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REIMAGINING ANTITRUST FOR THE DIGITAL AGE: A CROSS-JURISDICTIONAL STUDY

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Introduction

Artificial intelligence and platform-based business models have accelerated the development of digital markets, exposing flaws in conventional competition laws, especially regarding data control and algorithmic dominance.¹ This study evaluates how antitrust frameworks in the US, EU, India, Germany, Canada, Taiwan, Singapore, and China respond to the challenges of the digital market through a cross-jurisdictional analysis.² With an emphasis on the EU's Digital Markets Act (DMA) and India's proposed Digital Competition Act (DCA), it investigates the transition from ex-post to ex-ante regulation.³ While ex-ante regulations aim to pre-empt anti-competitive conduct, their effectiveness depends on robust enforcement, technological expertise, and cross-jurisdictional collaboration.⁴ In order to guarantee equity, contestability, and innovation in digital ecosystems, the paper highlights regulatory gaps and suggests unified, flexible policies.⁵

The digital economy, transformed by platform-based models and AI-driven technologies, poses unprecedented challenges for competition law due to network effects, data dominance, and algorithmic control.⁶ As demonstrated in places like Bandung, Indonesia, where platforms like Gojek spur growth but raise concerns about market consolidation, traditional antitrust frameworks, which were created for physical markets, find it difficult to handle these problems.⁷ This paper analyses competition law frameworks across the EU, US, India, Germany, Canada, Taiwan, Singapore, and China, assessing their approaches to digital

¹ Digital Antitrust, 'Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

² 'A Cross-Jurisdictional Analysis of Competition Law: Perspectives from the EU, US, and India' (2023) 15(4) Journal of Competition Law 201.

³ Cristina Simone and Antonio Laudando, 'Principles and Obligations of the Digital Markets Act in Regulating the Economic Power of Gatekeepers' (2023).

⁴ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 15 August 2026.

⁵ Digital Antitrust, 'Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

⁶ *ibid.*

⁷ *ibid.*

markets.⁸ In order to ensure fairness, it examines the transition from ex-post to ex-ante regulation, as demonstrated by the EU's DMA (2022) and India's proposed DCA.⁹ Other jurisdictions, including Germany and China, have introduced reforms with varying success, highlighting enforcement challenges.¹⁰ Examining the features of the digital market, regulatory gaps, economic and geopolitical ramifications, and policy recommendations, the study highlights the necessity of contestability and innovation.¹¹

The Digital Economy & Competition Law Challenges

1) Characteristics of Digital Markets

Digital platforms operate as multi-sided markets, connecting diverse user groups consumers, businesses, and advertisers through network effects, where the value of a service increases with greater user participation.¹² These platforms leverage extensive datasets to enhance algorithms, personalise services, and predict market trends, often at near-zero marginal costs, enabling rapid scalability.¹³ For example, in Bandung, Indonesia, platforms like Grab dominate ride-hailing and food delivery sectors, where micro, small, and medium enterprises (MSMEs) rely heavily on algorithmic intermediation for visibility and sales.¹⁴ However, opaque pricing and ranking mechanisms often disadvantage smaller players, creating information asymmetries that hinder fair competition.¹⁵ Network effects, data control, scalability, and algorithmic opacity collectively create high barriers to entry and expansion, challenging traditional competition law metrics like market share, which are less effective in digital contexts.¹⁶

The dominance of platforms is further reinforced by their ability to lock in users through data-driven personalisation and ecosystem integration, as seen with Amazon's Prime

⁸ 'A Cross-Jurisdictional Analysis of Competition Law: Perspectives from the EU, US, and India' (2023) 15(4) Journal of Competition Law 201.

⁹ European Commission, *Adapting the Competition Policy for the Digital Age: Assessing the EU's Approach* (2020).

¹⁰ Committee on Digital Competition Law, *Report* (Government of India 2024).

¹¹ 'A Cross-Jurisdictional Analysis of Competition Law: Perspectives from the EU, US, and India' (2023) 15(4) Journal of Competition Law 201.

¹² T Kölbel and R Kunz, 'Digital Platforms and Network Effects' (2020) 12(4) Journal of Business Economics 45.

¹³ L Guo, 'Data-Driven Market Power in Digital Platforms' (2023) 10(2) Technology and Innovation Journal 45.

¹⁴ Y Sun and others, 'Impact of Digital Platforms on MSMEs' (2023) 14(3) Journal of Business and Technology 112.

¹⁵ Y Sun and others, 'Impact of Digital Platforms on MSMEs' (2023) 14(3) Journal of Business and Technology 112.

¹⁶ A Khumairok, 'Algorithmic Dominance in Digital Markets' (2023) 9(1) Asian Journal of Law and Economics 34.

ecosystem or Google's suite of services.¹⁷ In Southeast Asia, platforms like Shopee and Lazada exploit first-mover advantages, consolidating market power through exclusive partnerships and algorithmic favouritism.¹⁸ These dynamics result in winner-takes-all markets, where a few platforms control significant portions of digital commerce, posing challenges for regulators aiming to ensure contestability.¹⁹ For instance, in India, Flipkart's dominance in e-commerce has raised concerns about exclusionary practices, such as preferential treatment of affiliated sellers, which stifle smaller competitors.²⁰ Similarly, in China, Alibaba's control over e-commerce and cloud services creates barriers for new entrants, reinforcing market concentration.²¹ The global nature of these platforms complicates regulation, as their operations span multiple jurisdictions with differing legal frameworks.²²

2) Limitations of Traditional Antitrust Frameworks

Traditional competition laws, such as Indonesia's Law No. 5 of 1999, the US Sherman Act (1890), and the EU's TFEU, were designed for physical markets, focusing on price-based dominance and explicit anti-competitive agreements like cartels.²³ In digital markets, dominance is often manifested through control over data and algorithms, which can occur without clear pricing signals, rendering traditional metrics inadequate.²⁴ For instance, the Competition Commission of India (CCI)'s investigations into Google and WhatsApp revealed challenges in detecting anti-competitive conduct in real-time under ex-post frameworks, as data-driven practices evolve faster than regulatory responses.²⁵ Similarly, the EU's Google Shopping case (2017), which resulted in a €2.42 billion fine, highlighted the delays inherent in *ex-post* enforcement, as investigations spanned years, allowing market tipping to occur.²⁶

¹⁷ L Guo, 'Data-Driven Market Power in Digital Platforms' (2023) 10(2) Technology and Innovation Journal 45.

¹⁸ R Astuti and others, 'Digital Dominance in Bandung: A Case Study' (2023) 12(1) Economic Review 56.

¹⁹ Digital Antitrust, 'Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

²⁰ Committee on Digital Competition Law, *Report* (Government of India 2024).

²¹ *ibid.*

²² 'A Cross-Jurisdictional Analysis of Competition Law: Perspectives from the EU, US, and India' (2023) 15(4) Journal of Competition Law 201.

²³ Y Abubakar and T Handayani, 'Challenges of Competition Law in the Digital Economy' (2022) 45(3) Journal of Legal Studies 123.

²⁴ S Fatimah and D Ludfi, 'Non-Price Harms in Digital Markets' (2024) 10(1) Journal of Competition Law 78.

²⁵ Committee on Digital Competition Law, *Report* (Government of India 2024).

²⁶ European Commission, *Adapting the Competition Policy for the Digital Age: Assessing the EU's Approach* (2020).

Traditional frameworks also struggle to address non-price harms, such as reduced innovation or consumer choice, which are prevalent in digital markets.²⁷ For example, the US's reliance on the consumer welfare standard, rooted in the Chicago School, prioritises price effects over broader competitive harms, limiting its ability to tackle practices like self-preferencing or predatory acquisitions.²⁸ In Indonesia, Law No. 5 of 1999 lacks provisions for algorithmic transparency or data access, critical for regulating platforms like Tokopedia.²⁹ The CCI's investigation into Amazon's alleged use of seller data to favour private-label products further illustrates the difficulty of applying traditional laws to digital practices.³⁰ These limitations underscore the need for proactive regulatory models to address digital market dynamics effectively.³¹

3) The Rise of *Ex-Ante* Regulation

The shortcomings of ex-post enforcement have driven jurisdictions to adopt *ex-ante* frameworks to pre-empt anti-competitive conduct in fast-moving digital markets.³² The EU's DMA, effective from 2022, imposes obligations on gatekeeper platforms to ensure contestability and fairness, addressing practices like self-preferencing, data misuse, and interoperability restrictions.³³ India's proposed DCA, recommended by the Committee on Digital Competition Law (CDCL) in 2024, aims to regulate Systemically Significant Digital Enterprises (SSDEs) with similar obligations, targeting core digital services like search engines and e-commerce platforms.³⁴ Germany's 10th and 11th Amendments to the Act Against Restraints of Competition (ARC) introduced rules for firms with "paramount significance," proactively prohibiting anti-competitive practices.³⁵ These frameworks reflect a global trend toward ex-ante regulation, aiming to prevent market distortions before they occur.³⁶

²⁷ Digital Antitrust, 'Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

²⁸ Robin Feldman, *AI Competition* (University of California Law San Francisco 2025).

²⁹ Y Abubakar and T Handayani, 'Challenges of Competition Law in the Digital Economy' (2022) 45(3) Journal of Legal Studies 123.

³⁰ Committee on Digital Competition Law, *Report* (Government of India 2024).

³¹ European Commission, *Adapting the Competition Policy for the Digital Age: Assessing the EU's Approach* (2020).

³² *ibid.*

³³ Cristina Simone and Antonio Laudando, 'Principles and Obligations of the Digital Markets Act in Regulating the Economic Power of Gatekeepers' (2023).

³⁴ Committee on Digital Competition Law, *Report* (Government of India 2024).

³⁵ *ibid.*

³⁶ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-regime>

Ex-ante regulation offers advantages in addressing digital market complexities, such as algorithmic opacity and data-driven barriers, but it requires robust enforcement mechanisms to be effective.³⁷ For instance, the DMA's success depends on the European Commission's ability to monitor compliance and impose swift penalties, while India's DCA faces challenges due to the CCI's limited technical capacity.³⁸ The shift to *ex-ante* models also raises concerns about over-regulation, which could stifle innovation, particularly for smaller platforms or startups.³⁹ For example, excessive compliance burdens under the DMA could disadvantage emerging players nearing gatekeeper thresholds, necessitating a balanced approach.⁴⁰ Jurisdictions like Singapore and Taiwan are exploring hybrid models to combine ex-ante and ex-post measures, aiming to address these challenges while promoting innovation.⁴¹

Cross-Jurisdictional Analysis of Competition Law Frameworks

1) European Union: The Digital Markets Act

The EU's DMA, enacted in 2022, targets gatekeeper platforms those with significant market power, such as Google, Amazon, and Meta defined by quantitative thresholds like annual turnover (€7.5 billion), market capitalisation (€75 billion), or user base (45 million monthly active users).⁴² The DMA imposes obligations to prevent self-preferencing, ensure data portability, and promote interoperability, complementing traditional antitrust enforcement under Articles 101 and 102 TFEU.⁴³ For example, it prohibits gatekeepers from favouring their own services, as seen in the Google Shopping case (2017, €2.42 billion fine), where Google prioritised its shopping service in search results.⁴⁴ The Google Android case⁴⁵ (2018, €4.34 billion fine) further exposed the limitations of ex-post enforcement, as

[indias-digital-competition-regime.html](#) accessed 15 August 2026.

³⁷ *ibid.*

³⁸ Committee on Digital Competition Law, *Report* (Government of India 2024).

³⁹ Digital Antitrust, 'Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) *Journal of Digital Economy* 89.

⁴⁰ European Commission, *Adapting the Competition Policy for the Digital Age: Assessing the EU's Approach* (2020).

⁴¹ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁴² European Commission, *Adapting the Competition Policy for the Digital Age: Assessing the EU's Approach* (2020).

⁴³ Viktoria HSE Robertson, 'The Complementary Nature of the Digital Markets Act and EU Antitrust Rules' (2023).

⁴⁴ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁴⁵ *Google and Alphabet Inc v European Commission* (Case T-604/18, Judgment of 14 September 2022, General Court of the European Union) ECLI:EU:T:2022:541.

lengthy investigations allowed market consolidation to persist.⁴⁶

The DMA's ex-ante approach aims to address these delays by setting clear rules, such as mandating access to app stores or prohibiting data misuse across services.⁴⁷ For instance, Apple's App Store policies, which restricted third-party payment systems, have been targeted under the DMA to ensure fair access for developers.⁴⁸ The European Commission's enforcement authority, which includes the ability to conduct market investigations and levy fines of up to 10% of a company's worldwide turnover, is crucial to the DMA's success.⁴⁹ The challenges include accurately defining gatekeepers, as thresholds may exclude emerging platforms with significant influence, and ensuring compliance without stifling innovation.⁵⁰ The EU's experience offers valuable lessons for other jurisdictions, particularly in balancing proactive regulation with market flexibility.⁵¹ For example, the DMA's interoperability requirements could inspire similar measures in India's DCA to enhance competition in app ecosystems.⁵²

2) United States: Litigation-Driven Enforcement

The US relies on the Sherman Act (1890), Clayton Act (1914), and Federal Trade Commission (FTC) Act (1914) to address anti-competitive conduct, enforced by the Department of Justice (DOJ) and FTC.⁵³ Investigations into Meta (2021) and Google (2020) have focused on monopolistic practices, such as Meta's acquisitions of Instagram and WhatsApp and Google's 88% dominance in search services.⁵⁴ The House Judiciary Committee's 2022 report identified self-preferencing, predatory pricing, and exclusionary conduct as key issues, advocating for stronger enforcement to address platform power.⁵⁵ For instance, Amazon's alleged use of third-party seller data to launch competing products

⁴⁶ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁴⁷ Cristina Simone and Antonio Laudando, *Principles and Obligations of the Digital Markets Act in Regulating the Economic Power of Gatekeepers* (2023).

⁴⁸ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁴⁹ Amber Darr and Madhavi Singh, *Lessons From the EU and UK for Strengthening India's Digital Competition Regime* (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 15 August 2026.

⁵⁰ European Commission, *Adapting the Competition Policy for the Digital Age: Assessing the EU's Approach* (2020).

⁵¹ Amber Darr and Madhavi Singh, *Lessons From the EU and UK for Strengthening India's Digital Competition Regime* (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 15 August 2026.

⁵² Committee on Digital Competition Law, *Report* (Government of India 2024).

⁵³ 'A Cross-Jurisdictional Analysis of Competition Law: Perspectives from the EU, US, and India' (2023) 15(4) *Journal of Competition Law* 201.

⁵⁴ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁵⁵ *Ibid.*

has raised concerns about unfair competition, though litigation has been slow to yield remedies.⁵⁶

The US's litigation-driven approach, influenced by the Chicago School's focus on consumer welfare and efficiency, often results in protracted legal battles, delaying remedies in fast-moving digital markets.⁵⁷ For example, the DOJ's case against Google's search dominance, initiated in 2020, remains unresolved, highlighting the limitations of ex-post enforcement.⁵⁸ Proposals for ex-ante regulation, such as the American Innovation and Choice Online Act (2022), aim to address these issues by prohibiting self-preferencing and discriminatory practices, but legislative progress has been slow.⁵⁹ The US's experience underscores the need for a shift toward proactive regulation to address digital market challenges effectively.⁶⁰ For instance, regulating app store policies, as seen in *Epic Games v Apple (2021)*⁶¹, could benefit from ex-ante rules similar to the DMA.⁶²

3) India: The Proposed Digital Competition Act

India's Competition Act, 2002, adopts an ex-post approach, with the CCI investigating cases like Google's self-preferencing in *Matrimony.com v Google LLC*⁶³ and *Federation of Hotel & Restaurant Associations of India v MakeMyTrip India Pvt. Ltd. and Ors.*⁶⁴ exclusionary practices in e-commerce.⁶⁵ These cases revealed the limitations of ex-post enforcement, as appeals and litigation delays hindered timely remedies.⁶⁶ The proposed DCA, recommended by the CDCL in 2024, introduces ex-ante regulation for SSDEs, defined by criteria like turnover, user base, and market influence, targeting practices such as self-preferencing, data misuse, and anti-steering provisions across core digital services.⁶⁷ For example, the DCA aims to prevent platforms like Amazon from using seller data to

⁵⁶ Robin Feldman, AI Competition (University of California Law San Francisco 2025).

⁵⁷ *ibid.*

⁵⁸ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁵⁹ Robin Feldman, AI Competition (University of California Law San Francisco 2025).

⁶⁰ 'Digital Antitrust: Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) *Journal of Digital Economy* 89.

⁶¹ *Epic Games, Inc v Apple, Inc* No 21-16506 (US Court of Appeals for the Ninth Circuit, 24 April 2023) <https://cdn.ca9.uscourts.gov/datastore/opinions/2023/04/24/21-16506.pdf> accessed 15 August 2026.

⁶² Committee on Digital Competition Law, *Report* (Government of India 2024).

⁶³ *Matrimony.com Limited v Google LLC* CCI Case No 07 & 30 of 2012 (2018).

⁶⁴ *Federation of Hotel & Restaurant Associations of India v MakeMyTrip India Pvt Ltd and Ors* CCI Case No. 40-42 of 2018 (2018).

⁶⁵ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁶⁶ *ibid.*

⁶⁷ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

favour private-label products, mirroring DMA obligations.⁶⁸

However, the DCA's reliance on the same appellate structure as the Competition Act risks perpetuating delays, as seen in *Matrimony.com v Google LLC*⁶⁹, where Google's appeal has been pending for six years at the National Company Law Appellate Tribunal (NCLAT).⁷⁰ The CCI's limited technical expertise further hampers enforcement, necessitating investment in data scientists and technologists.⁷¹ India's approach draws inspiration from the DMA but must address institutional constraints to ensure effective implementation.⁷² For instance, the CCI could adopt market studies, as seen in Singapore, to proactively identify anti-competitive practices in sectors like food delivery.⁷³ The DCA's success will depend on streamlined enforcement and robust monitoring mechanisms to address India's rapidly growing digital economy.⁷⁴

4) Germany: Amendments to the ARC

Germany's Act Against Restraints of Competition (ARC), enforced by the Bundeskartellamt (Federal Cartel Office, FCO), has evolved to address digital market challenges.⁷⁵ The 9th Amendment (2017) recognised the competitive significance of multi-sided markets and data-driven business models, enabling the FCO to assess market power beyond traditional metrics.⁷⁶ The 10th Amendment (2021) introduced Section 19a, targeting entities with "paramount significance for competition across markets" (PSCAM), such as Meta and Google, and prohibiting practices like self-preferencing.⁷⁷ For example, the FCO's 2019 case against Meta's data practices restricted the company's ability to combine user data across platforms without consent.⁷⁸

The 11th Amendment (2023) further empowered the FCO to impose remedies following sector inquiries and align with the DMA's enforcement, ensuring consistency with EU

⁶⁸ Committee on Digital Competition Law, Report (Government of India 2024).

⁶⁹ *Matrimony.com Limited v Google LLC* CCI Case No 07 & 30 of 2012 (2018).

⁷⁰ Committee on Digital Competition Law, Report (Government of India 2024).

⁷¹ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

⁷² *ibid.*

⁷³ Committee on Digital Competition Law, Report (Government of India 2024).

⁷⁴ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

⁷⁵ Committee on Digital Competition Law, Report (Government of India 2024).

⁷⁶ *ibid.*

⁷⁷ *ibid.*

⁷⁸ *ibid.*

regulations.⁷⁹ Germany's proactive approach, combining ex-ante rules with robust enforcement, serves as a model for other jurisdictions, though it faces challenges in coordinating with the EU's centralised DMA framework.⁸⁰ The FCO's technical expertise and swift enforcement contrast with India's CCI, highlighting the importance of institutional capacity.⁸¹ For instance, Germany's ability to conduct sector inquiries into cloud computing markets could inspire similar efforts in India to address Amazon Web Services' dominance.⁸²

5) Canada: Competition Act Reforms

Canada's Competition Act, amended in 2022, addresses digital market challenges through ex-post enforcement, with the Competition Bureau conducting market studies to explore platform dominance.⁸³ The Bureau's 2022 discussion paper, "The Future of Competition Policy in Canada," proposed examining proactive regulatory measures, such as data portability and interoperability, but Canada has not yet adopted an ex-ante framework like the DMA.⁸⁴ For example, investigations into Google's advertising practices (2021) revealed challenges in addressing non-price harms under existing laws, prompting calls for reform.⁸⁵ Canada's cautious approach reflects a balance between enforcement and policy development, but the lack of specific ex-ante obligations limits its ability to address digital market concentration.⁸⁶

The Competition Bureau's focus on market studies signals a shift toward proactive regulation, but legislative action is needed to define clear rules for digital platforms.⁸⁷ For instance, Canada could adopt DMA-inspired rules to address app store restrictions, as seen in *Epic Games v Apple*.⁸⁸ Canada's experience highlights the importance of aligning enforcement with technological advancements to ensure effective regulation.⁸⁹

⁷⁹ *ibid.*

⁸⁰ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

⁸¹ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁸² *ibid.*

⁸³ *ibid.*

⁸⁴ *ibid.*

⁸⁵ *ibid.*

⁸⁶ *ibid.*

⁸⁷ *ibid.*

⁸⁸ *ibid.*

⁸⁹ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

Collaboration with jurisdictions like the EU could enhance Canada's ability to address cross-border platform dominance.⁹⁰

6) Taiwan: White Paper on Digital Economy

Taiwan's Fair Trade Act (FTA), enforced by the Taiwan Fair Trade Commission (TFTC), regulates monopolistic and anti-competitive practices in digital markets.⁹¹ The 2021 Digital Economy Competition Policy Task Force's White Paper (2022) recommends a balanced approach, combining ex-ante and ex-post measures to minimise social costs and promote innovation.⁹² For instance, the TFTC's investigation into food delivery platforms like Uber Eats (2020) addressed exclusionary practices, but the lack of ex-ante rules limited proactive intervention.⁹³ Taiwan's framework emphasises tailored policies for digital markets, but its absence of specific ex-ante legislation hinders its ability to address platform power comprehensively.⁹⁴

The White Paper's recommendations provide a roadmap for reform, aligning with global trends toward proactive regulation.⁹⁵ For example, Taiwan could adopt DMA-style obligations to ensure data portability in e-commerce platforms like PChome.⁹⁶ Taiwan's experience underscores the need for technical expertise to monitor algorithmic practices, similar to Germany's FCO.⁹⁷ Collaboration with regional regulators, such as Singapore's CCCS, could enhance Taiwan's regulatory capacity.⁹⁸

7) Singapore: Revised CA-04 Guidelines

Singapore's Competition Act (CA-04), enforced by the Competition and Consumer Commission of Singapore (CCCS), prohibits abuse of dominance, with revised guidelines (2022) clarifying market power assessment in digital markets.⁹⁹ Market studies on online travel booking (2019) and e-commerce (2020) informed these updates, emphasising data

⁹⁰ *Ibid.*

⁹¹ Committee on Digital Competition Law, *Report* (Government of India 2024).

⁹² *ibid.*

⁹³ *ibid.*

⁹⁴ *ibid.*

⁹⁵ *ibid.*

⁹⁶ *ibid.*

⁹⁷ *ibid.*

⁹⁸ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

⁹⁹ Committee on Digital Competition Law, *Report* (Government of India 2024).

portability and fair competition.¹⁰⁰ For example, the CCCS's investigation into Grab's acquisition of Uber's Southeast Asia operations (2018) resulted in fines for restricting competition, highlighting the need for proactive measures.¹⁰¹ Singapore's balanced approach, combining enforcement with policy reforms, aligns with global trends but lacks a comprehensive ex-ante framework.¹⁰²

The revised guidelines provide flexibility but require stronger mechanisms to address algorithmic opacity, as seen in platforms like Shopee.¹⁰³ Singapore could adopt DMA-inspired rules to mandate transparency in ranking algorithms, enhancing fairness for MSMEs.¹⁰⁴ Singapore's experience highlights the value of market studies in informing policy, a practice India could emulate to strengthen the DCA.¹⁰⁵ Regional collaboration, such as with Taiwan, could further enhance Singapore's regulatory framework.¹⁰⁶

8) China: Anti-Monopoly Law & Platform Guidelines

China's Anti-Monopoly Law (AML), amended in 2022, targets monopolistic practices in digital markets, with the 2021 Platform Guidelines addressing data-driven anti-competitive conduct.¹⁰⁷ A \$2.75 billion fine on Alibaba (2021) for exclusive dealing practices demonstrated robust ex-post enforcement, though delays in addressing platform power persist.¹⁰⁸ The Draft Classification and Responsibility Guidelines (2021) propose ex-ante measures, such as classifying platforms by market influence and imposing obligations, reflecting a shift toward proactive regulation.¹⁰⁹ China's approach contrasts with the EU's DMA due to its state-driven regulatory model, but it aligns with global trends toward addressing digital market concentration.¹¹⁰

Enforcement challenges include balancing regulatory oversight with innovation,

¹⁰⁰ *ibid.*

¹⁰¹ *ibid.*

¹⁰² *ibid.*

¹⁰³ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁰⁴ Committee on Digital Competition Law, *Report* (Government of India 2024).

¹⁰⁵ *ibid.*

¹⁰⁶ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁰⁷ Committee on Digital Competition Law, *Report* (Government of India 2024).

¹⁰⁸ *ibid.*

¹⁰⁹ *ibid.*

¹¹⁰ *ibid.*

particularly for domestic giants like Tencent and ByteDance.¹¹¹ For example, Tencent's dominance in social media and gaming raises concerns about data-driven barriers, necessitating ex-ante rules similar to the DMA.¹¹² China's experience offers lessons in swift enforcement, but its state-driven approach raises concerns about regulatory capture.¹¹³ Collaboration with global regulators could help address cross-border challenges, such as Byte Dance's global operations through TikTok.¹¹⁴

Regulatory Gaps & Enforcement Challenges

With respect to algorithmic control & data dominance, traditional competition laws, such as Indonesia's Law No. 5 of 1999, lack provisions for regulating algorithmic control and data access, which are critical assets in digital markets.¹¹⁵ The EU's DMA mandates algorithmic transparency and data portability, requiring gatekeepers to disclose ranking mechanisms and share data with competitors.¹¹⁶ In contrast, the US's platform neutrality approach targets data misuse but lacks comprehensive ex-ante rules, as seen in ongoing cases against Amazon's use of seller data.¹¹⁷ India's DCA seeks to address these gaps by prohibiting data-driven anti-competitive practices, but its enforcement relies on the CCI's limited technical capacity.¹¹⁸ For example, algorithmic opacity in platforms like Swiggy disadvantages MSMEs, which lack access to ranking criteria.¹¹⁹ Addressing algorithmic control requires regulators to understand complex AI systems, a challenge for agencies with limited technological expertise.¹²⁰ The EU's DG-CONNECT employs data scientists to monitor compliance, while India's CCI lacks similar resources, hindering effective regulation.¹²¹ Data dominance also raises privacy concerns, as

¹¹¹ *ibid.*

¹¹² *ibid.*

¹¹³ *ibid.*

¹¹⁴ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹¹⁵ Digital Antitrust: Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

¹¹⁶ European Commission, *Adapting the Competition Policy for the Digital Age: Assessing the EU's Approach* (2020).

¹¹⁷ Robin Feldman, *AI Competition* (University of California Law San Francisco 2025).

¹¹⁸ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026..

¹¹⁹ Y Sun and others, 'Impact of Digital Platforms on MSMEs' (2023) 14(3) Journal of Business and Technology 112.

¹²⁰ A Khumairok, 'Algorithmic Dominance in Digital Markets' (2023) 9(1) Asian Journal of Law and Economics 34.

¹²¹ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html>

seen in Meta's data practices, necessitating coordination between competition and data protection authorities.¹²² For instance, Germany's FCO collaborated with data protection agencies in the Meta case to address cross-regulatory issues.¹²³

The CCI's capacity constraints, evident in delayed cases like *Matrimony.com v Google LLC*¹²⁴, limit its ability to regulate digital markets effectively.¹²⁵ The EU benefits from DG-CONNECT's technical expertise, while the UK's Digital Markets Unit (DMU) employs data scientists to analyse platform behaviour.¹²⁶ India must invest in a dedicated digital regulation unit, recruiting technologists to monitor algorithmic practices and ensure DCA compliance.¹²⁷ Similarly, Taiwan and Singapore face challenges in building technical capacity, though their market studies provide a foundation for reform.¹²⁸ Germany's FCO, with its proactive enforcement and technical resources, serves as a model for institutional capacity-building.¹²⁹ For example, the FCO's sector inquiries into digital advertising enabled targeted interventions, a practice India could adopt to address cloud computing dominance.¹³⁰ Canada's Competition Bureau also faces capacity constraints, limiting its ability to monitor complex platform ecosystems.¹³¹ Building institutional capacity requires investment in training, technology, and cross-regulatory collaboration, as seen in the EU's multi-disciplinary approach.¹³²

The DMA's centralized enforcement by the European Commission avoids fragmentation, ensuring swift compliance.¹³³ In contrast, India's DCA relies on the Competition Act's court-intensive appellate process, risking delays, as seen in the *Matrimony.com* case, pending for six years.¹³⁴ Streamlined procedures, such as market studies and compliance committees, could enhance efficiency, as demonstrated by the UK's DMU.¹³⁵ China's AML enforcement, while

[indias-digital-competition-regime.html](#) accessed 16 August 2026.

¹²² Committee on Digital Competition Law, *Report* (Government of India 2024).

¹²³ *ibid.*

¹²⁴ *Matrimony.com Limited v Google LLC* CCI Case No 07 & 30 of 2012 (2018).

¹²⁵ Committee on Digital Competition Law, *Report* (Government of India 2024).

¹²⁶ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹²⁷ *ibid.*

¹²⁸ Committee on Digital Competition Law, *Report* (Government of India 2024).

¹²⁹ *ibid.*

¹³⁰ *ibid.*

¹³¹ *ibid.*

¹³² Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹³³ European Commission, *Adapting the Competition Policy for the Digital Age: Assessing the EU's Approach* (2020).

¹³⁴ Committee on Digital Competition Law, *Report* (Government of India 2024).

¹³⁵ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

robust, faces delays due to complex investigations into domestic platforms, highlighting the need for proactive measures.¹³⁶ Cross-jurisdictional coordination, such as through the International Competition Network, could mitigate delays by sharing enforcement strategies.¹³⁷ For example, the EU's collaboration with national competition authorities under the DMA ensures consistent enforcement, a model India could adopt to streamline DCA implementation.¹³⁸ Singapore's market studies, which informed CA-04 revisions, demonstrate the value of proactive data collection in reducing enforcement delays.¹³⁹ Addressing enforcement delays requires a combination of institutional reforms and international cooperation to tackle the global nature of digital platforms.¹⁴⁰

Economic & Geopolitical Implications

Digital platforms extract various rents monopolistic, Ricardian, and Schumpeterian affecting market fairness and innovation.¹⁴¹ Monopolistic rents, derived from practices like self-preferencing, harm competition by entrenching platform dominance, as seen in Google's prioritization of its services, in *Umar Javeed and Ors v Google LLC*¹⁴², CCI found Google guilty of abusing its dominant position in the Indian mobile OS and related app markets. The CCI imposed a penalty of approximately Rs. 1337.76 crore (\$175 million) and ordered Google to cease anti-competitive practices, including linking Play Store licensing with the pre-installation of other apps and restricting users from uninstalling pre-installed apps. Ricardian rents, such as those from Google's PageRank algorithm, stem from unique technological advantages, while Schumpeterian rents, like Apple's iPhone innovations, drive creative destruction.¹⁴³ Policymakers must distinguish these rents to target anti-competitive conduct without stifling innovation, a challenge for ex-ante frameworks like the DMA.¹⁴⁴ For example,

Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹³⁶ Committee on Digital Competition Law, Report (Government of India 2024).

¹³⁷ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹³⁸ Viktoria HSE Robertson, 'The Complementary Nature of the Digital Markets Act and EU Antitrust Rules' (2023).

¹³⁹ Committee on Digital Competition Law, Report (Government of India 2024).

¹⁴⁰ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁴¹ Cristina Simone and Antonio Laudando, 'Principles and Obligations of the Digital Markets Act in Regulating the Economic Power of Gatekeepers' (2023).

¹⁴² *Umar Javeed and Ors v Google LLC and Anr* CCI Case No 39 of 2018 (2022).

¹⁴³ *ibid.*

¹⁴⁴ *ibid.*

excessive regulation of Schumpeterian rents could deter R&D investment, while under-regulating monopolistic rents risks market foreclosure.¹⁴⁵ In India, platforms like Flipkart generate monopolistic rents through exclusive partnerships, limiting competition in e-commerce.¹⁴⁶ In contrast, innovations like UPI (Unified Payments Interface) generate Schumpeterian rents, fostering financial inclusion.¹⁴⁷ Regulators must balance these dynamics to promote innovation while addressing anti-competitive practices.¹⁴⁸ For instance, the DCA could target monopolistic rents by prohibiting exclusive dealing, while supporting Schumpeterian rents through innovation-friendly policies.¹⁴⁹

The dominance of US (e.g., MAANG- Meta, Amazon, Apple, Netflix, Google) and Chinese (e.g., BAT- Baidu, Alibaba, Tencent) platforms underscores a geopolitical race for digital market control.¹⁵⁰ The EU's DMA aims to establish regulatory leadership through the "Brussels effect," influencing global standards.¹⁵¹ India's DCA could position it as a regional standard-setter, particularly in the Global South, but its effectiveness depends on harmonising with frameworks like the DMA to counter US-China dominance.¹⁵² For instance, India's regulation of platforms like Amazon could influence Southeast Asian markets, as seen in Bandung's platform economy.¹⁵³ China's AML and Platform Guidelines reflect a state-driven approach, raising concerns about regulatory capture but offering lessons in swift enforcement.¹⁵⁴ For example, China's regulation of Tencent's WeChat could inform India's approach to WhatsApp, addressing data-driven dominance.¹⁵⁵ Cross-jurisdictional collaboration is critical to address the global nature of digital platforms, as seen in the EU's coordination with national

¹⁴⁵ 'Digital Antitrust: Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

¹⁴⁶ Committee on Digital Competition Law, Report (Government of India 2024).

¹⁴⁷ *ibid.*

¹⁴⁸ 'Digital Antitrust: Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

¹⁴⁹ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁵⁰ Principles and Obligations of the Digital Markets Act in Regulating the Economic Power of Gatekeepers, Cristina Simone and Antonio Laudando (2023).

¹⁵¹ Cristina Simone and Antonio Laudando, 'Principles and Obligations of the Digital Markets Act in Regulating the Economic Power of Gatekeepers' (2023).

¹⁵² Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁵³ T Rusmanto and A Permatasari, 'Platform Economy in Bandung: Opportunities and Challenges' (2023) 7(2) Indonesian Economic Journal 88.

¹⁵⁴ Committee on Digital Competition Law, Report (Government of India 2024).

¹⁵⁵ *ibid.*

authorities.¹⁵⁶ India could lead initiatives in the Global South, collaborating with ASEAN nations to develop harmonised digital regulations.¹⁵⁷

Policy Recommendations

- 1. Adopt a Hybrid Regulatory Framework:** Combine *ex-ante* and *ex-post* approaches, as seen in the EU's DMA and Germany's ARC, to address digital market dynamics proactively while retaining flexibility for novel conduct.¹⁵⁸ This ensures regulators can respond to emerging practices, such as AI-driven pricing, without relying solely on lengthy investigations.¹⁵⁹
- 2. Enhance Institutional Capacity:** Establish a dedicated Digital Markets Unit within the CCI, recruiting data scientists and technologists, similar to the UK's DMU, to monitor algorithmic practices and enforce the DCA effectively.¹⁶⁰ Taiwan and Singapore should similarly invest in technical expertise to support their frameworks.¹⁶¹
- 3. Promote Algorithmic Transparency:** Mandate platforms to disclose algorithmic decision-making processes, as in the DMA, to reduce information asymmetry and empower MSMEs.¹⁶² For example, requiring platforms like Grab to publish ranking criteria could enhance fairness for small businesses.¹⁶³
- 4. Streamline Enforcement:** Introduce market studies and compliance committees to reduce reliance on court-intensive processes, ensuring timely redressal, as seen in the UK's DMU.¹⁶⁴ This could address delays in cases like Matrimony.com.¹⁶⁵

¹⁵⁶ Viktoria HSE Robertson, 'The Complementary Nature of the Digital Markets Act and EU Antitrust Rules' (2023).

¹⁵⁷ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁵⁸ Committee on Digital Competition Law, Report (Government of India 2024).

¹⁵⁹ 'Digital Antitrust: Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

¹⁶⁰ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁶¹ Committee on Digital Competition Law, Report (Government of India 2024).

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¹⁶³ Y Sun and others, 'Impact of Digital Platforms on MSMEs' (2023) 14(3) Journal of Business and Technology 112.

¹⁶⁴ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁶⁵ Committee on Digital Competition Law, Report (Government of India 2024).

5. **Foster Cross-Jurisdictional Collaboration:** Create a supra-regulatory body, like the UK's Digital Regulation Cooperation Forum (DRCF), to harmonise digital regulation across jurisdictions, addressing cross-border challenges.¹⁶⁶ This could facilitate data-sharing agreements and coordinated enforcement against global platforms.¹⁶⁷
6. **Support MSMEs:** Enhance digital literacy for MSMEs through collaboration with local governments and academic institutions, as seen in Bandung, to mitigate platform dependency and promote fair competition.¹⁶⁸ For example, training programs could help MSMEs navigate platform algorithms, as implemented in Indonesia.¹⁶⁹

Conclusion

The digital economy's rapid transformation necessitates a fundamental reimagining of antitrust frameworks to address data-driven dominance, algorithmic control, and platform power.¹⁷⁰ The EU's DMA sets a global benchmark for ex-ante regulation, imposing clear obligations on gatekeepers to ensure contestability and fairness.¹⁷¹ India's proposed DCA aims to emulate this approach but faces enforcement challenges due to institutional constraints and appellate delays.¹⁷² Other jurisdictions, including Germany, Canada, Taiwan, Singapore, and China, offer diverse approaches, from proactive amendments to policy studies, each contributing to a global shift toward adaptive regulation.¹⁷³ Effective regulation requires balancing innovation and fairness, enhancing institutional capacity, and fostering cross-jurisdictional collaboration.¹⁷⁴ By addressing regulatory gaps and adopting harmonised frameworks, competition authorities can ensure equitable digital markets that promote contestability, protect

¹⁶⁶ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁶⁷ Digital Antitrust: Reimagining Competition Law for Platform Economies and AI-Driven Markets' (2023) 8(2) Journal of Digital Economy 89.

¹⁶⁸ *ibid.*

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¹⁷² Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

¹⁷³ Committee on Digital Competition Law, Report (Government of India 2024).

¹⁷⁴ Amber Darr and Madhavi Singh, 'Lessons From the EU and UK for Strengthening India's Digital Competition Regime' (SpicyIP, 24 June 2025) <https://spicyip.com/2025/06/lessons-from-the-eu-and-uk-for-strengthening-indias-digital-competition-regime.html> accessed 16 August 2026.

consumers, and empower small businesses.¹⁷⁵

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