

International Conference

Interface between Competition Policy & Law and Business Strategy

New Delhi, 25-26 November 2009

Backgrounder

Objective

A major issue of India's economic liberalisation is that Indian businesses should be able to handle international and national competition. With the Indian economy becoming more and more integrated with the outside world the same is also true for foreign companies doing business in India and/or competing with the Indian companies. This requires a solid knowledge of not only the competition law of the country but also its interaction with other and similar laws, in-country as well as overseas.

Therefore, the objective of this Conference is to educate the Indian as well as foreign stakeholders (corporates, lawyers, etc) on the Indian Competition Act 2002 (as amended till date) and how to take strategic business decisions keeping in mind the impending application of this law and its relationship with other laws and policies.

Background

The CUTS Institute for Regulation & Competition (CIRC) has been established with the mission to become a specialised, premier capacity building institute to create an intellectual knowledge base on regulatory reforms including competition policy and law.

This rich experience of working on competition policy and law has resulted in many national and international publications which have enriched a more informed discourse on public policies and greatly benefited different stakeholders in the society. After publishing toolkits on competition laws of various countries, CUTS has come out with one on the Indian law which will be released on this occasion.

Context

A major feature of India's growth story of the recent past is the emergence of Indian entrepreneurship in a more broad-based manner. Indian firms are being recognised internationally for their business prowess. Liberalisation has also contributed to a more competitive business environment. This led to the need for having a modern, comprehensive competition law for better economic governance. In India, the Monopolies and Restrictive Trade Practices Act of 1969 was not very useful because it took a rather 'restrictive' approach toward competition.

With the coming into force of the Competition Act of 2002 and the establishment of the Competition Commission of India, now the corporate sector can look forward to expert and objective resolution of their competition concerns. Competition concerns are expected to be taken care of in a manner that does not penalise the competence of an enterprise, rather it will penalise its anti-competitive behaviour.

Brief Outline

The Conference will start with concepts (such as market structure, productive and dynamic efficiency, relevant market, market power, appreciable adverse effect on competition and substantial lessening of competition), which are fundamental to the understanding of a competition law.

It will elaborate on facets of business strategies expected to be impacted and/or not impacted by the Competition Act of 2002. This will help the participants understand how to take business decisions in the light of expected deliberations of the current competition regime. It will go on to cover issues such as combinations, joint ventures and intellectual property rights, and the importance of effective competition compliance, which is one of the most significant matters of concern for the corporates.

Specific anti-competitive practices will be explained in detail. Definitions of dominant position and abuse of dominant position will be provided. Abusive conducts regulated by the Competition Act of 2002 and types of pricing which can be penalised (particularly predatory pricing) will be discussed. Furthermore, it will cover horizontal and vertical agreements. Economic and legal aspects of cartels such as factors facilitating collusion, leniency and individual liability provisions in the Competition Act of 2002, standards of proof and international experience in dealing with cartels will be discussed.

Another key aspect to be covered will relate to cross-border competition issues including jurisdictional issues (regarding cross-border takeovers for example), international cooperation on competition issues and trade and competition interface.

Case study and discussion method will be followed and time will be allotted for clarifications and questions. CIRC has invited eminent resource persons from India and overseas whose work stands for competence in their respective fields. Thus, the Conference will impart high-quality knowledge to the participants, which will be useful for their businesses.

Venue

Magnolia Hall, India Habitat Centre, Lodi Road, New Delhi 110 003

Fee

- Indian Participants: Rs. 10,000 per participant
- Foreign Participants: US\$ 250 per participant
- Young Professionals: Rs. 7,500 per participant
- Law/MBA/Economics/CA/CS Students: Rs. 3,000 per participant

25 percent discount will be considered for organizations nominating four or more participants.

Fees are excluding travel and accommodation.

How to Register

The Registration Form (www.circ.in/doc/RegForm-IntConf-CPL_BusinessStrategy_25-26Nov09.doc) along with the fee (payable to CUTS Institute for Regulation & Competition) should be sent to the following address:

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