

World Competition Day Celebration

Theme: 'Competition Issue in Public Procurement'

5th December 2015, YMCA, Delhi

Overview

CUTS International and CUTS Institute for Regulation & Competition (CIRC) organised an event to commemorate and celebrate the World Competition Day on 5th December 2015 in New Delhi, India. The theme for the event was kept in consonance with the INCSOC World Competition Day theme i.e. 'Competition Issues in Public Procurement'. The event comprised of a theme talk and a subsequent panel discussion, both dealt with importance of competition for innovation, cost-effectiveness and economic growth.

Proceedings

The opening remarks for the event were given by Mr Saket Sharma, Associate fellow, CIRC wherein he gave an introduction to the theme of the event and the discussion that would follow. He briefly gave an overview of the importance of promoting competition and the need for generating more awareness about the benefits of competition, while highlighting the role of CUTS in playing an instrumental role globally in bringing various actors and stakeholders together to bring competition reforms.

The theme talk for the event was delivered by Mr A. K. Kalesh Kumar, Senior Procurement Specialist, World Bank. The subject of the talk being "Ensuring Competitive Public Procurement in India", Mr Kalesh talked about the importance of effective public procurement system and how competition in public procurement can bring value for money. He started with what procurement means in general sense, what it aims at who are the key players and then he pointed out the competition related issues in the sector. He dealt with both policy and market induced competition distortions in procurement, with examples enumerating the practices that are prevalent. Mr Kalesh also detailed some new trends and initiatives in relation to public procurement in India. In the end he said a lot depends on the impending Public Procurement Bill.

The theme talk was followed by a panel discussion on the topic "Technology Standards Innovation at Intellectual Property and Competition Law Interface". The panel comprised of Mr Amitabh Kumar, Partner, J. Sagar Associates and Member, Governing Council, CIRC; Dr Raman Mittal, Associate Professor, Faculty of Law, University of Delhi and Mr Parag Kar, Vice President (Government Affairs, India & South Asia) Qualcomm Inc. Mr Amitabh Kumar, moderating the panel discussion, gave the panel a start to the discussion by posing an important question on how to maintain the much needed balance between innovation and fair competition in markets.

Dr Mittal started the debate by stating his position that IP and Competition regimes are complimentary to each other. While discussing some of the cases and contemporary issues, the panellists deliberated the difficulty in maintaining balance and public access while protecting the exclusivity provided under the law to the IP. Answering one of the questions raised by participants, Mr. Kar said that the choice of domination always lies with the patent holder and a technology firm that operates in a country having a strict

competition regulatory regime will have to face penalty if they opt at abusing their IP rights. The participants actively participated in the discussion asking questions to the panel about the 'Pay for Delay' contracts and FRAND commitments.

Participants comprised of students, professionals, representatives from consumer organisations, academicians, representative from CCI actively participated in the discussions. The event saw healthy discussions on both topics of procurement and technology standards IP interface with competition. One of the participants joined in to cite a supporting case (HT Media Case). Mr Ashok Gupta, Assistant Director, Competition Commission of India shared an issue that CCI is facing i.e. disruptive competition dealing with disruptive technologies that challenges the incumbents in the market. Ms Pushpa Thottan, Economic Policy Director, Central Electricity Authority and Mr M. M. Sharma, Head Competition Law and Policy, Vaish Associates were some of the active participants in the discussion.