

# Competition Law for Marketing Professionals

## “Understanding Legal Boundaries and Facing Competition”

Friday, 11<sup>th</sup> March 2011 ■ New Delhi

### CIRC COMPETITION WORKSHOPS

#### *Why a marketing staff needs to know competition law?*

Marketing staff drive sales & revenue, and face competition most directly in a market. They take a large number of market-facing decisions related to pricing, discounts, rebates, storage, distribution, franchising, dealer network, promotion, product tying and bundling, etc. Due to their interface with market, they tend to be the closest to a market or usually act as market-sensors for a company. In the process of driving sales, they need to not only counter competitors, which may on several occasions be dominant player, but also remain compliant vis-à-vis their own conducts.

Since the enforcement of Indian Competition Act, 2002 (as amended) started in 2009, there has been an alarming increase in the number of infringement cases across the industries. Thus, companies are required to develop a competition law compliant culture and see all competitive decision through the lenses of competition law. Effective response to competition related challenges does not just rest on the legal team's understanding of the competition issues, but on all company departments, and especially on sales and marketing staff. They must understand what behaviour is illicit and what the legal consequences may be both for the company and for individuals.

In a hyper competitive market, an improved understanding of competition law will be advantageous in not only identifying the anti-competitive conducts of the competitors but also to take competition law compliant decision. In a nutshell, through the workshop the marketing professionals will be in a position to (a) understand areas for pre-emptive compliance, and (b) identify the anti-competitive conducts of competitors and respond appropriately.

*Can I discuss prices (or any element that directly or indirectly could affect price or pricing decisions such as e.g. discount policy, profit margins, costs, payment terms and other terms and conditions of sale), business plans, customer relations, sales strategies, investments, capacity, output, etc with my competition?*

*Can I collectively respond to exclude competitors or new entrants to the market?*

*What information can I exchange and with whom?*

*I have an informal arrangement or a "gentlemen's agreement". Need I worry?*

#### *About CIRC Competition Workshops*

CIRC Competition Workshops are tailored for specific target audience. Each workshop is led by a practicing professional and is geared towards providing hand-on solutions.

This workshop aims to equip marketing professionals with an improved understanding of the fundamentals of competition law – such as the abuse of dominance, anti-competitive agreements, etc – and its relevance to the day-to-day marketing functions.

## About CIRC

CUTS Institute for Regulation and Competition (CIRC) ([www.circ.in](http://www.circ.in)) provides advisory and capacity building solutions to private sector, governments, multilateral institutions in the areas of competition law & policy, economic regulation, and consumer issues. It is governed by a Board, comprising eminent professionals headed by Dr C Rangarajan, Chairman, Prime Minister's Economic Advisory Council. A large number of capacity building programmes have been conducted by CIRC in India as well as abroad.

## What you gain?

Through the workshop the participants will improve the:

- i. understanding on competition law and its impact on/relationship with marketing activities/decisions;
- ii. ability to identify anti-competitive conducts at the market place;
- iii. understanding of competition law compliant marketing decisions, and
- iv. preparedness in responding to specific competition issues.

Also, the participants will get a toolkit on "Competition Law in India" authored by noted competition expert Mr. Pradeep S Mehta.

## What, When and Where?

### Agenda:

Date: Friday ■ 11<sup>th</sup> March, 2011

0900 – 0930 hrs – Networking and Tea

0930 – 1015 hrs – Overview of Competition Law

1015 – 1030 hrs – Tea/ Coffee

1015 – 1130 hrs – Marketing Decision and Competition Law

- Marketing decision and abuse of dominance
  - Circumstances leading to dominance
  - Factors determining dominance
  - What constitutes dominance?
- Marketing decision and anti-competitive agreements
  - Anti-competitive horizontal agreement
  - Anti-competitive vertical agreements

1130 – 1300 hrs – Group Activities

- Group exercise
- Q&A
- Wrap up and review

1300 hrs onwards – Lunch

### Venue:

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### To Register:

Only 25 participants will be accepted in the workshop. An early registration/ nomination is recommended. Interested professionals/ companies may register themselves/ nominate executives for the workshop by remitting a registration fee of INR 4000 per participant in favour of "CUTS Institute for Regulation and Competition, New Delhi". The registration fee includes competition law toolkit, workshop lunch and tea.

## For more information:

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