LEX OMNIA MOOT COURT COMPETITION - PROPOSITION

Sharks, Minnows, and Market Power: A Fishy Story

1. Emonistan is a densely populated, riverine country that has rapidly transformed into a high-income digital economy. Alongside its growth in software and data services, the government pursued a strategy of modernizing traditional industries. Of these, aquaculture emerged as a standout industry given its proximity to Bay of Dagar and extensive inland water systems.

2. Large-scale aquaculture in Emonistan grew rapidly with support from research institutions, cooperatives, and engineering schools. Public policies that promoted digital infrastructure were matched by investments in storage facilities, logistics hubs, and export corridors. Modern systems relied on improved breeding methods, better water management, and technology-driven monitoring. Farmers, processors, and exporters began to integrate digital tools into daily operations, from tracking conditions in real time to scheduling harvests and ensuring compliance with international standards. Together, these developments created a tightly connected industry where timely information and efficient coordination were essential. The result was a sector that was not only export-oriented but also deeply reliant on data flows, making speed and reliability critical to competitiveness.

3. Against this backdrop, Vikpa Inc. was founded in 2001 by Prof. (Dr.) Er. Taylor Podeeya as a pure search engine. It was introduced as the first platform tailored to understand Emonistan's web in local languages, with particular strength in processing technical documents and marketplace listings. Early adoption by universities, developer forums, and trade associations, many of which were involved in aquaculture research and logistics, provided Vikpa with rich training data and steady early revenue from enterprise support.

4. The company gradually diversified into cloud storage, streaming, and e-mail, combining these services with identity and payment solutions that reduced long-standing friction for small publishers and mid-sized businesses. Over time, Vikpa's search engine came to hold about 59 percent of usage in Emonistan, while its closest rival, Ghongura Co., accounted for roughly 35 percent. In an export-driven economy, such dominance had consequences as search determined not only access to news and entertainment but also to vital information on fish prices, certifications, transport schedules, and export orders.

5. Vikpa started selling online ads and search-based ads through real-time auctions on its platform. These auctions were fast, adaptable, and used the rich data available in Emonistan's economy. For example, if a newsletter reported a new export rule for chilled trout, a company making equipment could instantly bid to show ads to readers who had recently searched for related equipments like traceability tags or sensor kits.

6. In parallel, Vikpa developed what it called Integrated Search Service ("ISS"), i.e., modular search boxes and result blocks that publishers could integrate into their sites. This let readers search the web or specific content without leaving the page, and publishers earned a share of the ad and transaction revenue. Some ISS agreements with publisher websites included exclusivity clauses preventing the publisher from using competing providers.

7. The logic for publishers to accept the exclusivity was straightforward: ISS could turn user clicks into revenue. Because ISS modules were skinned to match a host site's design, a reader scanning a product review or a fisheries regulation update could run a query without the cognitive cost of jumping to a separate search tab. Publishers compared providers on the basis of per-click yield, the quality and safety of ads served onto their pages, the accuracy of embedded results, and the ancillary features, like on-page translation or structured data extraction, that helped retain readers. In an Emonistani market that prized discipline and scale, those micro-economics mattered. A mid-tier science blog writing about biofloc systems could see revenue lift not only from ad clicks but also from transactions routed through ISS into marketplaces for water pumps, oxygen diffusers, or training courses.

8. One example became emblematic. In 2023, RajuNova, a technology news and review platform known for its deep benchmarks of consumer electronics and its growing coverage of industrial IoT for aquaculture, signed an ISS deal with Vikpa. Before the agreement, RajuNova derived about 65 percent of its revenue from subscriptions, with the remainder coming from direct advertising sold by its own team. After integrating Vikpa's ISS, RajuNova's daily clicks surged exponentially because readers could use on-page search panels to find live prices, firmware updates, and technical documents. RajuNova's management opted for Vikpa over the cheaper option from Ghonghura Co. because Vikpa's tools were more advanced. They allowed RajuNova to insert structured data, like snippets, driver versions, chip details, and test charts, directly into articles without slowing down the site.

9. The ISS deal with Vikpa was more than just a basic setup. Vikpa's engineers worked with RajuNova to create special indexes that focused on the latest tech launches and industry news. For example, if a new chipset was announced at midnight, the ISS widget could already show details like configuration charts, power comparisons, and forum links by the next morning. In its aquaculture section, the widget highlighted updates on fish health rules and pointed to booking portals for cold transport during heat waves. This was valuable for readers who moved between tech reviews and aquaculture needs, like running sensor systems in hatcheries. Because of this mix, RajuNova became a leading platform that fit well with Emonistan's combined digital and aquaculture economy. By 2025, it grew into the top tech blog in the country, attracting electronics brands and makers of sensors, cameras, and computing boards for farms and factories.

10. RajuNova's success quickly spread across Emonistan's publishing world, inspiring many specialized sites to follow. Fisheries bulletins, food safety newsletters, logistics dashboards, and even cooperative web pages signed up for ISS, sometimes with exclusivity clauses. Vikpa explained this as a practical need: to provide fast and relevant results, its system had to collect structured data, design custom parsers, and create datasets tuned to each site's content. In return, it asked for guaranteed visibility to ensure enough user queries to make the investment worthwhile. In Emonistan, where public–private partnerships were common, such deals seemed natural. Just as cooperatives once bargained over feed prices or shared storage, they now negotiated revenue splits and filters for ad quality.

11. As the fish industry expanded, demand for online visibility rose sharply. Hatcheries competed for keywords about new disease-resistant fish, cold-chain companies targeted ads linked to refrigerated transport, and exporters chased searches involving foreign certification codes. The more publishers and advertisers joined, the more data Vikpa's system collected, improving its ability to predict what readers might want whether that was a new impeller, a scientific paper on bacteria, or a preorder link for the latest computing board.

12. Network effects, common in search markets, played a unique role in Emonistan. Since the fish industry worked on strict schedules and heavy regulations, even small time advantages were crucial. For example, if an ISS widget displayed a delivery windows at fish processing facilities just thirty seconds earlier than a rival, a truck could be redirected and a load of fish saved from spoiling. Publishers serving such time-sensitive audiences preferred placing the fastest and most reliable widgets. Exclusivity contracts were less common, but when used, they mainly involved sites whose operations fully depended on ISS. These included large national logistics dashboards, certification databases, and key trade publications that strongly influenced export councils. As a result, even a small number of exclusivity deals produced a big share of ISS revenue. Vikpa's dominance in search remained firm, while advertisers, drawn to its mix of user intent and industry-specific data, directed their ad spending toward Vikpa's auctions.

13. For rivals, the wall grew taller. Ghongura Co., known for its strong language tools and lightweight design, struggled to match Vikpa's payouts without rebuilding its systems. The company tried to attract RajuNova and related sites by offering bundles with analytics dashboards and content distribution benefits. However, its lack of ISS features designed for the fast pace of the fish industry remained a major drawback. Executives privately worried that placement rules on popular sites, combined with exclusivity at a few high-traffic platforms, were closing the door for rivals to gain the scale needed to compete fairly. On the surface, it looked like open competition, i.e., publishers choosing higher earnings and advertisers picking better results. In reality, defaults and the constant feedback of data strengthened Vikpa's position, making it very difficult for challengers to break through.

14. In September 2025, Ghongura Co. filed a complaint under the Emonistan Antitrust Statute, 2000, alleging that Vikpa's conduct in relation to ISS contracts amounted to abuse of dominance. The Emonistan Antitrust Regulator ("EAR") admitted the complaint and opened an investigation. The EAR framed the following issues:

    I. How are the relevant market(s) to be delineated?

    II. Whether Vikpa Inc. has abused its dominance in the relevant market(s)?

Note:

- The provisions of the *Emonistan Antitrust Statute, 2000* are *pari materia* with those of the *Indian Competition Act, 2002*.

- Counsel may articulate and present submissions on any number of sub-issues under the aforesaid two issues, but cannot add, or amend the given issues.