



**5TH TNNLU-CCI  
NATIONAL MOOT  
COURT COMPETITION**

MAY 13-14, 2023



**5<sup>th</sup> TNNLU – CCI NATIONAL ONLINE MOOT COURT  
COMPETITION, 2023**

[13<sup>th</sup> – 14<sup>th</sup> May 2023]

**TAMIL NADU NATIONAL LAW UNIVERSITY**

The Tamil Nadu National Law University (TNNLU) was established by the Government of Tamil Nadu by an Act of State Legislature (Tamil Nadu Act No. 9 of 2012) to provide quality legal education at the global level. TNNLU has been established with the objective of advancing and engaging with the knowledge of the law, its processes, and its role in national development. TNNLU is committed to the endeavour of developing in its students and research scholars a sense of responsibility to serve the society in the field of law by cultivating skills in advocacy, legal services, legislation, and reforms. TNNLU has organized lectures, seminars, symposia, and conferences, including an international conference on Affirmative Action and the Sustainable Development Goal of Gender Equality, to promote legal knowledge and to make law and legal processes efficient instruments of social development, National Conference on Legal History of South India and International Conference on Law and Economics.

**THE COMPETITION COMMISSION OF INDIA**

The Competition Commission of India (CCI) at New Delhi is a regulatory body established by the Government of India. The duty of the Commission is to carry out the objectives enumerated under the Competition Act, 2002, i.e., to prohibit anti-competitive agreements, abuse of dominant position by enterprises and regulate combinations (acquisition, acquiring of control and M&A), which cause or are likely to cause an appreciable adverse effect on competition within India. The broad objective of the Act is to create and sustain fair competition in the economy that will provide a ‘level playing field’ to the producers and make the markets. To this end, the mandate of the CCI includes eliminating practices having adverse effect on competition; inspiring businesses to be fair, competitive and innovative; protection of the interests of consumers and ensuring freedom of trade in the markets of India. To achieve its objectives, the Commission engages in wide-ranging advocacy programmes like competition assessment of policies and legislations by collaborating with educational institutions, conducting training sessions, panel discussions and conferences on issues in competition law,

offering internship opportunities to students and organizing national level essay writing competitions.

### **CENTRE FOR COMPETITION LAW, TNNLU**

TNNLU was selected by the Competition Commission of India (CCI), New Delhi under the CCI (Competition Assessment of Economic Legislations and Policies) Guidelines, 2017 to act as an Empanelled Institution for the purposes of carrying out Competition Assessment of the Economic Legislation, Bills and Policies. TNNLU was one among the four Universities across India to be empanelled by CCI for this prestigious work. Subsequently, the Centre for Competition Law (CCL) was set up on 4th February 2018 to carry forward the empanelment work along with other research activities. The mission of CCL is to create awareness among the general public at large about the implications of Competition Law and to carry out focused research in the field of Competition and Commercial Laws. With a view to disseminate information on promoting competition in the market, we intend to conduct workshops, training programmes, publish newsletters/case summaries etc. in the domain of Competition Law.

### **MOOT COURT COMMITTEE, TNNLU**

The Moot Court Committee (MCC) of TNNLU has been regularly conducting various inter and intra moot court competitions since 2014. The first edition of the National Moot Court Competition was organised from 24<sup>th</sup> to 26<sup>th</sup> March 2017. In 2018, MCC collaborated with CCI for the first time to organise the 1<sup>st</sup> TNNLU-CCI National Moot Court Competition from 2<sup>nd</sup> to 4<sup>th</sup> February 2018, and since then the 2<sup>nd</sup> edition of the TNNLU-CCI National Moot Court Competition (6<sup>th</sup> to 8<sup>th</sup> of March 2019) and the 3<sup>rd</sup> TNNLU-CCI National Moot court Competition (6<sup>th</sup> to 8<sup>th</sup> of March 2020) were organised. In 2021 the 4<sup>th</sup> TNNLU-CCI National Moot Court Competition took place in a virtual setting. All four editions saw great participation of law students from all over India. This year we are happy to collaborate with CCI once again to organise the 5<sup>th</sup> TNNLU-CCI National Moot Court Competition, 2023 in virtual mode.

**ORGANIZING COMMITTEE**

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## TABLE OF CONTENTS

OFFICIAL SCHEDULE .....	1
RULES OF THE 5 <sup>TH</sup> TNNLU – CCI NATIONAL MOOT COURT COMPETITION, 2023 .....	2
1. DEFINITIONS .....	2
2. GENERAL.....	2
3. REGISTRATION.....	3
4. CLARIFICATIONS ON THE MOOT PROBLEM .....	4
5. MEMORIAL RULES .....	5
6. COMPETITION ROUNDS .....	8
7. AWARDS.....	10
8. CODE OF CONDUCT .....	11
9. MISCELLANEOUS .....	12
MOOT PROPOSITION.....	13
REGISTRATION FORM.....	20

## OFFICIAL SCHEDULE

Commencement of Provisional Registration	April 06, 2023
Release of Moot Problem & Rules	April 06, 2023
Last Date for Final Registration	11:59 PM (IST), April 25, 2023
Last Date for Seeking Clarifications	11:59 PM (IST), April 27, 2023
Release of Clarifications	April 30, 2023
Last date for Withdrawal from the competition	May 2, 2023
Deadline for submission of Soft Copy of the Memorials	11:59 PM (IST), May 9, 2023
Dates of the Competition in Virtual Mode	May 13 and 14, 2023

# RULES OF THE 5<sup>TH</sup> TNNLU – CCI NATIONAL MOOT COURT COMPETITION, 2023

## 1. DEFINITIONS

- 1.1 **Competition:** The Competition refers to all the aspects of the 5<sup>th</sup> TNNLU-CCI National Moot Court Competition, 2023
- 1.2 **Organizers:** It shall mean the Moot Court Committee of the Tamil Nadu National Law University, Tiruchirappalli
- 1.3 **Memorial:** It means the written arguments submitted, on behalf of both parties, according to the Rules of the Competition by each team.
- 1.4 **Oral Rounds:** It refers to the Competition rounds during which the teams orally submit their pleadings in front of the judges on behalf of one of the parties against another team representing the opposing party.
- 1.5 **Oral Round Scores:** It refers to the average of the scores secured by both the Speakers in the Oral Rounds.
- 1.6 **Qualifying Rounds:** The Qualifying Rounds include the preliminary round of the Competition consisting of two rounds wherein teams must argue each party once.
- 1.7 **Advanced Rounds:** It refers to the Quarter-finals, Semi-finals and Final rounds of the 5<sup>th</sup> TNNLU – CCI National Moot Court Competition, 2023.
- 1.8 **Power Match-up:** The fixtures for the Oral Rounds of the Competition will be done on the basis of a power match-up. For the first round of the Preliminary Round, power match-up will be based on the memorial ranks secured by the team. (Out of 16 Ranks, Rank 1 v. Rank 16, Rank 2 v. Rank 15...) For the Advanced Rounds, the power-up will be based on the Oral Round Scores secured by the teams.
- 1.9 **Slide match-up:** The fixtures for the second round of the Preliminary Round will be determined by the Organizers on the basis of a slide match-up (Out of 16 Ranks, Rank 1 v. Rank 9, Rank 2 v. Rank 10 ...) of the memorial ranks secured by the teams.
- 1.10 **Scouting:** Scouting is the act of attending a round in which the members of the team or any person related to the team are not competing.

## 2. GENERAL

### 2.1. Eligibility

All students enrolled in a three (3) year LL.B. programme or a five (5) year LL.B.

programme shall be eligible to participate in the Competition. However, only one team per institution shall be eligible to participate. Students enrolled in post-graduate or diploma courses are not eligible to participate.

### 2.2. Team Composition

- 2.2.1 The team composition for the Competition shall be either two members (Both the members designated as Speakers) or three members (Two members designated as Speakers and one member designated as a Researcher).
- 2.2.2 Substitution of any team member or alteration of team composition is not allowed after the date of Final Registration except in extenuating circumstances and only with the permission of the Organizers.
- 2.2.3 A Researcher, in extenuating circumstances, may be allowed to argue during the Oral Rounds with the permission of the judges.

### 2.3. Language

The Competition shall be conducted in English language only. All oral submissions and written submissions (memorials and compendium) shall be in English.

## 3. REGISTRATION

### 3.1. General Rules for Registration

- 3.1.1 In this edition of the competition, the registration will be restricted to only 24 Teams of which 8 teams will qualify for the Advanced round. All the Teams desirous of participating in the Competition should provisionally register themselves by sending an email to [nmcc@tnnlu.ac.in](mailto:nmcc@tnnlu.ac.in) through the Moot Court Committee of their Institution/College/University or the Faculty Coordinator of the Moot Court Committee. Final registration formalities should be completed by the Team only after receiving an affirmative reply from the OC to the provisional registration email.
- 3.1.2 Institutions may provisionally register and reserve a slot in accordance with the procedure prescribed in Rule 3.2. However, the slot will be revoked if the team fails to complete the registration process prescribed in Rule 3.3.

### 3.2. Provisional Registration

- 3.2.1 Provisional Registration for the Competition shall open on 4<sup>th</sup> April 2023. Institutions can temporarily block a slot by writing to the Organizers at [nmcc@tnnlu.ac.in](mailto:nmcc@tnnlu.ac.in).



Institutions will receive a response immediately regarding the availability of slots and reservation of the same.

- 3.2.2 Institutions who have provisionally registered must complete the Registration process described in Rule 3.3 by April 25<sup>th</sup>, 2023.

### 3.3. Final Registration

- 3.3.1 A slot can be secured only after teams complete the Final Registration process by **11:59 PM (IST), 25<sup>th</sup> April 2023**. Teams will receive a unique Team Code, for identification purposes, once the Final Registration is complete.

- 3.3.2 To complete the Final Registration, the teams must fill out this final registration form [linked here](#), by **11:59 PM (IST), 25<sup>th</sup> April 2023**.

- 3.3.3 A fee of Rs. 4000/- (Four Thousand only) is payable towards registration. The registration fee must be paid via NEFT (See Rule 3.3.4) latest by 11:59 PM (IST), 15<sup>th</sup> April 2023. **Confirmation of payment of registration fee must also be attached with registration form.**

- 3.3.4 Details of bank account

Bank Details Branch Name – TNNLS Branch, Tiruchirappalli

Name of the A/c Holder – The Registrar, Tamil Nadu National Law University

Account No. - 16560110029565

Account Type – Savings Bank Account IFSC Code –UCBA0003003

(OR)

**Demand Draft drawn in favour of**

“The Registrar, Tamil Nadu National Law University” payable at Tiruchirappalli.

### 3.4. Withdrawal

- 3.4.1 The final date for withdrawal from the competition is **25<sup>th</sup> April 2023**.

- 3.4.2 Teams can withdraw from the competition by writing an email to [tonmcc@tnnlu.ac.in](mailto:tonmcc@tnnlu.ac.in) before **11:59 PM (IST) May 2, 2023**.

- 3.4.3 The registration fee is non-refundable.

## 4. CLARIFICATIONS ON THE MOOT PROBLEM

- 4.1 Clarifications regarding the Moot Problem may be sought by the teams till **11:59 PM (IST), April 27, 2023**, via an email to [nmcc@tnnlu.ac.in](mailto:nmcc@tnnlu.ac.in) with the subject ‘5<sup>th</sup> TNNLU-CCI NMCC, 2023- Clarifications.’ The Clarifications sought by the teams will be

published and circulated to the teams via email by **April 28, 2023**.

## 5. MEMORIAL RULES

### 5.1. General Rules for Memorials

- 5.1.1 All the teams must submit the soft copy of the memorial on or before **11:59 PM (IST), May 9, 2023**, in the Google Form circulated via email by the Organizers to the teams who have registered.
- 5.1.2 The soft copy of memorials once submitted cannot be revised or resubmitted.
- 5.1.3 Sanctions will be imposed on memorials submitted after the deadline; 3 marks will be deducted per day.
- 5.1.4 The memorials shall not contain any annexure, photograph, graph, diagram, or any other representation of like nature.

### 5.2. Rules for Submission of Soft Copy of the Memorials

- 5.2.1 The soft copy of the memorial must be submitted as Word Document (.docx) as well as PDF Format (.pdf) in the Google Form sent to the teams.
- 5.2.2 Memorials submitted via email, or any other similar platform will not be accepted.
- 5.2.3 The memorials must be named in the following format: “*Team Code – Informant/ Opposite Party*”, for example, “T20 - Informant”. The file name shall not carry any other identifying marks.
- 5.2.3 Memorials for both the parties must be submitted together. Separate submissions or any request for separate submission will not be accepted or entertained.

### 5.3. Rules on the Content and Formatting Specifications of Memorials

- 5.3.1 Format Specifications
  - Each Team is required to prepare a memorial for each party of the dispute with the following mandatory heads:
    - i. Cover Page
    - ii. Table of Contents
    - iii. Index of Authorities
    - iv. Statement of Jurisdiction
    - v. Statement of Facts (Must Not Exceed 2 Pages)
    - vi. Issues Raised
    - vii. Summary of Arguments (Must Not Exceed 2 Pages)

viii. Arguments Advanced (Must Not Exceed 25 Pages)

ix. Prayer (Must Not Exceed 1 Page)

5.3.2 The Cover Page must contain only the following information:

- i. The Team Code in the upper right corner of each memorial. No other page must contain the team code.
- ii. The name of the Forum resolving the dispute.
- iii. The name of the Competition.
- iv. Name of the parties and status before the Forum
- v. The party on whose behalf the memorial has been prepared.

5.3.3 All parts of the memorial (including headers, footers and headings) must be typed on A4 sized paper/format, with the following Formatting Specifications:

- i. Page Orientation: Portrait
- ii. Font Type: Times New Roman
- iii. Font Size: 12
- iv. Line Spacing: 1.5
- v. Margins: One (1) Inch on Each Side

5.3.4 For Footnotes, the Formatting Specifications are as below:

- i. 20<sup>th</sup> Edition Bluebook style of uniform footnoting must be followed throughout the memorials.
- ii. Font Type: Times New Roman
- iii. Font Size: 10
- iv. Line Spacing: 1
- v. Speaking footnotes or endnotes are not allowed.

5.3.5 The memorials must not contain any identification apart from the team code allotted. If any discrepancy or any attempt to disclose identity by any team is noticed by the Organizers, the team will be disqualified.

### **5.4. Evaluation of Memorials**

The maximum score for each memorial shall be 100 marks. The memorials shall be evaluated on the following criteria:

CRITERIA FOR EVALUATION	MAXIMUM MARKS
Application of Facts	25 marks
Knowledge, Interpretation and Application of Law	25 marks
Ingenuity and Logical Reasoning	20 marks
Use of Authorities and precedents	20 marks
Presentation and formatting	10 marks

### 5.5. Penalties

Any team violating the specifications as prescribed under Rule 5.1 to Rule 5.4 will be penalised as described in the scheme below:

DESCRIPTION	PENALTY
Failure to include all the sections in the memorials	5 marks for each section
Failure to include necessary information on the Cover Page of the memorial or use of a colour on the cover page contrary to the scheme provided	5 marks for each memorial
Disclosure of identity of the team or of the institution being represented	Disqualification of the team
Delay in submission	1 mark per hour of delay

## 5<sup>TH</sup> TNNLU – CCI NATIONAL MOOT COURT COMPETITION 2023

Use of incorrect font style, font size or line spacing	1 mark per violation, maximum of 10 marks per side
Incorrect Margins	2 marks – one-time penalty
Excessive length of any section of the Memorials	1 mark for each extra page
Plagiarism in Memorials	Disqualification of the team

### 5.6. Copyright and Publication of Memorials

The Organizers reserve the right to reproduce and disseminate the memorials for the purpose of the Competition. The submission of the memorial in this Competition will constitute the consent for the same.

## 6. COMPETITION ROUNDS

### 6.1. Oral Round Procedures

- 6.1.1 The oral rounds will be conducted online. The meeting links and guidelines for the same shall be sent to the participants via email.
- 6.1.2 The oral rounds shall comprise of preliminary rounds, Quarter finals, Semi-finals, and Finals. There shall be two preliminary rounds.
- 6.1.3 The time split between the speakers must be communicated to the Court Clerks prior to the commencement of each round.
- 6.1.4 There will be no extension of time. If the judges are of the opinion that a certain exigency does require an extension of time, they may extend the cumulative speaking time for a team.
- 6.1.5 There shall be no oral communication between team members and the speaker delivering oral submissions.
- 6.1.6 The teams shall not disclose to the judges, in any manner whatsoever, for the entire duration of the rounds, either their own individual identities or the identity of the institution that they represent.
- 6.1.7 Sur-rebuttals maybe allowed at the discretion of the judges.

- 6.1.8 If a team scheduled to participate in the oral submissions of a round does not appear for ten (10) minutes after the scheduled commencement of such round, the team will be disqualified, and the other team shall make oral submissions ex-parte.

### 6.2. Preliminary Rounds

- 6.2.1 Each team will argue in two (2) Rounds, once for each party.
- 6.2.2 The fixtures will be based on the memorial scores secured by the teams. The fixtures for the teams will be prepared by the Organizers on the basis of a power match-up and slide match-up of ranks for the first and second rounds respectively.
- 6.2.3 Each team will be given 30 minutes which is inclusive of the time for rebuttal and sur-rebuttals. Each team is entitled to a maximum of five (5) minutes out of the thirty (30) minutes for rebuttal and sur-rebuttal.
- 6.2.4 The ranking of the teams in the Preliminary Rounds will be based on both Memorial Scores and the Oral Round Scores. The scores of the Preliminary Rounds will be the aggregate of the average scores in both the oral rounds and the Memorial score (70% of oral round scores and 30% of Memorial Score). For example, if the average of the memorial scores is x and the average for the oral rounds is y, then the aggregate score will be a combination of 30% of x and 70% of y.
- 6.2.5 If two or more teams have the same cumulative score (Memorial Score + Oral Round Scores), the team with the higher cumulative Oral Rounds Scores shall be ranked higher.
- 6.2.6 In case of a tie, it shall be resolved in the following order:
- (i) Memorial Score
  - (ii) Highest Score under the scoring criteria '*Application of Legal Principles & Usage of Authorities*'
  - (iii) Coin Toss

### 6.3. Advanced Rounds

- 6.3.1 The fixtures will be prepared by the Organizers on the basis of power match-ups generated using the ranks from the Qualifying Round. The party each team has to argue on behalf of will be determined by a draw of lots.
- 6.3.2 The teams will be given forty-five (45) minutes each which is inclusive of time allocated for rebuttal or sur-rebuttal. Each team is entitled to a maximum of five (5) minutes out of the forty-five (45) minutes for rebuttal and sur-rebuttal.
- 6.3.3 The qualification in the Advanced Rounds shall be on the basis of win/loss, which will

be determined by taking into account the Oral Round Scores in the respective rounds.

### 6.4. Scoring Criteria

The maximum score a speaker can get is 100 marks. The criteria for evaluation in the Oral Rounds are as below:

CRITERIA FOR EVALUATION	MAXIMUM MARKS
Application of Legal Principles & Usage of Authorities	25 Marks
Knowledge of Facts	20 Marks
Structure, Articulation & Clarity	20 Marks
Ingenuity & Response to Questions	20 Marks
Court Etiquette, Presentation Style & Time Management	15 Marks

### 6.5. Researcher's Test

- 6.5.1 The Researcher's Test will be conducted online on April 30, 2023.
- 6.5.2 Only a participant designated as the Researcher at the time of Final Registration shall be eligible to participate in the Researcher's Test.
- 6.5.3 The duration of the test is One (1) hour. The test will have both objective and subjective questions based on the facts in the Moot Problem and the law applicable to the same.

## 7. AWARDS

- 7.1 The Competition includes the following awards:

AWARDS	PRIZE MONEY
Winners	Rs. 40, 000/-
Runners Up	Rs. 30, 000/-

## 5<sup>TH</sup> TNNLU – CCI NATIONAL MOOT COURT COMPETITION 2023

Best Researcher	Rs. 10, 000/-
Best Speaker	Rs. 10, 000/-
Best Memorial	Rs. 10, 000/-

7.2 The Best Speaker will be decided on the basis of Oral Round Scores in the Preliminary Rounds.

7.3 Best Researcher: Will be decided on the basis of the Researcher's Test only.

### 8. CODE OF CONDUCT

8.1 The Rules governing the conduct of the Competition should be strictly adhered to. Any deviation thereof can attract penalties or disqualification at the sole discretion of the Organizers.

8.2 All participants shall adhere to the guidelines for competition, notified by Organizers from time to time throughout the period of competition.

8.3 Any attempt to contact the framers of the Moot Problem will result in immediate disqualification.

8.4 The identities of the teams shall not be disclosed in any form in the memorials or the compendiums.

8.5 All participants shall maintain decorum in the Court Hall during the online Competition and are expected to conduct themselves in a manner befitting the legal profession. During the online rounds, the participants are expected to follow the code of conduct sent by the Organizing University.

8.6 Scouting of a team's future opponent is strictly prohibited. Violation of this rule will result in immediate disqualification.

8.7 No team member or individual participating in the Competition shall attend the arguments of any other team or individual except for the Final Round or receive information from any person who has attended any of the other rounds in the Competition.

8.8 The Dress Code for the participants shall be formals. Men are expected to wear Western Formals only (Black Blazer, Black Pants, White Shirt). Women can wear either Western Formals (Black Blazer, Black Formal Pants, White Shirt,) or Indian Formals (White Kurta, Black Salwar/ Chudidhar, Black formal footwear).

8.9 The Organizing Committee reserves the right to take appropriate action with regard to



any dispute, unethical, unprofessional or immoral conduct.

**9. MISCELLANEOUS**

- 9.1 If and when any one of the members of a team is notified or informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly notified or informed.
- 9.2 In case of any doubt in the understanding or interpretation of any matter concerning the Competition, the decision of the Organizers shall be final and binding.
- 9.3 The Organizers reserve the right to amend, alter, vary, or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period of time.

## MOOT PROPOSITION

1. Republic of Wadiya is a democratic republic situated in South Asia. It gained independence in 1947. In 1991 the economy and markets were liberalised which led to the entry of both domestic and foreign private entities in nearly every market segment of the country. The legislature moved to create a regulatory framework to encourage healthy competition between entities bringing in first, the Monopolies and Restrictive Trade Practice Act, which was then replaced by the Wadiya Competition Act 2002 (hereafter the Act).
2. During this time, Wadiya became one of the largest markets for global technology conglomerates to capture. This was primarily due to the fact that Wadiya had the highest population in the world, with around 45% of its population below the age of 30 making social media and internet messaging services vastly popular. Of the few companies that have managed to establish an independent and sustainable identity in the social media market, Omega, a company incorporated in San Dora, California has achieved near global fame.
3. Many look to Omega as a pioneer in social media, a reputation that is owed to FaceView, a thought and photo sharing platform Omega launched in 2004. While FaceView began as a small platform in San Dora itself, it now finds users from every corner of the world. FaceView was aggressively marketed by Omega and though the under 30 demographic had previously been the prime target of instant messaging services, FaceView made it a point to appeal to all age groups. As a result they introduced Faceview Messenger which served as a means to communicate through internet based text messaging and later integrated features to voice call, video call among them. This new found connectivity amongst people of all generations catapulted FaceView's popularity. As of 2009, the global market share of the social media platforms was as follows:

<b>SOCIAL MEDIA ENTERPRISES</b>	<b>MARKET SHARE (AS ON 2009 IN %)</b>
Faceview	53%
Shake – Shake	10%
Instapic	12%

Flick Chat	10%
Orput	6%
My Room	5%
MLN Messenger	4%

4. One of the most important selling points of FaceView was that it was completely free for all of its users. FaceView is able to operate as such because it generates revenue through advertisements and sponsored posts. For this purpose, FaceView collects user data which include location, photos and videos, IP addresses used, messages, contact lists, which pages a user visits frequently etc. This data regarding a user’s identity and preferences and uses this information to customise advertisements to the said user. This is the revenue generation model of Face View.
5. FaceView’s rise impacted Orput, My Room and MLN Messenger - platforms which had pioneered instant messaging in the 90s. By 2012, each of these had exited the global market, unable to keep up with the loss in subscribers. Omega also acquired Instapic, a photo sharing application, with features for comments and direct messaging, that was becoming popular and being perceived as an alternative to FaceView.
6. Meanwhile, in January 2013, two friends in Dos Ranges, Malifornia, United States of Transtria, developed WeMessage, a phone number-based internet messaging service platform. Though it received significant funding, it did not have the powerhouse marketing abilities of Omega. Nevertheless, the creators decided to focus on creating a niche for WeMessage, taking time to develop stickers, Group chats and easily forwardable messages as features, all with an exceedingly attractive, yet minimalist user interface. WeMessage’s decision to market itself as a smaller, more intimate platform also paid off - its highly curated appearance attracted even those who had yet been critical of social media as invasive of privacy. This was especially because WeMessage was not only free, but since it ran no advertisements, and users spoke to a limited number of “contacts”, as opposed to broadcasting messages to the public, the type of data collection by WeMessage was limited. By as soon as 2014, WeMessage became so trendy that FaceView’s Messenger service, even though still with the highest number of signed up users, quickly lost popularity, becoming “uncool” amongst the youth. By December 2014, WeMessage’s estimated valuation stood at 1.5 billion dollars.

7. WeMessage's steep rise in popularity inevitably caught Omega's attention. News reports suggest that FaceView Messenger monthly usage in Wadiya was plummeting fast, and even though Messenger had the highest number of users, this was only indicative of the number of people who had subscribed to FaceView and not of the number of people using Messenger. Eventually Omega made an offer to buy WeMessage for 10 Billion Dollars which was rejected and an updated 17 Billion Dollars bid was made. WeMessage's creators, with no objection from their investors, and who were already on to their next big idea, accepted the offer. After it was acquired, while WeMessage continued as the original platform, for the purposes of "*seamless integration*", WeMessage now shared its consumer's details on device, name, IP address, battery life etc., with FaceView.
8. Through this acquisition, WeMessage consolidated its hold in internet messaging and introduced features seen in other Omega platforms such Faceview and InstaPic such as sharing of stories, ability to voice call and video call though initially introduced in other countries including Wadiya. The ability to integrate these features seamlessly was possible due to WeMessage having access to the Interface codes as well as data from FaceView, FaceView Messenger and InstaPic.
9. By this time, in addition to social media, technology cut across all spectrums and aspects of life such with voice-assistants, AI interfaces, and payment networks. While this certainly allowed for more efficient transactions, and even lives overall, it came at the cost of valuable private information. In response, a significant movement begins in Wadiya, centered around privacy concerns. Activists raised concerns about unprincipled personal data collection by all companies, but especially those that run social media applications and websites. All this culminated in a widely publicised judgment, where the Hon'ble Supreme Court in *K.S. Puttaswamy v. Union of Wadiya* held that privacy was a fundamental right in terms of the Constitution of Wadiya. The judgment pressed for regulation on the aspect of information collected by state and both non-state actors. The judgment effectively put companies like Omega, FaceView and WeMessage, who now had wholly controlled subsidiary private limited companies in Wadiya, that regulators in Wadiya would prioritise a consumer's privacy. Relevant paragraph from the judgment is extracted below-

*"Privacy, in its simplest sense, allows each human being to be left alone in a core which is inviolable. Yet the autonomy of the individual is conditioned by her relationships with the rest of society. Those relationships may and do often pose questions to autonomy and free choice. The*

*overarching presence of state and non-state entities regulates aspects of social existence which bear upon the*

*freedom of the individual. Every transaction of an individual user and every site that she visits, leaves electronic tracks generally without her knowledge. These electronic tracks contain powerful means of information which provide knowledge of the sort of person that the user is and her interests. Individually, these information silos may seem inconsequential. In aggregation, they disclose the nature of the personality: food habits, language, health, hobbies, sexual preferences, friendships, ways of dress and political affiliation. In aggregation, information provides a picture of the being: of things which matter and those that don't, of things to be disclosed and those best hidden. The right of privacy is a fundamental right. It is a right which protects the inner sphere of the individual from interference from both State, and non-State actors and allows the individuals to make autonomous life choices.”*

10. Ironically even after this widely publicized case, a survey conducted by a fiercely independent civil society organization CPS, found that 78% of internet users check “Accept all Cookies” and “agree to terms” showing a lack of awareness for privacy concerns. Instead, users were primarily concerned with ease of use and the utilities these platforms provide.
11. Amidst the privacy concerns being highlighted, a small startup from Wadiya called Raven Pvt. Ltd. enters the market in 2019. Also operating as an internet messaging service platform, Raven’s USP is that it requires neither a phone number nor an email address for a user to sign up - instead, the application generates a random user id for each consumer. Additionally, Raven provides complete end-to-end encrypted messaging services as its default setting (without any meta-data). This sets it apart from WeMessage which shares information such as phone number, mobile device information and other Meta-data such as IP address etc. amongst organisations of the Omega group.
12. These values of Raven attract a small but vocal section of society called “Digital Wadiya”, who are known for spreading awareness about Privacy and Data protection concerns on social media. An annual survey conducted in 2020 highlighted upon the significant inroads Raven has made in Wadiya and how it has captured 9.5% of the market despite WeMessage going significantly strong with 47% of the market. This growth prompts Raven to go public and in May 2020 it decides to launch an Initial Public Offering aiming to raise capital and expand its business in Wadiya.

13. Soon after, by virtue of heated discussions on WeMessage and FaceView about features and privacy policies and consumer's now growing preference for Raven, Raven's consumer base astronomically rises to 118 million users in Wadiya itself, with it even becoming very popular amongst businesses. This is still significantly lower than the number of WeMessage users, which stood at 350 million people in Wadiya.
14. Unfortunately, Raven found it difficult to expand given the significant challenges it faced in terms of scale and infrastructure, compared to WeMessage and Face View Messenger. Further, as more people start using Raven it starts developing bugs and major crashes became prevalent. Unable to tackle such issues due to its limited infrastructure and prompted by the immediate need to bring in capital for that purpose, Raven discards the idea of an IPO and is instead on the lookout for potential buyers willing to invest in its infrastructure. It accordingly publishes an open offer to private investors.
15. In March 2021, Omega made the first offer to Raven, offering a whopping 11 Billion Dollars. Raven however, rejects the offer in light of the questionable practices of Omega and FaceView in the privacy realm. Eventually however in the same month, three companies - Mushy Finance (MF), an investment management corporation, Paper Sky Wadiya Ltd. - an organization which provides state of the art cloud service to multiple tech organisations including Omega, and AmbroxWadiya Ltd, a specialist digital advertising company who also provides services for Omega acquire 9% each of Raven's shareholding. As each of these acquisitions were less than 10% each, they were not notified to the Competition Commission. In the Share Purchase agreement between these three entities a specific clause provided for sharing of information between them and Raven.
16. In November 2021, Omega decided to acquire Paper Sky and Ambrox as a part of expanding their portfolios in Wadiya and better integration of their services there. This combination was notified and was approved by the Commission as it did not find any negative appreciable adverse effect on competition in Wadiya and notified the same on January 31, 2022.
17. Meanwhile in Raven, post investment multiple changes were discussed and chief among them was the shift to a cloud based service for ease of service. As a result of this, on November 10, 2022, Raven introduced a new privacy policy, which raised a few eyebrows concerning as it disabled the end-to-end encryption and provided end-to-end encryption only for the feature of "private chats". The Privacy Policy was mandatory in nature and

users who failed to accept the terms of policy within March 15, 2023, will no longer be able to use Raven. The important clauses of the Privacy Policy are as follows:

**PRIVACY POLICY OF RAVEN**

**w.e.f. 10.11.2022**

**1. Introduction**

*This Privacy Policy sets out how we, Raven Messenger Pvt ltd (“Raven”), use and protect your personal data that you provide to us, or that is otherwise obtained or generated by us, in connection with your use of our messaging services (the “Services”). For the purposes of this Privacy Policy, ‘we’, ‘us’ and ‘our’ refers to Raven, and ‘you’ refers to you, the user of the Services.*

.....

**4. Messages**

**4.1 Cloud Chats**

*Raven is a cloud service and all chats on accepting the terms from May 10, 2020 will be cloud based. Messages, photos, videos, documents so that you can access your data from any of your devices anytime.*

**4.2 Private Chats**

*Private Chats use end-to-end encryption. This means that all data is encrypted with a key that only you and the recipient know and no-one including us will have access. These chats and messages, photos, videos and documents are not stored in our servers and are restricted to the particular devices.*

**4.7 Cookies**

*Cookies are small text files that allow us to provide and customise services and as a result provide an enhanced user experience. You may choose to block cookies with your web browser, however, if you do disable these cookies, you will not be able to log in to Raven Web.*

.....

**6. Processing Personal data**

**6.2 Safety and Security**

*To improve the security of your account, as well as to prevent abuse, and other violations of our Terms of Service, we may collect metadata such as your IP address, devices and Raven apps you've used, history of username changes, etc.*

.....

**9. Who your personal data may be shared with**

### **9.1 Other Raven users**

*Other Raven users whom you choose to communicate with will have access to the information that you share with them. By entering into the Terms of Service and choosing to communicate with such other users of Raven, you are instructing us to transfer your personal data, on your behalf, to those users in accordance with this Privacy Policy.*

### **9.3 Law Enforcement Authorities**

*If Raven receives a court order that confirms you're a terror suspect, we may disclose your IP address to the relevant authorities.*

### **9.4 Stakeholders**

*Raven shall share your personal data which may include IP address, username, etc., with stakeholders for better ease and seamless running and to help provide, improve and support our Services.*

18. This coupled with the relationship of “Omega related” enterprises with Raven prompted DigitalWadiya to vocally publish their concerns surrounding the new privacy policy. Accordingly, Digital Wadiya submitted information u/s 20 of the Act before the CCW on February 25, 2023. The contents of the information highlighted how the transaction of Omega to purchase Ambrox and Paper Sky who own stakes in Raven would create an appreciable adverse effect on Competition. The Commission ordered an investigation by the Director General. Over the course of the investigation, it found the clause which contained sharing of information amongst Ambrox, Paper Sky and Raven through their Share Purchase Agreement dated 27 March 2021. The CCW, post this takes suo-motucognisance of the same u/s 26 of the Act.
19. The DG reports notes that the Omega’s intention to indirectly acquire a controlling interest in Raven was deliberately masked from the CCW by PaperSky and Ambroxcalculatively acquiring shares less than 10% in Raven. The DG noted that Omega’s subsequent acquisition of PaperSky and Ambrox, and the change in Raven’s privacy policy was indicative of an appreciable adverse effect on competition which was causing harm to the consumers. Further, the DG noted that harm to consumers is to be interpreted broadly and if companies abuse their dominance so as to detrimentally impact fundamental consumer rights, then the behaviour is essentially anti-competitive and thus within the competence of the Commission.
20. Omega on the other hand argues that impacts on privacy do not operate as harm to consumers that the Competition Commission can itself take note of, and that the



21. jurisdiction of the Commission is restricted to higher prices, lowered access and other immediate economic harm brought on by anti-competitive behaviour. Omega also argues the acquisition was approved by the Commission and that the Commission can no longer assert that there is any adverse impact on competition. In any case, the Commission could no longer reinvestigate the combination as the statutory period of 1 year had elapsed. Finally, Omega argued that it was not a party to the investment made by PaperSky and Ambrox in Raven, and as such cannot be held to be liable for any anti-competitive effects arising out of that agreement.
22. The matter is posted for final hearing before the Chairman and members of CCW on May 13 & 14, 2023.

**Note:**

1. The laws of India are *pari-materiato* the law of Wadiya. Orders and judgments of the Indian courts have a high persuasive value in Wadiya. Of significant value is also the decisional practice of competition regulators in the European Union and the United States of America.
2. Participants are at liberty to identify and frame issues as they deem fit.
3. Participants may make reasonable assumptions about the functioning of the digital social media/internet-based messaging services in the context of the problem.
4. Names, characters, businesses, places, events, and incidents are either the products of the author's imagination or used in a fictitious manner. Any resemblance to actual persons or actual events is purely coincidental.
5. Please do not attempt to contact the author of the moot proposition, any attempt to do so will result in disqualification.

## REGISTRATION FORM

To register for the 5<sup>th</sup> TNNLU-CCI National Moot Court Competition the interested teams must fill out [this form](#).

5<sup>TH</sup> TNNLU-CCI  
NATIONAL MOOT  
COURT COMPETITION

MAY- 12 - 14, 2023

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