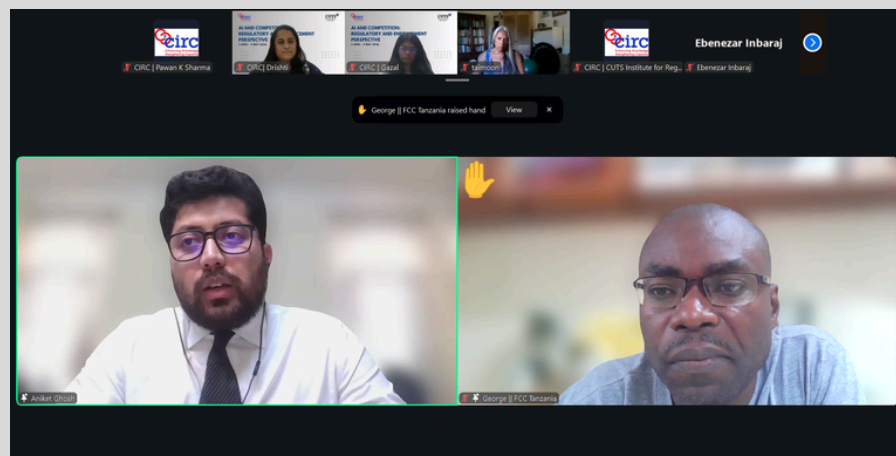
AI Integration, Liability, and Enforcement Challenges: The final segment focused on the integration of AI assistants into operating systems and the resulting concerns relating to tying, preferential access, and interoperability limitations. The session also addressed liability questions arising from the "black box" nature of AI systems, emphasising that enterprises deploying AI remain responsible for compliance with competition law obligations. Companies were encouraged to adopt proactive compliance measures such as internal audits, output monitoring, and data governance mechanisms. The discussion concluded by highlighting enforcement challenges relating to detection, remedy design, and the speed of regulatory intervention in rapidly evolving AI markets.

Key Learning Outcomes:

- Understand how AI systems function as gatekeepers and discovery layers in digital platform markets.
- Examine the applicability of traditional competition law doctrines such as abuse of dominance, tying, and vertical restraints to AI-enabled conduct.
- Gain insight into competition concerns arising from AI-driven self-preferencing, data feedback loops, and platform foreclosure.
- Analyse the challenges associated with personalised AI outputs, algorithmic detection, and evidentiary standards in digital markets.
- Assess regulatory debates surrounding ex-ante obligations and existing competition law frameworks in AI markets.
- Appreciate the importance of adaptive enforcement strategies and compliance mechanisms in addressing emerging AI-related competition concerns.



Shared Insights on ex-ante obligations and existing competition law frameworks in AI markets



Aniket Ghosh, KSK Advocates and Attorneys adaptive enforcement strategies in addressing emerging AI-related competition concerns

ELEVENTH SESSION: APPLICATIONS OF AI AND THEIR IMPACT ON CONSUMER WELFARE

Speaker – Dr. Pierre Horna, Legal Officer, UNCTAD

Time – 4:30 PM to 6:00 PM IST

Date – Friday | May 08, 2026

Introduction

The session examined the growing application of Artificial Intelligence in digital markets and its implications for consumer welfare. Dr. Pierre Horna explored whether AI should be viewed not merely as a product or tool, but increasingly as a form of market infrastructure shaping consumer behaviour, competition, and market outcomes. The discussion focused on the benefits and harms associated with AI-driven personalization, pricing systems, recommender systems, automated decision-making, generative AI interfaces, and facial recognition technologies. The session also highlighted the need for coordinated regulatory responses involving competition authorities, consumer protection agencies, and privacy regulators.

Broad Topics

- Understanding how AI applications influence consumer welfare and market behaviour.
- Examining AI-driven harms relating to manipulation, information asymmetry, and market concentration.
- Analysing regulatory and enforcement approaches across different jurisdictions in the Asia-Pacific region.

Session Proceedings

AI as Market Infrastructure and Consumer Welfare Frameworks: The session began with a discussion on the evolving role of AI as market infrastructure in digital economies. Dr. Pierre Horna argued that AI increasingly determines how consumers access information, make decisions, and interact with digital markets. The presentation emphasised that traditional consumer welfare indicators such as price alone are insufficient in AI-mediated markets, where non-price concerns including privacy, transparency, choice, and autonomy also play a critical role. A structured framework was introduced to analyse AI's impact on consumer welfare through specific use cases and market outcomes.

AI Applications Affecting Consumers: The session examined six major AI applications affecting consumers: personalization systems, pricing algorithms, recommender systems, automated decision-making systems, chatbots and generative AI interfaces, and facial recognition technologies. The discussion highlighted that while these technologies improve convenience, efficiency, and service quality, they also create risks of manipulation, exploitative targeting, discriminatory treatment, and consumer lock-in. Particular emphasis was placed on behavioural steering systems and predictive personalization, where AI systems can shape consumer preferences and purchasing behaviour through highly granular targeting mechanisms.

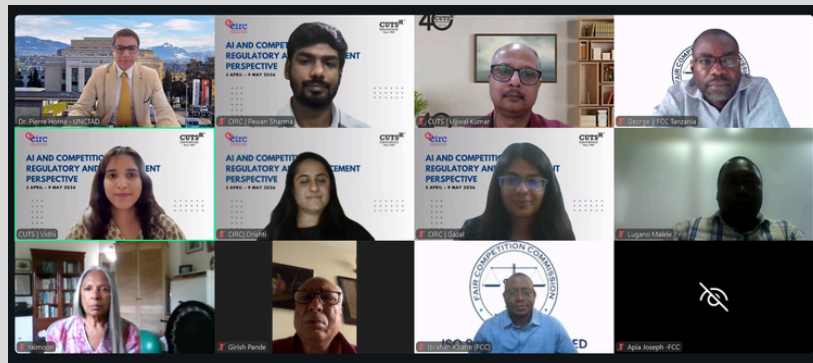
Consumer Harms and Market Concentration: Dr. Horna identified four major categories of AI-related consumer harms: increased precision of manipulation, more granular and less visible dissemination of information, reinforcement of lock-in and concentration effects, and worsening information asymmetries between firms and consumers. The session explored how firms controlling data, cloud infrastructure, digital traffic, and AI systems may strengthen existing market advantages and create barriers to competition. Discussions also highlighted concerns regarding ecosystem leverage, opacity in AI-driven decision-making, and the concentration of generative AI infrastructure across compute, data, and model layers.

Regulatory Responses and Cross-Agency Coordination: A major focus of the session was the importance of coordinated regulatory responses across competition law, consumer protection, and privacy frameworks. Dr. Horna discussed regulatory approaches adopted in jurisdictions such as India, Japan, Australia, Singapore, and South Korea, where authorities increasingly use parallel enforcement mechanisms to address AI-related harms. The session emphasised that AI regulation requires cooperation between competition authorities, sectoral regulators, privacy agencies, and consumer protection bodies to effectively address overlapping concerns relating to market power, transparency, and consumer rights.

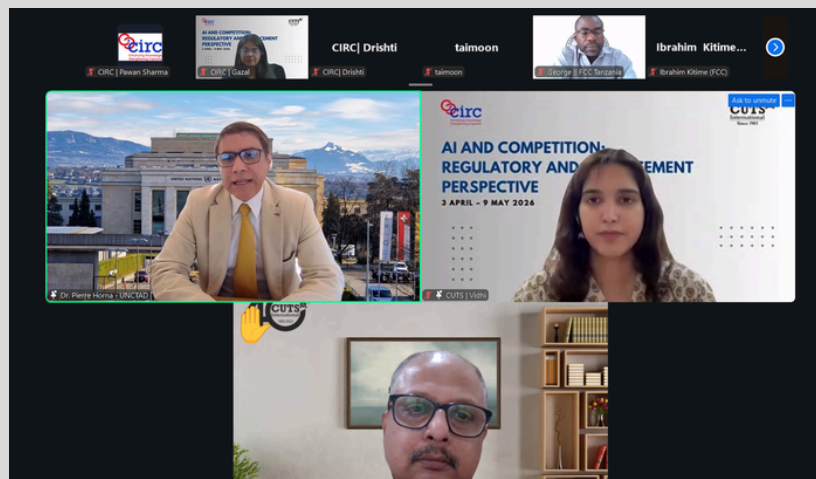
Governance, Data Access, and Future Challenges: The final segment focused on governance challenges arising from AI-driven markets, including access to data, transparency in automated decision-making, and fair terms for AI development. Dr. Horna highlighted the need for fair, reasonable, and non-discriminatory access arrangements for critical datasets and AI infrastructure. The session concluded by stressing that the central policy challenge is not whether consumers will continue participating in AI-mediated markets, but whether these markets will remain fair, contestable, transparent, and capable of correction when harms emerge.

Key Learning Outcomes

- Understand the role of AI as an emerging form of market infrastructure shaping consumer welfare and competition.
- Examine key AI applications including personalization, recommender systems, pricing algorithms, and generative AI interfaces.
- Analyse consumer harms arising from manipulation, information asymmetry, lock-in effects, and concentration in AI markets.
- Gain insight into regulatory approaches adopted across Asia-Pacific jurisdictions to address AI-related competition and consumer concerns.
- Assess the importance of coordination between competition authorities, consumer protection agencies, and privacy regulators.
- Appreciate the need for balanced governance frameworks that preserve innovation while ensuring fairness, transparency, and consumer protection in AI-driven markets.



Discussion on balanced governance frameworks and consumer protection in AI Driven markets



Dr. Pierre Homa, UNCTAD and Ujjwal Kumar, Associate Director & Deputy Head CUTS-CCIER, CUTS International

TWELFTH SESSION: ALGORITHMIC ACCOUNTABILITY AND REGULATORY COMPLIANCE

Speakers 1– Dr. Abha Yadav, Professor, National Law University Delhi

Speaker 2 – Mr. Abhi Roy, Partner & Co-Founder, Sarvada Legal

Time – 4:30 PM to 6:00 PM IST

Day & Date – Saturday | May 09, 2026

Introduction:

The concluding session focused on algorithmic accountability and regulatory compliance in the context of AI and competition law. The discussion examined how AI-driven markets create structural regulatory challenges through data concentration, algorithmic opacity, network effects, and platform integration. The speakers explored India's evolving governance approach to AI, highlighting the preference for adapting existing legal and regulatory frameworks rather than introducing a standalone AI law. The session also addressed the importance of transparency, explainability, accountability, and cross-sectoral governance in responding to emerging AI-related risks.

Broad Topics:

- Understanding algorithmic accountability and governance challenges in AI-driven markets.
- Examining India's evolving regulatory approach to AI and competition law compliance.
- Analysing transparency, explainability, and accountability mechanisms for AI governance

Session Proceedings:

AI and Structural Competition Challenges: The session began with a discussion on how AI's data-driven and platform-integrated nature creates structural challenges for regulators and markets. Dr. Abha Yadav explained that AI systems can generate self-reinforcing dynamics through network effects, economies of scale, and access to large datasets, thereby increasing concentration and barriers to entry. The discussion also examined concerns relating to algorithmic collusion, exclusionary conduct, vertical integration, and the growing opacity of AI-driven systems, all of which complicate competition law enforcement and regulatory oversight.

India's Regulatory Approach to AI Governance: Mr. Roy explained that India has thus far adopted a sector-specific and principle-based approach to AI regulation rather than enacting a comprehensive standalone AI law similar to the European Union's model. The session highlighted findings from the Competition Commission of India's market study on AI, which identified risks such as algorithmic collusion, self-preferencing by large technology firms, and market concentration arising from control over data and infrastructure. The discussion noted that India's approach currently relies on adapting existing legal frameworks, including competition law, data protection law, and sectoral regulations, to address AI-related harms.

Transparency, Explainability, and Accountability: A major focus of the session was the importance of governance principles such as transparency, explainability, and accountability in AI systems. The speakers discussed how AI-driven decision-making often functions as a “black box,” creating information asymmetries for regulators and consumers alike. Transparency in algorithmic processes, explainability of ranking and recommendation criteria, and human oversight mechanisms were identified as key safeguards necessary for ensuring compliance and accountability. The session also highlighted the need for organisations to adopt cross-functional governance structures involving legal, policy, governance, and technical teams to manage AI-related risks effectively.

Competition Law, Digital Sovereignty, and Regulatory Coordination: The discussion explored the limitations of competition law as a standalone solution for addressing AI-related market challenges. Dr. Abha Yadav emphasised that digital sovereignty concerns arise when a small number of global firms control critical AI infrastructure, datasets, and platforms. The speakers noted that effective AI governance requires coordination between competition authorities, consumer protection agencies, data protection regulators, and sector-specific authorities. Participants from smaller economies also raised concerns regarding limited regulatory capacity and dependence on foreign technology platforms, prompting discussions on jurisdiction-specific and context-sensitive regulatory approaches.

AI Governance Challenges in Developing Economies: The final segment focused on the challenges faced by developing and smaller economies in regulating AI-driven markets. Discussions highlighted concerns relating to gatekeeping by major technology firms, consumer protection, AI-powered bundling practices, and data collection practices. The speakers emphasised that regulatory responses should be problem-specific and proportionate, with particular attention to market realities, institutional capacities, and local economic contexts. The session concluded by stressing that AI governance requires a combination of legal reform, institutional coordination, technical capacity building, and proactive compliance mechanisms.

Key Learning Outcomes:

- Understand how AI systems create structural competition and regulatory challenges through data concentration, network effects, and platform integration.
- Examine India’s evolving principle-based approach to AI regulation and governance.
- Gain insight into the importance of transparency, explainability, and accountability in AI systems.
- Analyse the limitations of competition law in addressing broader AI governance concerns.
- Assess the role of digital sovereignty, institutional coordination, and cross-sectoral governance in AI regulation.
- Appreciate the challenges faced by smaller and developing economies in regulating AI-driven digital markets and protecting consumer welfare.



Discussion on India's evolving principle-based approach to AI regulation and governance and its limitations



Abir Roy, Co-founder and Advocate – Sarvada Legal; Dr Abha Yadav, Head, NLU Fair Square Competition Law & Market Studies Society, elucidating on challenges faced by smaller and developing economies in regulating AI-driven digital markets

TEAM



Dr. Drishti Parnami

Fellow



Ujjwal Kumar

Associate Director & Deputy
Head CUTS-CCIER, CUTS
International



Vijay Singh

Assistant Director, CUTS
International



Bhavika Khatter

Research Associate



Gazal Arora

Research Associate



Vidhi Maharishi

Junior Consultant, CUTS
International



Pawan Sharma

IT Associate



Rahul Kumar

Account Manager

PARTICIPANTS FEEDBACK

“

I found the hypotheticals very useful for brainstorming the issues. I was impressed by the presenters and their depth of knowledge. Congratulations to CIRC for organizing such a successful training programme.

–The University of the West Indies

”

“

Very nice and helpful session for me, I recommend next session to be based on practical application in complaint investigation regarding AI driven like algorithm pricing.

–Fair Competition Commission

”

“

The course was very insightful, timely, and highly relevant to the emerging regulatory challenges posed by AI in competition enforcement...

–Fair Competition Commission

”

“

I sincerely appreciate Team CIRC for organizing this valuable course and for the support provided throughout the sessions. I look forward to future editions and more advanced discussions on AI, digital markets, enforcement tools, and regulatory cooperation.

–Fair Competition Commission

”

“

The course definitely added value to my candidature. It was an absolute pleasure to have so many distinguished speakers of the field live, and the opportunity to interact with them. The team was also very accommodating. Huge thank you for the entire experience!

–RGNUL

”

“

The sessions were quite engaging and informative. Interaction with the speakers enabled us to understand every concept in a much better way.

–University of Delhi

”



Thank you for taking the time to read this report. If you have any questions or would like to discuss our findings further, please don't hesitate to reach out to us.



New Delhi, India



+91 11-46170236



courses@cinc.in



www.cinc.in