

# TBA BULLETIN

November 23 to November 30

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

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## ANTITRUST

- Amazon approached the CCI to overturn its approval of Future Retail's \$3.4B sale of retail assets to Reliance Industries
- European Parliament introduced new tech restrictions in the draft Digital Markets Act
- Italy's antitrust authority has imposed a fine of \$230M on Amazon and Apple

## ARBITRATION

- Amazon approached the SC reportedly seeking a halt in the CCI's review of the Future deal

## EDTECH

- WB Government partnered with Schoolnet for digital learning and career development programmes

## HEALTHCARE

- National Health Authority has released a consultation paper on the proposed Health Data Retention Policy

## IBC

- India at crossroads with cross-border insolvency: The Ministry of Corporate Affairs (MCA) launches consultation paper

## ANTITRUST NATIONAL

**Amazon moved to the CCI against its approval in the Future-Reliance \$3.4 B deal on grounds of being null in the eyes of law**

- Amazon has requested the CCI to rescind its permission for Future Retail's \$3.4 B sale of retail assets to Reliance, claiming that it was "illegally obtained," violating an order halting the deal.

- According to a letter issued by Amazon, the clearance for the purchase was a "nullity in the eyes of law" because an arbitrator's order was still in effect.
- On the other hand, Future claims the arbitrator's suspension order is invalid, but Indian courts have refused to overturn it.
- The letter comes as Amazon fights charges that it falsified facts and withheld information in order to get antitrust approval for a 2019 acquisition with Future Group.

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

## **INTERNATIONAL**

### **EU Lawmakers pass strict [new rules](#) affecting big U.S. tech**

- The lead committee in the European Parliament which is writing new tech rules passed measures that could impact major U.S. and European tech companies.
- Lawmakers voted to approve measures in the [draft Digital Markets Act](#) that are:
  - ban on behavioural targeting of ads to minors.
  - fine of as much as 20% of a company's global annual sales for breaches of the law.
  - companies identified as "gatekeepers", set to be accountable under the DMA

include Amazon, Facebook, Google, Microsoft, Apple and Booking.com, and could later hit online marketplaces Zalando and Alibaba.

- The vote was a key step toward finalizing the EU's tech rules, expected to come into force next year.

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

### **Amazon and Apple get fined over apparent reseller collusion in Italy**

- The Italian Competition Authority (AGCM) said the supposed conspiracy among Amazon and Apple, has diminished the degree of limits accessible to customers purchasing Apple and Beats items on the Amazon Italy commercial center. It has likewise requested the tech monsters to end the limitations on affiliates.
- The AGCM guaranteed its test recognized a prohibitive understanding among Amazon and Apple to impede a few "real" affiliates of Beats items on Amazon.it., endorsed between the two organizations in October 2018.
- In its public statement, AGCM found a few legally binding provisos that disallowed official and informal affiliates of Apple and Beats items from utilizing Amazon.it in the prohibitive arrangement—with the limitation

restricting the offer of Apple and Beats items on Amazon.it to Amazon itself. A few affiliates the authority said, were "picked independently and in a prejudicial way".

- Amazon strongly disagrees with the decision of the Italian Competition Authority (ICA) and intend to appeal. The proposed fine is disproportionate and unjustified. As a result of the agreement, Italian customers can find the latest Apple and Beats products on our store, benefiting from a catalogue that more than doubled, with better deals and faster shipping”, Amazon stated.

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

- SC had chosen to give no expansions to the organization to clarify its position and will presently give a request at the appointed time.
- The CCI's choice is basic to Amazon's lawful difficulties. Assuming the CCI rules against Amazon and denies the 2019 endorsement, it could have wide-running consequences on the Amazon's continuous fight in court with Future.
- Future, which denies any bad behaviour, blames Amazon for illicitly meddling in its business choices and wrecking a possible arrangement without which it says it will confront liquidation.

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

## ARBITRATION NATIONAL

**Amazon requested a halt in the CCI review of 2019 deal with India's Future Group, approached SC**

- Amazon has urged the SC to stop the expedited review of claims of concealed information while looking for an antitrust leeway for a 2019 deal with India's Future Group.
- The CCI in June blamed Amazon for hiding realities and making bogus entries when it looked for endorsement for the \$200 M interest into a Future unit in 2019.

## EDTECH NATIONAL

**Push for e-learning in West Bengal as government partners with EdTech start-up**

- The partnership with the start-up, Schoolnet, will help provide an online e-learning platform in Bengali, Geneo eSekha', to students from classes 5 to 10.
- The pupils of state-run and government-aided schools will be able to access the portal through the official website of West Bengal's School Education Department.

- The initial tie-up is for one year which is commonly extendable later on.
- The intelligent advanced learning stage covers Science, Mathematics, and English for understudies of classes 5 to 8, and English, Mathematics, Physical Science, Life Science, History, and Geography for classes 9 and 10.
- Furthermore, the most recent West Bengal State Board course books will be introduced in an advanced configuration, permitting understudies to re-realize what they have been instructed in school.

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

## **HEALTHCARE** **NATIONAL**

### **National Health Authority (NHA) invites suggestions on consultation paper on health data retention policy**

- The NHA has released a consultation paper on a proposed health data retention policy.
- It provides a detailed discussion on the need for the policy, its scope, key elements, and proposed approach for its governance structure under the ambit of Ayushman Bharat Digital Mission (ABDM), launched across the country on 27 September 2021.

- The proposed Guideline has been imagined to limit chances related with individual wellbeing information and to expand benefits from the utilization of this information by guaranteeing that information maintenance rules are in a state of harmony with all appropriate lawful and administrative compliances. The key focus point:
  - It would limit chances related with individual wellbeing information, while additionally augmenting the advantages from the utilization of the equivalent.
  - Defines parts of maintenance, like span, information arrangement, stockpiling, and support, and uses cases for wellbeing records; and
  - Outlines a likely way to deal with record maintenance, noticing that wellbeing information might be characterized by in-patient, out-patient, perished patient, and uncommon information and might be put away either for all time or for a very long time after the last section.
  - The consultation paper released can be accessed [here](#).

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

## **IBC** **NATIONAL**

### **The Ministry of Corporate Affairs (MCA) launches consultation with public concerning Cross-Border**

## Insolvency under Insolvency and Bankruptcy Code, 2016 (IBC)

- MCA has invited public comments on the proposed legal framework for [cross-border insolvency under the Insolvency and Bankruptcy Code, 2016](#) vide notice dated 24th November 2021.
- Key points to be noted: 'Cross-line bankruptcy' means conditions in which an indebted borrower has resources or potentially leasers in more than one country.
- The service has proposed to authorize arrangements on crossline bankruptcy in accordance with draft arrangements on crossline indebtedness (Draft Part Z) alongside the accompanying alterations:
  - The Model Law applies to people just as corporate people.
  - The Model Law recommends that organizations whose goal is administered by a unique law or whose bankruptcy fundamentally influences public interests might be excluded from the materialness of the crossline indebtedness law.
  - It is recommended that monetary specialist organizations might be barred from the relevance of crossline bankruptcy arrangements under Draft Part Z. Such avoidance is in accordance with the plan of the Code as monetary specialist organizations are dependent upon a unique indebtedness process.

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

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