

TBA BULLETIN

November 10- November 16

The TBA Bulletin is a weekly summary of the most important legal news from India and around the world.

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ANTITRUST

- Google's challenge to EU antitrust ruling of \$2.8B fine dismissed by General Court in Luxembourg
- US-based states accuse Google of breaking antitrust regulations and using coercive techniques

ARBITRATION

- Future Retail files petition in SC seeking interim stay on arbitral ruling
- German Constitutional Court grants compensation to energy giant Vattenfall after closure of nuclear plant in Germany
- Commercial rents code of practice introduced in UK to resolve rental disputes

ANTITRUST INTERNATIONAL

As the EU Court of Luxembourg dismisses the challenge, the antitrust judgement and punishment against Google remain in place

- Google's appeal against an EU antitrust verdict and a \$2.8B punishment has been dismissed by the European Union's second highest court in Luxembourg.
- The shopping case was the first of three judgements in the last decade that have cost Google a total of €8.25B in EU antitrust fines. Following that, EU competition commissioner Vestager went after Amazon, Apple, and Facebook, with investigations now ongoing.
- In 2017, Vestager sanctioned the world's most popular internet

search engine for favouring its own price-comparison shopping service at the expense of smaller European competitors. On legal issues, Google can appeal to the EU Court of Justice (CJEU), Europe's highest court.

Source: [Link](#)

US states, led by Texas, have filed an updated complaint against Google, alleging antitrust violations and the use of coercive techniques

- A group of US states, led by Texas, has filed an additional case against Google, accusing it of using coercive tactics and violating antitrust rules in its efforts to expand its already powerful advertising business. The new charges are the latest in a string of regulatory investigations into Google's business operations.

- The lawsuit also mentions Google's deployment of a covert initiative known as "Project Bernanke" in 2013, which exploited bidding data to give its own ad-buying an edge. In a 2015 iteration of the programme, for example, Google allegedly removed the second-highest bids from publishers' auctions, amassed money in a pool, and then spent that money to inflate only the bids of advertisers who used Google Ads. The states said that if they hadn't, they would have lost the auctions.

Source: [Link](#)

ARBITRATION NATIONAL

Future v. Amazon: The SC will hear Future's appeal against the Delhi HC's refusal to stay the Singapore Tribunal's order halting the Reliance deal on November 23

- In the Amazon-Future legal battle, Future Retail Ltd. has appealed to the SC an order by the Delhi HC, which agreed to hear the company's petition challenging an arbitral tribunal's ruling but refused to grant an interim stay.
- The Delhi HC had refused to state on October 29 that regulatory agencies can continue with procedural steps for the approval of the Rs.27,513-crore transaction between Future Retail and Reliance Retail Ltd.
- The matter will be listed on November 23, 2021.
- Future Coupons Private Limited (FCPL) and the Promoters have also filed an appeal before the SC being SLP opposing the judgement of the Delhi HC's single bench ordering the attachment of the Future group's and its promoter's assets.

Source: [Link](#)

INTERNATIONAL

German constitutional court orders Germany to pay €1.4B to Vattenfall amidst closure of nuclear power plants

- The Swedish firm's arbitration proceedings at the World Bank's International Court of Arbitration were settled in March, with Germany agreeing to pay Vattenfall €1.425B (£1.2B) in compensation for lost profits, the largest of a series of payouts totalling €2.4B (£2B) to energy companies.
- Following Germany's decision in 2012, which followed the Fukushima nuclear accident in Japan the previous year, Vattenfall was among the companies that filed legal action.
- Germany's constitutional court ordered the government to

compensate the firm.

Source: [Link](#)

Commercial rent regulations introduced in the UK to resolve outstanding commercial rent disputes

- New laws and a [Code of Practice](#) are being introduced to resolve the remaining commercial rent debts accrued because of the pandemic.
- Commercial tenants are shielded from eviction until

March 25, 2022, supported by government measures taken last year to provide businesses breathing room and help protect jobs after several enterprises were forced to close in whole or in part due to the pandemic.

- Before the new arbitration process takes effect, a new Code of Practice will be in place to provide landlords and tenants with a clear process for addressing outstanding debts.

Source: [Link](#)

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Sources: MorningStar, Gov.uk, LiveLaw, Economic Times, and News18