

**TBA Bulletin # 44****Week gone by- July 13 –19, 2021**

**BFSI**– Mastercard banned by the RBI for non-compliance with the local data storage rules.

Lenders are concerned with the Future Group and Reliance Retail's deal not achieving completion.

**Anti-Trust**- Facebook is next to join Amazon for the recusal of FTC Chair Lina Khan from all decisions relating to the company.

French Competition Authority has levied a fine of \$593M on Google for violating orders to negotiate paid deals with news publishers.

Alibaba and Tencent are considering opening up their services to one another.

Uber has received a clean-chit from the CCI in a case filed by Meru alleging abuse of dominance in the radio taxi services market in Delhi-NCR.

CCI has released a practice direction with amended Regulation 11 of the CCI (General) Regulations, 2009.

**E-sports** – Netflix is planning to introduce video games as a part of its services by 2022.

**Data Privacy**- The PDP Bill is likely to come in the upcoming monsoon session beginning July 19.

**BFSI****NATIONAL****India bans Mastercard from adding new customers.**

- The Reserve Bank of India banned Mastercard from further issuance of new debit, credit or prepaid cards to customers in the Indian market for non-compliance with the local data storage rules.
- The entity was found to be non-compliant even after multiple opportunities and considerable time. The order would not impact existing customers of Mastercard. "Mastercard shall advise all card-issuing banks and non-banks to conform to these directions," RBI stated.
- RBI has in past also penalized firms for non-compliance with the local data-storage rules. In April, it restricted

American Express and Diners Club for the same issues.

**Source:** [Link](#)

**Future Group: The clock ticks for lenders as Deal awaits green light**

- Lenders are concerned as the deal between the Future Group and Reliance Retail Ltd. awaits its finality. The delay in the completion of the deal is bearing heavily on Mr. Biyani, with around Rs 200 crores of monthly costs to keep up with the working capital needs.
- Last year, Amazon challenged the deal between Future Group and Reliance Retail which is the causation of delay. Now, the deadline to conclude the deal

has been extended to September 30 and has already received CCI and SEBI's approval.

- The total debt for Future Group currently stands at around Rs 30,000 crores, and lenders have already bought more time for the debt-ridden company from the RBI's one-time restructuring scheme, which will not prove to be helpful, if the delay persists.

Source: [Link](#)

## **ANTI-TRUST**

### **INTERNATIONAL**

#### **Facebook is shook, asks for removal of FTC Chair Khan from antitrust cases against**

- Tech-giant Facebook has joined the recusal movement against FTC Chair Lina Khan with Amazon from all the decisions relating to the company.
- The letter details and explains Khan's academic publications as a reason for her recusal primarily which hints at her beliefs of tech-giant's conduct amounting to offence under antitrust.
- The complaint reads "...When a new commissioner has already drawn factual and legal conclusions and deemed the target a lawbreaker, due process requires that individual to recuse herself,".
- FTC has fortunately got Biden government's backing which prioritize "dominant internet platforms, with particular attention to the acquisition of nascent competitors, serial mergers, the accumulation of data, competition by 'free' products, and the effect on user privacy."
- The tech-giant's step is just a beginning of the long-battle to come and for FTC to mend its way to bring such actions against the tech-giant companies.

Source: [Link](#)

#### **Google fined \$593 M in France over treatment of news publishers**

- The France's Competition Authority finds Google in violation of orders to negotiate paid deals with news publishers and has levied a fine of \$593 M on it. The regulators told that Google was supposed to negotiate with publishers for showing the snippets of their content in its search results, which it didn't and has entered into paid deals with some French news publishers like Le Monde and Le Figaro.
- Google seemed not happy with the order and its spokeswoman found stating "We have acted in good faith throughout the entire process. The fine ignores our efforts to reach an agreement, and the reality of how news works on our platforms."
- On the other hand, publishers argued to have some share of the tech-giant's revenue for news is a big attraction for Google and such other tech companies.

Source: [Link](#)

#### **Alibaba and Tencent consider opening up their 'Walled Gardens'.**

- China's Alibaba and Tencent are considering to open up their services to one another which would mark a shift in the equation of these two rivals.
- The companies have started working towards this new model to loosen the curbs. This change is expected to favour the consumers and increase in competition, with more insights into each other's businesses.
- For now, the companies would introduce Tencent's WeChat Pay to Alibaba's e-commerce marketplaces, Taobao and Tmall.
- The decision has come after Beijing decided to control the tech giants and fined Alibaba a lumpsum amount equal

to \$2.8 B, for forcing vendors to sell exclusively on its platform or choose one out of two.

- Alibaba is largely barred from WeChat's ecosystem with few exceptions including Hema (an Alibaba service that allows people to band together to buy groceries at cheaper prices), and 1688 (Alibaba business-to-business platform).

Source: [Link](#)

## **NATIONAL**

### **CCI dismisses alleged unfair biz practices complaint against Uber**

- CCI has dismissed a complaint against Uber alleging abuse of dominant position in the market for radio taxi services in Delhi -NCR made by Meru Travel Solutions Pvt Ltd and found stating "The Commission is of the view that the facts and evidence on record do not establish the dominance of Uber, in the absence of which the question of abuse does not arise within the provisions of the (Competition) Act".
- The complaint was made against Uber India Systems Pvt Ltd, Uber B.V., Uber International Holding B.V., Uber International B.V. and Uber Technologies Inc.
- The allegations made against Uber stated the cab aggregator of abusive practices to create monopoly and eliminating the competitors from the market by giving discounts and incentives.
- The complaint against Uber was first made before the CCI in 2016 which was duly dismissed and appeal was made to the appellate tribunal which directed the DG's investigation on predatory pricing. Uber, being aggrieved by this, approached the Supreme Court but the complaint got dismissed and the SC also asked the

DG to complete the investigation within six months.

- The investigation concluded that Uber does not hold a position of strength and thus cannot behave independently of its competitors and customers in the relevant market and thus is not dominant in the relevant market in the present case. Further, the market being highly competitive along with fluctuating market shares of Uber and Ola does not sum up Uber's dominance.

Source: [Link](#)

### **CCI recapitulates its practice of signing of pleadings by any authorised employee of company under Regulation 11 of the CCI (General) Regulations, 2009**

- CCI has through a practice direction notified that now the pleadings can also be signed by any authorised employee of a company which includes partnership firm and LLP also.
- This step is a result to ease the regulatory compliance which provides that the pleadings shall be signed by the MD and in his absence, any Director duly authorised by the BoDs in the case of a company.
- The CCI exercised its power conferred under Section 36 of the Act read with Regulation 54 of the General Regulations.
- The authorised representative need to be an employee of the entity and not any specified professionals (including the counsel) who is authorised to appear before the Commission.
- Counsel can also append its signatures in addition to the signatures of the representative/s authorised to sign pleadings on behalf of the entity.

Source: [Link](#)

## **E-SPORTS**

**INTERNATIONAL****Netflix looking to expand into video games, likely not to cost extra**

- Netflix is likely to expand its horizon of TV shows and films to offering video games by 2022 and has appointed Mike Verdu as VP of game development who holds a substantial experience in bringing the games and such other content for the Oculus virtual reality headsets at Facebook.
- This will be in addition to the current content and at no-extra cost.
- Video-games will be first of its kind to be available on any OTT platforms and will justify the increase in cost, the source said.

Source: [Link](#)

**DATA PRIVACY****NATIONAL****Four Years and Counting: Wait for the Data Protection Law**

- Four years ago, a committee headed by retired Justice BN Srikrishna was formed to draft a legislation protecting personal data was set up is now expected to come by the end of this year or early 2022 after a tedious journey.
- The bill after some modifications such as narrowing down the offence list, no judicial member in the selection committee responsible for the appointments to the Data Protection Authority, exemption to state for using the data, etc. was introduced in the parliament in the last month of 2019.
- The report was to be submitted in the 2020 budget session but due to extensions granted, it is likely to come in the upcoming monsoon session beginning July 19.

Source: [Link](#)

*The weekly roundup is only for information purposes. Nothing contained herein is, purports to be, or is intended as legal advice and you should seek legal advice before you act on any information or view expressed herein.*

*Endeavoured to accurately reflect the subject matter of this alert, without any representation or warranty, express or implied, in any manner whatsoever in connection with the contents of this. This isn't an attempt to solicit business in any manner.*

*Source Credits: Economic Times, Mint, Bloomberg, TechCrunch, The Wall Street Journal, NDTV, Gadget 360, CPO Magazine, Nikkei Asia Review, LiveLaw.*