



Fair Competition
for Greater Good



CENTRAL UNIVERSITY OF SOUTH BIHAR

School of Law and Governance

MOOT COURT SOCIETY

IN COLLABORATION WITH

COMPETITION COMMISSION OF INDIA

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2nd CCI-CUSB NATIONAL MOOT COURT COMPETITION, 2025

Hybrid Mode

12th, 24th & 25th January, 2025

Moot Proposition

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Moot Court Society
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MOOT PROPOSITION

1. The Republic of Aranyapur is a sovereign republic and considered as third-largest economy in the world with an expected GDP of five trillion dollar in next five years. The Republic of Aranyapur post introduction of its liberalisation policy in 1991 ensured the proper economic development while keeping any suit of restrictive or unfair trade practice in check.
2. The Republic of Aranyapur enacted a patent law legislation known as the **Innovations and Patent Protection Act, 1995 (“IPPA”)**, with the primary objective of fostering innovation, granting exclusive rights to inventors and ensuring the dissemination of technological advancements. Simultaneously, the government recognized the potential for misuse of patent rights to create monopolies, adversely affecting market competition and consumer welfare.
3. To address these concerns, the Republic of Aranyapur also introduced the **Anti-Competition and Combination Act, 2005 (“ACCA”)**. The ACCA aimed to promote fair trade practices, prevent anti-competitive agreements and regulate abuse of dominance, especially in markets involving patented technologies and pharmaceutical products. The Act established the **Competition Commission of Aranyapur (“CC”)**, a regulatory authority empowered to scrutinize the interface between patent law and competition law and a specialized appellate tribunal, the **National Competition Appellate Tribunal (“NCAT”)**.
4. The Republic of Aranyapur, with the advancement of technology, has been witnessing an unprecedented boom in the digital economy sector. The government has prioritized digital transformation, attracting multinational corporations and fostering indigenous start-ups. In this context, intellectual property rights (IPR) and competition law have increasingly come into conflict, raising significant legal and policy concerns.
5. Intellimedia Inc., a global tech giant incorporated and headquartered in the United States, holds multiple patents related to voice recognition technology. These patents are deemed essential for developing voice-enabled smart devices. Intellimedia Inc. has licensed its patents to various companies, including domestic players in Aranyapur. However, its licensing agreements include conditions that mandate royalty payments based on the total price of the end product rather than the price of the component utilizing the patented technology.

6. United Software Solutions Pvt. Ltd. (USS), a leading tech start-up incorporated and headquartered in Aranyapur, developed a competing voice recognition technology that relies on open-source platforms. USS's technology has gained significant market traction due to its affordability and compatibility with local languages. USS alleged that Intellimedia's licensing practices are anti-competitive and filed a complaint with the Competition Commission of Aranyapur (CCA).
7. USS contended that:
 - a) Intellimedia's royalty calculation method amounts to abuse of its dominant position under Section 4 of the Competition Act of Aranyapur.
 - b) The restrictive terms in the licensing agreements prevent fair competition and innovation in the market, contravening the goals of the Competition Act.
 - c) Intellimedia's refusal to license its patented technology to certain competitors constitutes a "constructive refusal to deal."
8. The CCA, after a detailed investigation, found Intellimedia guilty of abusing its dominant position and imposed a penalty of INR 500 crores. Additionally, the CCA directed Intellimedia to revise its licensing practices and engage in fair, reasonable and nondiscriminatory (FRAND) licensing. Intellimedia appealed this decision to the National Competition Appellate Tribunal (NCAT), arguing that its actions were consistent with its rights under the IPPA of Aranyapur.
9. Intellimedia asserted that:
 - a) Its patent rights include the freedom to set licensing terms and the CCA's intervention undermines its IPR.
 - b) The royalty calculation method is an industry standard and any restriction on this practice will stifle innovation and investment.
 - c) The open-source platform used by USS infringes its patents, further complicating the competitive landscape.
10. USS, as a respondent, defended the CCA's findings, emphasizing the importance of maintaining market competition. Meanwhile, public interest groups have intervened, arguing that balancing IPR protection and competition law is crucial for the digital economy of Aranyapur.
11. The matter is listed for hearing before the NCAT, Republic of Aranyapur, on 20th January 2025. The parties are directed to submit their written submissions and present oral arguments on the issues raised



CORE ISSUES

Participants are required to address the following core issues:

1. Whether Intellimedia's licensing practices constitute an abuse of dominant position under the ACCA of Aranyapur?
2. To what extent can the Competition Commission intervene in matters involving intellectual property rights without undermining the objectives of the IPPA?
3. Whether the concept of FRAND licensing can be judicially enforced in the context of competition law?
4. Whether the open-source platform used by USS infringes Intellimedia's patents and if so, its impact on the competition law issues at hand?

INSTRUCTIONS TO PARTICIPANTS:

- The laws of the Republic of Aranyapur are *pari materia* with the laws of India unless specified otherwise.
 - Participants must address both procedural and substantive issues raised in the moot proposition.
 - Arguments should be based on legal principles, judicial precedents and international best practices.
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