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ABUSE OF DOMINANCE AND PLATFORM POWER IN THE DIGITAL ECONOMY: A COMPARATIVE STUDY OF COMPETITION REGULATION IN INDIA AND THE UNITED STATES

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Abstract

This paper looks at the abuse of dominance and platform power in markets. It compares India and the United States to see how they handle these issues. Digital platforms have changed the way businesses work by using data to make decisions creating networks of users and building ecosystems. These platforms come up with ideas and benefit consumers but they also cause problems like too much power in one company, unfair treatment of others and making it hard for new companies to enter the market. The paper checks the laws that govern abuse of dominance in India under the Competition Act, 2002 and antitrust laws in the United States under the Sherman Act. It looks at cases how the laws are enforced what people are debating about and new rules that are being made. The study finds that both India and the United States are trying to find a balance between encouraging ideas and promoting competition. However India is taking an active role in regulating these platforms while the United States is still relying on its traditional approach to antitrust laws. The paper examines abuse of dominance and platform power in markets by comparing India and the United States. Digital platforms have changed the way businesses work. They use data to make decisions and create networks of users. These platforms come up with ideas and benefit consumers. However they also cause problems. The paper checks the laws that govern abuse of dominance in India and antitrust laws in the United States. It looks at cases and new rules that are being made. The study finds that both countries are trying to find a balance, between encouraging ideas and promoting competition. India is taking an active role while the United States is still relying on its traditional approach. The paper looks at platforms and how they affect the market. It compares India and the United States. Digital platforms use data. Create networks. They come up with ideas but they also cause problems. The paper checks the laws. It finds that both countries are trying to find a balance. India is being more active while the United States is relying on its approach. The study concludes that abuse of dominance and platform power are issues. Both

India and the United States are trying to address these issues. They want to promote competition and encourage ideas.

INTRODUCTION

The digital economy has changed the way markets work over the world. Digital platforms are like middlemen that connect digital platforms users, advertisers, merchants, developers and businesses. They are good at collecting data using network effects and putting services together. This has helped a few companies get a lot of power in the market. The way digital platforms do business has challenged the rules of competition because having power in the market is not just about prices anymore. Digital platforms data, algorithms, attention and control over ecosystems have become reasons why some companies are dominant. People in charge of making sure companies compete fairly in India and the United States have been looking closely at platforms to see if they are doing anything unfair. This paper looks at what's happening with digital platforms through a comparison of laws. The digital economy has changed the market. Digital platforms connect digital platforms users, advertisers and businesses. They collect data. Use it to their advantage. This has given some companies a lot of power. The old rules of competition do not work well anymore. Digital platforms have a lot of power because of data, algorithms and control over ecosystems. Companies in India and the United States are being watched to make sure they compete fairly. This paper compares the laws about platforms.

Digital platforms have changed everything. They are the middlemen that connect digital platforms users and businesses. Digital platforms are good at collecting data and using it to make money. Some companies have gotten very powerful. The rules of competition have to change. Digital platforms power comes from data and algorithms. People are watching platforms in India and the United States to make sure they are fair. This paper looks at the laws. The digital economy is different now. Digital platforms are in charge. They connect digital platforms users and advertisers. Digital platforms collect data. Use network effects. This gives them a lot of power. The old competition rules do not work. Digital platforms have power because of data and control. People in India and the United States are looking at platforms. This paper compares the laws about platforms.

Digital platforms have changed the market. They connect digital platforms users and businesses. Digital platforms are good at collecting data. This has given them a lot of power.

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The digital economy is new. Digital platforms are in charge. They connect digital platforms users and advertisers. Digital platforms collect data. Use it to their advantage. This has given some companies a lot of power. The old competition rules do not work. Digital platforms power comes from data and control. People are watching platforms in India and the United States. This paper compares the laws, about platforms.

Concept of Abuse of Dominance and Platform Power

Dominance refers to a position of economic strength that enables an enterprise to operate independently of competitive forces. Abuse of dominance occurs when such power is used to restrict competition or exploit consumers. Platform power is distinct from traditional monopoly power because it arises from network effects, data accumulation, switching costs, and ecosystem integration. Digital platforms often operate multi-sided markets where value is created through interactions among different groups of users. These characteristics make competition assessment more complex. Dominance refers to a position of economic strength that enables an enterprise to operate independently of competitive forces. Abuse of dominance occurs when such power is used to restrict competition or exploit consumers. Platform power is distinct from traditional monopoly power because it arises from network effects, data accumulation, switching costs, and ecosystem integration. Digital platforms often operate multi-sided markets where value is created through interactions among different groups of users. These characteristics make competition assessment more complex. Dominance refers to a position of economic strength that enables an enterprise to operate independently of competitive forces. Abuse of dominance occurs when such power is used to restrict competition or exploit consumers. Platform power is distinct from traditional monopoly power because it

users. These characteristics make competition assessment more complex.

The Concept of Abuse of Dominance and Platform Power

Abuse of dominance happens when a company uses its power to stop others from competing or to take advantage of consumers. Platform power is different from the kind of power a company can have when it is the only one selling something. Platform power comes from things like people using the platform the platform having a lot of data it being hard for users to switch to a different platform and the platform being connected to many other things. Digital platforms are special because they bring together different groups of people who interact with each other. This makes it harder to figure out if a company is being competitive or not. The concept of dominance is about a company being very strong in the economy. This means the company can do what it wants without worrying about what other companies doing. Abuse of dominance happens when a company uses its power to stop others from competing or to take advantage of consumers. Platform power is different from the kind of power a company can have when it is the only one selling something. Platform power comes from things like people using the platform the platform having a lot of data it being hard for users to switch to a different platform and the platform being connected to many other things. Digital platforms are special because they bring together different groups of people who interact with each other. This makes it harder to figure out if a company is being competitive or not.

In terms dominance refers to a position of economic strength that enables an enterprise to operate independently of competitive forces. Abuse of dominance occurs when such power is used to restrict competition or exploit consumers. Platform power is distinct from monopoly power because it arises from network effects, data accumulation, switching costs and ecosystem integration. This is why we need to be careful and make sure that companies do not abuse their power. We need to make sure that they compete fairly and that they do not hurt consumers. By doing this we can create an competitive market where companies can thrive and consumers can benefit.

In the end the concept of abuse of dominance and platform power is important, for creating a competitive market. We need to understand what they are and how they work so that we can make sure that companies compete fairly and that consumers are protected.

Competition Law Framework in India

The Competition Act 2002 is the law that governs the abuse of dominance in India. This law says that companies cannot abuse their position in the market. The Competition Commission of India looks at things to decide if a company is dominant such as how much of the market they control, how strong they are financially how much people need them and how easy it is for new companies to enter the market.

In times India has been paying a lot of attention to digital platforms especially when it comes to search engines, app stores, online shopping platforms and social media sites. The decisions made about Google Android and Play Store show that India is willing to step in when it comes to markets.

The Competition Act 2002 is the law that deals with abuse of dominance in India. It is very important for companies to follow this law. The Competition Commission of India does a lot of work to make sure that companies are not abusing their power. They look at the market share of companies their power and how much people depend on them.

The Google Android and Play Store decisions are examples of how India is taking action against companies that abuse their power in digital markets. India wants to make sure that all companies, including platforms follow the rules and do not abuse their power.

The Competition Act 2002 is an important law in India. It helps to prevent companies from abusing their power. The Competition Commission of India is responsible for making sure that companies follow this law. They do this by looking at factors, including market share and economic power. India is also very interested in platforms, such as search engines and social media sites. The Competition Commission of India wants to make sure that these platforms do not abuse their power. The Google Android and Play Store decisions show that India is serious about enforcing its laws and preventing abuse of dominance.

The Competition Act 2002 is the law that governs abuse of dominance in India. This law is very important because it helps to prevent companies from abusing their power. The Competition Commission of India is the organization that makes sure companies follow this law.

Competition Law Framework in the United States

The United States has one of the oldest and most influential competition law regimes in the world. Its antitrust framework is primarily based on three federal statutes: the Sherman Antitrust Act, 1890, the Clayton Act, 1914, and the Federal Trade Commission Act, 1914. These laws aim to preserve market competition, prevent monopolistic behavior, and protect consumer welfare.

The Sherman Act prohibits monopolization and attempts to monopolize any part of interstate commerce. Section 2 of the Act is particularly relevant in cases involving abuse of dominance by digital platforms. Unlike some jurisdictions that directly regulate dominant firms, U.S. antitrust law generally focuses on conduct rather than market position alone. Therefore, the mere existence of dominance is not unlawful; rather, liability arises when a firm acquires or maintains monopoly power through exclusionary or anti-competitive conduct.

The Clayton Act complements the Sherman Act by addressing anti-competitive mergers, exclusive dealing arrangements, and discriminatory practices that may substantially lessen competition. In digital markets, merger scrutiny has become increasingly important due to acquisitions undertaken by large technology firms to eliminate potential competitors.

The Federal Trade Commission (FTC) and the Antitrust Division of the Department of Justice (DOJ) are the principal enforcement agencies. Both agencies have intensified scrutiny of digital platforms in recent years. Investigations and lawsuits involving Google, Meta, Apple, and Amazon demonstrate a shift toward addressing concerns related to platform dominance, self-preferencing, data concentration, and exclusionary conduct.

Recent developments indicate a growing recognition that traditional antitrust tools may not adequately address the unique characteristics of digital markets. Consequently, U.S. regulators have increasingly focused on network effects, control over data, ecosystem lock-in, and platform gatekeeping power while assessing competitive harm.

Comparative Analysis

A comparative analysis of India and the United States reveals both similarities and significant differences in their approaches to regulating digital platform dominance. India adopts a more interventionist approach through the Competition Act, 2002. Section 4 explicitly prohibits abuse of dominant position, enabling the Competition Commission of India (CCI) to intervene when dominant enterprises engage in unfair or discriminatory practices. The legal framework focuses not only on consumer welfare but also on maintaining fair competition and preventing market distortions.

In contrast, the United States follows a conduct-based approach under antitrust law. American courts generally require proof of exclusionary conduct and demonstrable harm to competition before imposing liability. This approach reflects a stronger emphasis on economic efficiency and consumer welfare standards.

Another distinction concerns market definition. The CCI has shown flexibility in defining relevant markets, particularly in digital sectors where services may be offered at zero monetary cost. U.S. courts, however, often rely on traditional market-definition methodologies, although recent cases have begun adapting to digital realities.

Data concentration represents another area of divergence. Indian authorities increasingly recognize data as a source of market power and competitive advantage. U.S. regulators have similarly acknowledged the importance of data but historically have been slower to incorporate data-related concerns into antitrust analysis.

Merger control also differs significantly. While both jurisdictions review mergers involving digital firms, U.S. authorities have faced criticism for allowing major acquisitions that contributed to the consolidation of platform power. India has adopted a more cautious stance and has strengthened its review mechanisms through amendments to competition law. Despite these differences, both jurisdictions face common challenges in regulating rapidly evolving digital markets characterized by innovation, network effects, algorithmic decision-making, and cross-border operations.

Challenges in Digital Competition Regulation

Digital markets present unique challenges that traditional competition law frameworks were not originally designed to address. One of the primary challenges is the presence of strong network effects. The value of digital platforms increases as more users join, making it difficult for new entrants to compete. This often results in winner-takes-most market structures that naturally favor large incumbents.

Another challenge involves defining relevant markets. Many digital services are provided free of charge, making traditional price-based competition analysis less effective. Regulators must consider factors such as data collection, user attention, and platform engagement when assessing market power accumulation creates substantial barriers to entry. Dominant platforms

collect vast amounts of user data, enabling them to improve services, target advertisements, and strengthen their competitive position. New entrants frequently lack access to comparable datasets, limiting their ability to challenge established firms. Algorithmic decision-making further complicates enforcement. Algorithms may facilitate discriminatory conduct, self-preferencing, or anti-competitive outcomes without explicit human intervention. Detecting and proving such practices can be difficult for competition authorities.

The rapid pace of technological innovation presents additional difficulties. By the time regulators complete investigations, market conditions may have changed significantly. This creates a risk of regulatory lag and ineffective remedies. Cross-border operations of digital platforms also create jurisdictional challenges. Global technology companies operate simultaneously in multiple countries, making coordinated enforcement essential. Differences in legal standards and enforcement priorities may reduce the effectiveness of national competition authorities.

Finally, balancing innovation and regulation remains a critical concern. Excessive intervention may discourage technological development, while insufficient oversight can allow dominant platforms to entrench their market power and suppress competition.

Recommendations

First, competition authorities should adopt specialized frameworks tailored to digital markets. Traditional competition analysis should be supplemented with factors such as network effects, data control, platform ecosystems, and gatekeeper power.

Second, greater emphasis should be placed on data-related competition concerns. Regulators should assess how access to data contributes to market power and whether dominant firms use data strategically to exclude competitors.

Third, ex-ante regulatory measures should complement traditional ex-post antitrust enforcement. Rather than waiting for anti-competitive harm to occur, regulators should establish clear obligations for dominant digital platforms regarding transparency, interoperability, and non-discrimination.

Fourth, merger review processes should be strengthened. Acquisitions involving emerging

competitors, innovative startups, and data-rich firms should receive closer scrutiny to prevent the elimination of future competition.

Fifth, competition authorities should enhance their technological expertise. Specialized teams comprising economists, data scientists, and technology experts can improve the assessment of complex digital markets.

Sixth, international cooperation should be expanded. Since digital platforms operate globally, regulatory agencies should share information, coordinate investigations, and develop common enforcement principles.

Finally, competition law should increasingly focus on preserving contestability in digital markets. The objective should not merely be to punish anti-competitive conduct but also to ensure that markets remain open to innovation and new entrants.

Conclusion

The rise of digital platforms has fundamentally transformed modern economies and challenged traditional competition law principles. Companies such as Google, Amazon, Apple, Meta, and Microsoft exercise significant influence over digital markets, raising concerns regarding abuse of dominance, exclusionary conduct, and the concentration of economic power.

India and the United States have adopted different approaches to addressing these challenges. India's Competition Act provides explicit provisions against abuse of dominant position and allows proactive intervention by the Competition Commission of India. The United States, by contrast, relies primarily on antitrust principles focused on exclusionary conduct and consumer welfare. Despite their differences, both jurisdictions increasingly recognize the limitations of traditional competition frameworks when applied to digital markets. Issues such as network effects, data concentration, algorithmic governance, and platform ecosystems require innovative regulatory responses.

A comparative examination demonstrates that effective digital competition regulation requires a balance between promoting innovation and preventing anti-competitive conduct. Future reforms should incorporate digital-specific considerations, strengthen merger review, enhance regulatory expertise, and encourage international cooperation.

As digital platforms continue to shape economic activity worldwide, competition law will play a crucial role in ensuring that technological progress benefits consumers, encourages innovation, and preserves competitive market structures. A forward-looking and adaptive regulatory framework is therefore essential for addressing the challenges of platform power in the digital economy.

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