



# The Summit Snapshot

8<sup>th</sup> Government Law College International Law Summit, 2017



## An Overview

The 8th Government Law College International Law Summit, organized by the Students for the Promotion of International Law (SPIL), Mumbai, was held from 3rd February to 5th February 2017, encompassing various illuminating seminars, an engaging Panel Discussion, Webinars, and two novel competitions – the Treaty Appreciation Competition (TAC) and the Judgment Deliberation Competition (JDC).

The theme for the 8th Government Law College International Law Summit, 2017, supported by the World Trade Organization (WTO), Geneva, was 'International Competition Law and Policy', which, as an emerging domain of law, seeks to ensure promotion and maintenance of fair competition in markets, principally within the territorial boundaries of nation-states. It is whilst acknowledging the growing importance of this field of law, which has evolved over the years in an international sphere, that SPIL, Mumbai, envisioned organizing the 8th Government Law College International Law Summit, 2017 with 'International Competition Law and Policy' as its theme.

A phenomenal success yet again, the Summit, 2017, received attention from diverse sections of the legal fraternity and eclectic intelligentsia from all over the country and around the world.

3<sup>rd</sup> February, 2017

20 Downtown Hall, Eros

The first day of the 8th Government Law College International Law Summit, 2017 commenced in a grand fashion by the sheer stature and the august presence of the esteemed guests presiding over the event, among other eminent personalities.



The Keynote speaker was Ms. Avaantika Kakkar, Partner, Khaitan & Co., Mumbai. She began her address by explaining the circumstances which led to the enactment of the Competition Act, 2002. She also shed light on the famous Indian case, 'Brahmo Dutt vs. Union of India' which led to a constitutional challenge that in turn brought about a major amendment in the said Act and caused the dilution of the judicial character of the functions and powers of the Competition Commission of India (CCI). She profoundly analyzed the concept of Merger and Acquisitions and its regulation by CCI. She concluded by explaining to the audience the reasons that make Competition Law an integral part of International Law.



The Guest Speaker next in line was **Ms. Simone Reis, Co-Head, Mergers & Acquisitions Practice at Nishith Desai Associates, Mumbai**. She spoke about the loopholes in the Indian Competition Act, where she highlighted the predominance of the civil nature. She enlightened the gathering on the enforceability of the agreements that are likely to cause an appreciable adverse effect on Competition. She went on to talk about the diverse aspects of anti-competitive practices like abuse of dominant position and anti-competitive practices, agreements and arrangements. She further threw light on the famous Indian case where Bharat Matrimony moved CCI against Google Inc., citing discriminatory and restrictive trade practices relating to its AdWords Program.

## Webinars

**Ms. Anna Caroline MÜLLER, Legal Affairs Officer, Intellectual Property, Government Procurement and Competition Policy Division, WTO, Geneva**, thereafter joined us to deliver a webinar on the topic - 'International Trade and Competition Policy in the Light of New Age Regional Trade Agreements (RTAs) - Recent Trends and what they mean for International Cooperation'. She enlightened the audience on the role of WTO in the recognition of close relationships between trade, investment and competition policy and the rules on monopolies and exclusive trade services which find recognition in GATT, GATS, BEPS and the TRIPS Agreements, under the WTO. She emphasized on the increasing necessity of attaining uniformity of competition laws in order to reduce ambiguity, where she highlighted the seminal role of WTO in its dedicated chapters on Competition Policy in numerous RTAs of developed countries.



**Mr. Kabir Duggal, Senior Associate, Baker & McKenzie, New York, U.S.A.**, thereafter joined us to deliver another webinar on the topic - 'Investor-State Arbitration and Competition Law'. He began his address by defining Investor State Arbitration and International Trade Law and why there is an imminent need of reconstruction of Bilateral and Multilateral Investment Treaty with 'Most Favoured Nation' (MFN), 'National Treatment' (NT) and 'Fair and Equitable Treatment' (FET) clauses, to protect the investor. Taking into consideration the current situation of uncertainty, he elucidated the impact of events such as 'Brexit' and the recent American Presidential elections on international investments in multiple jurisdictions.

## Unveiling of the Souvenir



The Souvenir of the 8th Government Law College International Law Summit, 2017 was unveiled by the dignitaries on the dais. A heart-warming welcome address by **Judge Dr. Ajay Nathani, Principal, Government Law College, Mumbai**, followed the unveiling of the Summit Souvenir. The day was finally brought to an end by the Vice-President of SPIL, Mumbai, **Mr. Vedant Churi**, through his Vote of Thanks dedicated to all those who made the materialization of the Summit possible.

4<sup>th</sup> February, 2017

Government Law College, Mumbai

The second day of the Summit entailed the preliminary rounds of the Judgment Deliberation Competition (JDC) and the Treaty Appreciation Competition (TAC).

The Preliminary rounds of the JDC were judged by:

1. Mr. Vismay Shroff, Partner, Parimal K. Shroff & Co.;
2. Ms. Sonali Mathur, Partner, AZB & Partners;
3. Ms. Mansi Kaku, Associate, Solomon & Co.;
4. Ms. Mallika Taly, Advocate, Bombay High Court;
5. Mr. Gaurav Bansal, Associate, AZB & Partners;
6. Ms. Parinaz Vakil, Associate, Bharucha & Partners;
7. Mr. Kirthi Srinivas, Associate, Khaitan & Co.;

The rounds of the TAC were judged by:

1. **Mr. Akash Rebello**, Associate Professor of Law and Executive Director of the Centre for International Trade and Economic Laws, Jindal Global Law School, Haryana, India.

2. **Prof. Kishu Daswani**, Professor, Government Law College, Mumbai.



The semi-final rounds of the JDC were judged by:

1. **Mr. Tarun Mathur**; Consultant, Cyril Amarchand Mangaldas

2. **Mr. Rohan Cama**; Advocate, Bombay High Court

Finally three teams qualified for the final round of the JDC:-

- Symbiosis Law School, Pune,
- University of Queensland, Australia
- NALSAR University of Law, Hyderabad.

5th February, 2017

Mumbai University Convocation Hall



The final day of the Summit entailed the final round of the Judgment Deliberation Competition. **Mr. Shardul Thacker**, Senior Partner, Mulla & Mulla & Craigie Blunt & Caroe, **Mr. Aaron Solomon**, Partner, Solomon & Co. and **Ms. Deepali Ann Fernandes**, Research Assistant, University of Zurich & International Trade Consultant for UN Agencies presided over the final round of deliberations.

Intensive deliberation by the teams and fierce questioning by our judges finally resulted in Symbiosis Law School, Pune, emerging as the winner of the Judgment Deliberation Competition, followed by University of Queensland, Australia, securing the Runner-Up position. After the rounds, as the scores were tallied, the judges gave an insightful feedback praising the detailed research of all the participants and the high level of the competition. The competition successfully achieved its objective of broadening perspectives and encouraging rational discourse.



### Call for papers

The engaging addresses were followed by a Paper Presentation session by the winners of the 'Best Paper' and 'Second Best Paper' of the Call for Papers, 2017. 'Jurisdictional and Territorial Conflicts in Cross-border Competition Disputes' by Mr. Akash Srinivasan, and 'Competition Law and Data in the Digital Age' by Mr. Sanvid Tuljapurkar, Ms. Shishira Johny and Ms. Tejaswi Reddy Dokuru were adjudged the 'Best Paper' and the 'Second Best Paper' respectively



### Panel Discussion



The apotheosis of the day was the highly engrossing Panel Discussion on 'Abuse of Dominance in Emerging Economies' deftly moderated by Mr. Shardul Thacker, Senior Partner, Mulla & Mulla & Craigie Blunt & Caroe, that featured illustrious panellists including Mr. Aaron Solomon, Partner, Solomon & Co; Mr. Tarun Mathur, Consultant in the Competition Law Practice at Cyril Amarchand Mangaldas; Mr. Vismay Shroff, Associate, Parimal K. Shroff & Co; Ms Poonam Singh, Assistant Professor, NITIE, Mumbai and Mr. Kaushik Krishnan, LLM candidate and a PhD candidate in Economics at UC Berkeley.

The Panel Discussion witnessed an engaging discourse on various issues pertaining to abuse of dominance by technology and corporate giants in developing nations. The panellists' frequently oscillated on the issue of abuse of dominance as dealt by the Competition Act, 2002 and debated the legislation's effectiveness in adequately dealing with monopolies. The discussants drew attention to the recent market implications of Reliance Jio's trade practices and had differing opinions on whether or not Jio enjoyed a dominant position in the telecom market.



The discussion also shed light on the intricate and overriding relationship between the government and certain sectors of the economy, where the former is a monopoly in sectors such as energy and defence, where the scope of the Indian Competition regime has been eased and widened to deal with such situations. By the end of the discussion they all reached consensus that welfare of the consumer should be given utmost priority and this can be achieved solely in an atmosphere of free and fair competition bolstered by a sustainable policy framework.

### Valedictory Ceremony

#### Treaty Appreciation Competition

- Best Team – Indian Law Society, Pune
- Runner-Up Team – Symbiosis Law School, Pune;
- Best Member – Kanupriya Sharma, Symbiosis Law School Pune
- Best Critique – Symbiosis Law School, Pune.

#### Judgment Deliberation Competition

- Best Team – Indian Law Society, Pune;
- Runner-Up Team – University of Queensland, Australia;
- Best Judgment – University of Queensland, Australia;
- Second-Best Judgment – Symbiosis Law School, Pune.

An earnest Vote of Thanks by the **SPIL President - Ms. Saloni Tyagi**, tied together the events of the day, bringing a close to the 8th Government Law College International Law Summit, 2017. The President attributed the success of the Summit to the constant support of its patrons, sponsors and mentors with the invaluable effort of the team of SPIL, Mumbai, students, lawyers, and academicians at an innovative, interactive, and enlightening forum.

#### Feedback

“The SPIL 8th Government Law College International Law Summit, 2017 was highly topical, well prepared and well attended. Congratulations!”

- Ms. Anna Caroline MÜLLER, Legal Affairs Officer, Intellectual Property, Government Procurement and Competition Policy Division, WTO, Geneva

“The young and high on energy law students micro managing the entire SPIL Mumbai event so well, definitely need to be applauded. SPIL Mumbai organizers surely are dedicated at achieving the best and it can be seen from the diligent students working so hard for it. Keep up the good work and keep it going.”

- Mr. Aaron Solomon, Partner, Solomon & Co.

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