

# Analysis of Competition Cases Against Uber Across the Globe

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## Abstract

Innovations and technological advancements have changed the market structure of economies across the globe. The emergence of business models based on sharing of assets has had a disruptive effect across almost all sectors. Notably, the growing importance of the sharing economy has created a situation wherein the online marketplace has distorted the understanding of economic relations between businesses, producers and consumers. This has led to several legal disputes across the globe and the case of Uber is particularly prominent in this regard. Uber has been under the radar of traditional taxi providers, drivers as well as consumers who have filed complaints/lawsuits against the company levying allegations of anticompetitive behaviour. In the continuing divergence of legal opinions and decisions across jurisdictions, this viewpoint paper by CUTS gives a brief analysis of decided and ongoing competition/antitrust lawsuits against Uber in major jurisdictions across the globe.

## Introduction: The Sharing Economy and Uber

The past decade has seen a significant increase in popularity of internet and network-based business models which have challenged the foundations of the traditional market economies across the globe. With the exponential growth of technological advancements and increased global connectivity, the prominence of and dependence on online ecosystems is becoming ever more significant in developed as well as developing economies.

One such economic ecosystem is the Sharing Economy. To put it simply, it is a system in which assets or services are shared between private individuals typically through the internet.<sup>1</sup> Business models in the sharing economy generally rely on peer-to-peer (P2P) transactions on a large scale and companies providing these services have specifically experienced momentous growth in the past five to six years.<sup>2</sup> Based on the P2P model, a range of companies have developed online marketplaces, such as online rentals of residential and office spaces,<sup>3</sup> transportation network companies<sup>4</sup> (TNCs), e-commerce platforms<sup>5</sup> etc.

The business model of companies in the sharing economy is generally based on online platforms. These entities provide connectivity between owners of goods and services and consumers who access the same through online platforms. Thus, online platform providers compete with other businesses which might be online as well as offline (traditional market players).

The growing importance of the sharing economy has created a unique situation wherein the online marketplace has distorted the understanding of

economic relations between businesses, producers and consumers and has led to several legal disputes across the globe and the case of Uber (example of TNCs) is particularly prominent with over 70 pending federal lawsuits in the US only.<sup>6</sup>

With its presence in 565 cities across the globe, Uber is one of the leading TNCs in the world and connects drivers offering rides and passengers seeking them online through GPS-enabled smartphones. However, the fact that the company does not own cars and claims that all drivers are not its employees but private contractor's makes things further complicated for regulators.<sup>7</sup> Due to its enormous size and global presence, Uber has been under the radar of traditional taxi providers, drivers as well as consumers who have filed anticompetitive complaints/lawsuits (apart from other cases based on labour, safety and regulatory issues) on several grounds (ranging from price fixing to abuse of dominance). Some of the courts and competition authorities have admitted these complaints while others have dismissed them by welcoming the technological disruption introduced in the urban transportation sector by Uber and similarly placed companies.

In the continuing divergence of legal opinions and decisions across jurisdictions, following is a brief analysis of decided and ongoing competition/antitrust lawsuits against Uber in major jurisdictions across the globe. The aim of this viewpoint paper is to provide an unbiased and objective eagle-eye view of facts and legal decisions for general readers as well as competition authorities which are currently addressing and/or are going to address similar legal disputes in the near future.

## I. Global Viewpoint of Competition Cases *vis-à-vis* Uber

Competition Agency/Jurisdiction	Details of the case/complaint	Verdict
Competition Commission of India (CCI)	<p><b>Brief Facts<sup>8</sup></b> An antitrust case was filed by radio taxi operator, namely Meru against Uber alleging abuse of dominance.</p> <p><b>Issues/allegations raised</b></p> <ul style="list-style-type: none"> <li>The basic contention of the informant was that Uber was in a dominant position in the relevant market of '<i>Radio Taxi Services in Delhi-National Capital Region</i>' as it provided 33,000 trips per day out of a total 65,828 trips per day and thus, had a share of around 50 percent (these numbers were arrived at through an independent report submitted by the complainant).<sup>9</sup></li> <li>The informant claimed that Uber had abused its dominant position in the market by engaging in anticompetitive practices including predatory pricing and incentivising drivers to eliminate competition in contravention of sections 3 and 4 of the Indian Competition Act.<sup>10</sup></li> </ul> <p><b>Defence/counter-arguments</b></p> <ul style="list-style-type: none"> <li>In its defence, Uber resisted the authenticity and validity of the independent research report (namely the <i>TechSci</i> report submitted by the informant). Also, the allegation of abusing dominance was refuted by claiming that there was no substantial and reliable evidence which proved its dominance in the market.</li> <li>Regarding allegations of anticompetitive agreements under Section 3 of the Competition Act, Uber stated that, '<i>it is not imposing any exclusivity conditions on the drivers on its network</i>' and the rationale behind giving discounts is "<i>to bring the drivers and consumers to a system, to motivate them and to compensate them.</i>"<sup>11</sup></li> </ul>	<p><b>Decision</b> Complaint dismissed. Re-investigation ordered by Competition Appellate Tribunal (COMPAT).</p> <p><b>Analysis</b></p> <ul style="list-style-type: none"> <li>CCI heard complainant and arrived at the conclusion that Uber was not dominant in the relevant market and thus, allegations of abuse of dominance could not hold ground.</li> <li>The relevant market (considering the relevant product and geographic market) was defined as '<i>Radio Taxi Services in Delhi</i>'. Notably, the geographic market of NCR was not included in the definition of relevant market, because the Commission felt that the regulatory framework in relation to taxi services and use of CNG in public transport were different in both the regions (i.e. Delhi and NCR).</li> <li>The report submitted by the informant was held to be unreliable and contradictory and it was stated by the Commission that the informant had failed to prove that the opposite party was dominant in the relevant market.</li> <li>It is pertinent to mention here that post this decision by the CCI in favour of Uber, the case went on to appeal and the COMPAT ordered CCI to investigate allegations afresh. Also, the <i>prima facie</i> definition of relevant market according to COMPAT was '<i>Radio Taxi Services in Delhi-National Capital Region</i>' (as opposed to CCI's definition which excluded the NCR).</li> <li>COMPAT's rationale in favour of reinvestigation is that, '<i>The size of discounts and incentives shows there are either phenomenal efficiency improvements which are replacing existing business models with the new business models or there could be an anticompetitive stance to it.</i>' Also, the order mentioned that, '<i>In our view, there is a good enough reason for the director general to investigate this matter. It will also help in settling an issue which has agitated business discourse for quite some time.</i>'<sup>12</sup></li> </ul>

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Competition Commission of South Africa	<p><b>Brief Facts</b> In May 2015, the case was filed by eight regional taxi companies and members of the South African Meter Taxi Association. The allegations levied against Uber were that of predatory pricing (among others).</p> <p><b>Issues/allegations raised</b></p> <ul style="list-style-type: none"> <li>Allegations primarily pointed at the predatory nature of prices charged by Uber. It was contended that Uber charged prices which were below cost and aimed at driving out competition.</li> <li>The complainants alleged that Uber had swamped the market with vehicles which did not comply with regulations required to be followed by traditional taxi service providers.</li> <li>The meter taxis also contended that Uber operated unfairly by 'misleading the public' through its claims of job creation.</li> </ul>	<p><b>Decision</b> Complaint Dismissed</p> <p><b>Analysis</b></p> <ul style="list-style-type: none"> <li>The Commission conducted an investigation into the allegations and was of the view that the alleged conduct did not contravene the South African Competition Act.</li> <li>The basic rationale behind the decision was that proving Uber's dominance in the relevant market was a prerequisite to the claim of predatory pricing, which was not ascertained, thus the question of predatory pricing did not arise.<sup>13</sup></li> <li>This decision was in line with the arguments forwarded by experts who stated that, 'proving the allegation against Uber is likely to be a tall order.'<sup>14</sup></li> </ul>
US District Court, Northern District of California (San Francisco)	<p><b>Brief Facts</b><sup>15</sup> One of the oldest cab companies in San Francisco namely Flywheel (earlier known as DeSoto) filed a federal suit against Uber on November 02, 2016.<sup>16</sup></p> <p><b>Issues/allegations raised</b></p> <ul style="list-style-type: none"> <li>The complaint primarily rested on the antitrust allegation of predatory pricing. The complaint stated that, '<i>Uber has been able to maintain below-cost pricing for its UberX and UberXL services in the San Francisco Ride-Hail Market due to vast reserves of capital invested with the expectation of reaping extraordinary future returns.</i>' Further, '<i>in adopting this approach, Uber has veered from free market principles and artificially deflated fares of UberX and UberXL to prices below cost in an effort to drive competitors' out of the market.</i>'<sup>17</sup></li> </ul> <p><b>Defence/counter-arguments</b></p> <ul style="list-style-type: none"> <li>Uber's main defence is its technological superiority and subsequent benefit to consumers. Uber's spokesperson countered the allegations and stated that, '<i>Our technology lets us make our network more efficient over time, and innovations are further lowering prices, making ridesharing more available to more people.</i>'<sup>18</sup></li> </ul>	<p><b>Decision</b> Pending</p> <p><b>Analysis</b></p> <ul style="list-style-type: none"> <li>The Federal Trade Commission's position on predatory pricing is that pricing below a competitor's costs is a common result of competition and generally not in contravention of antitrust laws. Harm to consumers will only take place if a below-cost pricing structure allows a dominant competitor to force other competitors out of the market and subsequently raise prices for a substantial time to recoup the loss incurred. Hence, the general rule is that a firm's individual decision to reduce prices below its own costs does not necessarily harm competition.<sup>19</sup></li> <li>Experts, such as Mark Lemley are also of the view that charging lesser than other competitors is generally not conclusive proof of a conspiracy to drive market players out and subsequently raise prices.<sup>20</sup></li> </ul>

Competition Agency/ Jurisdiction	Details of the case/complaint	Verdict
US District Court, Eastern District of Pennsylvania	<p><b>Brief Facts<sup>21</sup></b>  In March 2016, the Philadelphia Taxi Association Inc. filed a federal lawsuit against Uber, claiming that Uber's entry in the market in 2014 had led to significant drop in demand for their (plus 80 other taxi service providers') services which has subsequently led to decrease in earnings and revenue.</p> <p><b>Issues/allegations raised</b></p> <ul style="list-style-type: none"> <li>The basic rationale behind the loss in revenue and demand which was provided by plaintiffs was a result of the alleged anticompetitive behaviour of Uber. The antitrust allegations focussed on attempted monopolisation in violation of federal antitrust law. Moreover, claims at the State level included tortious interference with contract relations and unfair competition.<sup>22</sup></li> <li>Another contentious matter was the nature of services provided by Uber. Uber, on one hand, contented that it is merely a 'transportation network company' but the plaintiffs on the other asserted that Uber simply provided taxicab services.</li> </ul> <p><b>Defence/counter-arguments</b></p> <ul style="list-style-type: none"> <li>Uber moved to dismiss the complaint and asserted that plaintiffs had failed to establish an <i>antitrust standing</i>. Moreover, Uber contended that plaintiffs could not prove their claims of monopolisation and tortious interference with present contractual relations.</li> </ul>	<p><b>Decision</b>  Complaint Dismissed</p> <p><b>Analysis</b></p> <ul style="list-style-type: none"> <li>The court dismissed the anticompetitive claims levied by the plaintiffs against Uber. The court held that plaintiffs had extensively pleaded detriment to their own welfare, but failed to prove any negative impact of Uber's presence in the marketplace on the price, quality or quantity of taxicab or vehicle for hire services. Thus, the plaintiff had failed to prove the essential indications of antitrust injury as they did not allege any injury to competition.<sup>23</sup></li> <li>The court also dismissed the tortious interference claim levied by the Taxi Association stating that, '<i>Plaintiffs failed to demonstrate an independent basis for their tortious interference claim. Like their unfair competition claim, Plaintiffs' tortious interference claim arises out of Uber's alleged violations of state and local regulations.</i>'<sup>24</sup></li> </ul>
US District Court, Southern District of New York	<p><b>Brief Facts<sup>25</sup></b>  This case is particularly peculiar due to the unique way the antitrust allegations have been framed. It is unusual in nature and differs from other cases against Uber particularly because the civil antitrust suit has been filed against Travis Kalanick the chief executive officer and co-founder of Uber Inc. (Note: case is not against Uber). It was filed by a customer in January 2016.</p> <p><b>Issues/allegations raised</b></p> <ul style="list-style-type: none"> <li>The allegations levied against the CEO of Uber are that of price fixing which is allegedly in contravention of Section 1 of the Sherman Act, 15 U.S.C. § 1, and Section 340 of the Donnelly Act, N.Y. Gen. Bus. Law § 340.<sup>26</sup> The plaintiff has contended that the CEO has formulated an</li> </ul>	<p><b>Decision</b>  Complaint admitted</p> <p><b>Analysis</b></p> <ul style="list-style-type: none"> <li>As regards the market definition, the court stated that '<i>the plaintiff has provided plausible explanations for its proposed market definition and the accuracy of these explanations may be tested through discovery and maybe trial.</i>' Moreover, the court held that the plaintiff had pleaded a plausible relevant product market.</li> <li>Regarding the second allegation of 'adverse effect' on competition, the court stated that the plaintiff had adequately pleaded adverse effects in the relevant market which required further investigation.</li> <li>The court mentioned that defendants'</li> </ul>

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	<p>illegal business model which fixes prices among competitors and takes a cut of the profits from them.</p> <ul style="list-style-type: none"> <li>The plaintiff in this case has mainly suggested that the Uber pricing algorithm is an anticompetitive conspiracy (including 'surge pricing' which is a part of the algorithm). It enables price fixing between drivers who do not compete on the basis of price and Uber allegedly profits by taking a cut from the fixed price.</li> <li>The complaint defined the marketplace in which Uber competes as a 'mobile app-generated ride-share service market' of which it has 80 percent market share and excludes traditional taxis and delivery car services.</li> </ul> <p><b>Defence/counter-arguments</b></p> <ul style="list-style-type: none"> <li>The defendants argued that the algorithm is not anticompetitive as it had no 'adverse effect' on competition. They stated that, 'As a new entrant in the transportation marketplace, Uber has vastly increased options, reduced prices and improved service for millions of Americans,' and 'Antitrust law has long appreciated the procompetitive benefits that come along with technological innovation and new market entry.'<sup>27</sup></li> <li>The market definition was also criticised by defendants who put forward the argument that such a narrow view of the market was not appropriate and it did not reflect reality.<sup>28</sup> Also, according to defendants, the plaintiffs did not provide adequate justification for the exclusion of taxi services, cars, public transport and even walking. It was put forward by the defence that each of these modes was a clear substitute for the services provided by the driver-partners.<sup>29</sup></li> </ul>	<p>counter-claims of pro-competitive benefits also deserved a fact finding exercise but that did not stop the court from granting a motion to dismiss in favour of the drivers of Uber (including the CEO who also drove an Uber).</p> <ul style="list-style-type: none"> <li>From the above order passed by the court, the question of what is the relevant market remains open-ended and is yet to be ascertained.</li> <li>It is likely that a narrow view will be avoided due to the fact that other transportation services are plausible substitutes and drivers are also free to shift to other ridesharing companies.</li> </ul>
Court of Justice For the European Union (CJEU)	<p><b>Brief Facts</b><sup>30</sup></p> <p>This particular case originated in the Mercantil Court of Barcelona, Spain and was filed against Uber by an association of taxi providers namely the Asociación Profesional Élite Taxi (APET). Several issues which arose in the case were then referred by the Spanish court to the CJEU as a request for preliminary ruling. The major issue referred was with regard to the legal nature of Uber's activity. Whether it should "be considered to be merely a transport service or must it be considered to be an electronic</p>	<p><b>Decision</b> Pending</p> <p><b>Analysis</b></p> <ul style="list-style-type: none"> <li>The European Law treats transport service providers and information society service providers differently. For the former, it lays down restrictions and prohibits restrictions for the latter.<sup>31</sup></li> <li>Hence, this case will be monumental in deciding the fate of other service providers based on the digital or sharing economy</li> </ul>

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	<p><i>intermediary service or an information society service?"<sup>31</sup></i></p> <p><b>Issues/allegations raised</b></p> <ul style="list-style-type: none"> <li>APET claimed that Uber provided transport services in Spain without having the requisite permissions and was hence in contravention of the Spanish Competition law. It was contended that these infringements of regulations enabled Uber to gain an anticompetitive advantage over other taxi providers and drivers and its activities are in contradiction of Spanish Competition Law.<sup>32</sup></li> </ul> <p><b>Defence/counter-arguments</b></p> <ul style="list-style-type: none"> <li>On the contrary, Uber has contended that it is not a transport service provider. It claims that due to its technological and innovative business model, it is in fact an information society service provider. It is a platform or network industry provider which connects independent contractors (drivers) to consumers and has led to great benefit to the consumer.</li> </ul>	<p>apart from Uber (such as AirBnB). If the court rules that the Uber is an information society service provider, then it would not be subject to administrative actions but if the contrary is held, its business model will be challenged through levy of restrictions just like any other transport provider. The ruling is expected by March 2017.</p>

## II. General approach of Other Major Competition Agencies towards Regulating the Ridesharing Taxi Industry

Countries	Finding
<b>Brazil</b> Administrative Council for Economic Defence (CADE) <sup>34</sup>	A report released by the CADE has generally looked at pro-competitive effects of the online ridesharing taxi-aggregators and mentioned specifically that Uber has 'started meeting a pent-up demand from those who did not use the services of taxi drivers,' and that Uber did not significantly affect the Brazilian taxi industry.
<b>Canada</b> Competition Bureau <sup>35</sup>	The Bureau supported the efforts to regulate ridesharing applications instead of prohibiting them. It observed, that ' <i>Competition is the best means to ensure that consumers have access to the broadest range of products and services at competitive prices....Consumers stand to benefit from lower prices, reduced waiting times and higher quality services if regulators allow the forces of innovation and competition to shape the industry.</i> '
<b>Australia</b> Australian Competition and Consumer Commission (ACCC)	The ACCC has received complaints against the online taxi aggregators since their entry into the market. However, the stance of the ACCC on the competitive nature of the new service providers, such as Uber, Ingogo Pty and Taxi Apps Pty is quite clear. Chairman Rod Sims hailing the new entrants mentioned that, ' <i>Technology will solve whatever problems that all of us have had about competition in the taxi industry.</i> ' <sup>36</sup> He also praised the potential of disruptive technologies to infuse competition and mentioned that, ' <i>Digital disruption is the most pro-competitive thing to have in the country at the moment. It's just fantastic.</i> ' <sup>37</sup>

Countries	Finding
<b>Singapore</b> Competition Commission of Singapore (CCS)	<p>Due to the immense success of third-party applications in the Singapore market in 2014, several competition concerns were raised by incumbents including loyalty discounts offered by new entrants. Loyalty discounts were offered to drivers which made high number of trips per day on the condition that they did not use any other applications.<sup>38</sup></p> <p>In its assessment of allegations of abuse of dominance levied by taxi operators, the CCS held that the taxi operators' booking services to drivers and passengers were in the same market as the third-party apps.<sup>39</sup> Assessing several factors of abuse of dominant position, the CCS held that the loyalty discounts were a very small portion of total booking jobs in the market and it was unlikely to harm competition in the relevant market.</p> <p>The CCS was also recognised by the World Bank for its efforts in promoting competition in the taxi industry as it worked together with the Land Transport Authority (LTA) to facilitate the entry of third-party taxi booking applications. During this process, CCS ensured the taxi commuters' interests were safeguarded regardless of whether a booking is made through a taxi company or a third-party taxi booking service provider.<sup>40</sup></p>

## Conclusion

Section I and II provide a brief insight into the competition lawsuits (decided and pending) filed against Uber as well as the general approach of competition authorities worldwide regarding regulation of the ridesharing industry. Although there are several underlying issues which can be drawn out from the mentioned lawsuits, but one of the most prominent and pertinent challenges for competition regulators has been to define the relevant market in which Uber along with other players operate. Defining the relevant market correctly is one of the fundamental aspects of any competition assessment and disruptive online multi-sided platforms, such as Uber have challenged the conventional manner in which the relevant market is understood or defined by competition authorities.

One of the most thought-provoking and challenging questions in this regard is whether contemporary services such as Uber are part of larger sectors (in Uber's case; transport services) or are they a part of a different market altogether (information society service providers) which

merely provide a platform for users to connect with each other. The answer to this regulatory question is difficult (to say the least) and it has enormous consequences in store for disruptive platforms and technologies as well as the consumers.

Be that as it may, at this point in time, consumers are enjoying fruits of innovative ideas which form the basis of unconventional service solutions, such as Uber. Such services are a result of continuous, rigorous competition and disruption is a natural consequence which portrays organic growth of markets. The role of competition regulators is to provide and ensure a supportive ecosystem which promotes competition and a healthy market environment for market players to grow and innovate. The regulators ought to tread carefully and make decisions based on clear priorities keeping in mind their respective objectives, such as ensuring consumer welfare and market efficiencies through competition.<sup>41</sup>

Keeping in mind the fact that markets are at an evolutionary stage and affected by disruptive innovations at every step, there is a need for

regulation which is optimal in nature. Optimal regulation of competition addresses the foundational economic question of how to regulate firms in a way that they produce and price optimally in a competitive environment.<sup>42</sup> This is possible only by understanding the market dynamics and then formulating economically informed, well-defined guidelines which could optimally regulate new business models such as the ones based on sharing economy principles.

It is also important for competition authorities to recognise that markets grow and evolve in

different economic situations differently and a regulatory principle relevant to one jurisdiction might not be relevant in another. Hence, blind transplantation of competition principles or precedents can also be harmful and can distort natural economic growth and development. Hence, it is important to be kept in mind that levying unnecessary, misinformed and sub-optimal regulatory restrictions on disruptive technologies might hamper innovation and competition and subsequently harm consumers.

<sup>1</sup> Alessio Di Amato, *Uber and the Sharing Economy*, 2 Italian L.J. 177, 177 (2016). For the purpose of this article, a very basic definition has been provided. Some authors have suggested that the broad term “Sharing Economy” should be used only for business models which are based on sharing of underused/unutilized assets and the term cannot be used for other platforms which merely provide goods and services online to consumers and the ones which are only based on network externalities. See Rachel Botsman, *Defining The Sharing Economy: What Is Collaborative Consumption — And What Isn’t?* available at <http://www.fastcoexist.com/3046119/defining-the-sharing-economy-what-is-collaborative-consumption-and-what-isnt>

<sup>2</sup> Vanessa Katz, *Regulating the Sharing Economy*, 30 Berkeley Tech. L.J. 1067, 1067 (2015)

<sup>3</sup> Residential rentals by AIRBNB, <https://www.airbnb.com/>; renting office spaces enabled by PEERSPACE, <http://www.peerspace.com>

<sup>4</sup> TNCs connect willing passengers with drivers who provide the transportation on their own non-commercial vehicles e.g. UBER <https://www.uber.com>; LYFT <https://www.lyft.com>

<sup>5</sup> These platforms (such as ETSY <https://www.etsy.com/in-en/>) are based on sharing of underused assets, sometimes also called collaborative economies

<sup>6</sup> <http://money.cnn.com/2016/08/11/technology/uber-lawsuits/>

<sup>7</sup> See <http://www.theverge.com/2016/4/21/1148542/uber-suit-california-Massachusetts-drivers-employee-contractor>

<sup>8</sup> Meru Travel Solutions Private Limited v. Uber India Systems Private Limited, available at [http://www.cci.gov.in/sites/default/files/26\(2\)\\_96%20of%202015.pdf](http://www.cci.gov.in/sites/default/files/26(2)_96%20of%202015.pdf) and

<sup>9</sup> Meru Travel Solutions Private Limited v. Uber India Systems Private Limited, p.5

<sup>10</sup> Payel Chatterjee et. al., *India: Competition Commission Nips Litigation At The Bud – Dismisses Cases Against Ola And Uber*, available at <http://www.mondaq.com/india/x/482938/Trade+Regulation+Practices/COMPETITION+COMMISSION+NIPS+LITIGATION+AT+THE+BUD+DISMISSES+CASES+AGAINST+OLA+AND+UBER>

<sup>11</sup> Supra n.10, p.8

<sup>12</sup> *Uber in trouble as Compat orders CCI to investigate its operational practices*, available at <http://www.gadgetsnow.com/tech-news/Uber-in-trouble-as-Compat-orders-CCI-to-investigate-its-operational-practices/articleshow/55935975.cms>

<sup>13</sup> Section 8(d)(iv) of the Competition Act of South Africa prohibits a *dominant firm* to sell goods or services below their marginal or average variable cost.

<sup>14</sup> *Uber beats anti-competitive claims*, available at <http://www.sabreakingnews.co.za/2016/10/21/uber-beats-anti-competitive-claims/>

<sup>15</sup> Desoto Cab Co. v. Uber Technologies Inc., 3:16-cv-06385, U.S. District Court, Northern District of California (San Francisco)

<sup>16</sup> Jack Morse, *Flywheel Taxi (Née DeSoto) Sues Uber For Predatory Pricing*, available at [http://sfist.com/2016/11/03/flywheel\\_taxi\\_sues\\_uber\\_for\\_predato.php](http://sfist.com/2016/11/03/flywheel_taxi_sues_uber_for_predato.php)

- <sup>17</sup> Kartikay Mehota, *Uber Accused of Predatory Pricing by San Francisco Cab Firm*, available at <https://www.bloomberg.com/news/articles/2016-11-02/uber-accused-by-san-francisco-taxi-company-of-predatory-pricing>
- <sup>18</sup> Supra n.17
- <sup>19</sup> FTC, *Predatory or Below-Cost Pricing*, available at <https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/single-firm-conduct/predatory-or-below-cost>
- <sup>20</sup> *Ibid*
- <sup>21</sup> Philadelphia Taxi Association Inc. et al. v. Uber, case number 2:16-cv-01207, in the U.S. District Court for the Eastern District of Pennsylvania
- <sup>22</sup> Supra n.22, available at <https://casetext.com/case/phila-taxi-assn-inc-v-uber-techs-inc>
- <sup>23</sup> *Ibid.*, para 6
- <sup>24</sup> *Ibid.*, para 11
- <sup>25</sup> Spencer Meyer v. Travis Kalanick, 1:15 Civ. 9796 (JSR), available at <http://law.justia.com/cases/federal/district-courts/new-york/nysdce/1:2015cv09796/451250/37/>
- <sup>26</sup> Complaint by Spencer Meyer v. Travis Kalanick, at p.3, available at <https://s3.amazonaws.com/pacer-documents/119/451250/127117551855.pdf>
- <sup>27</sup> Supra n.15
- <sup>28</sup> <http://blogs.wsj.com/law/2016/04/01/uber-antitrust-lawsuit-clears-court-hurdle-in-new-york/>
- <sup>29</sup> Supra n.13, p.20
- <sup>30</sup> Request for a preliminary ruling, Case C-434/15, available at <http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d2dc30d5d665e5ac3e8e42c7a473b6330e9a9097.e34KaxiLc3qMb40Rch0SaxyKb3v0?text=&docid=170871&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=342442>
- <sup>31</sup> *Ibid*
- <sup>32</sup> E-commerce, law and Policy, *Spain Uber case could lead to “landmark” CJEU verdict*, available at [http://www.e-comlaw.com/e-commerce-law-and-policy/article\\_template.asp?ID=2369&Search=Yes&txtsearch=EU](http://www.e-comlaw.com/e-commerce-law-and-policy/article_template.asp?ID=2369&Search=Yes&txtsearch=EU)
- <sup>33</sup> The Register, *EU court to determine how Uber's business should be defined*, available at [http://www.theregister.co.uk/2016/12/02/eu\\_court\\_to\\_determine\\_how\\_ubers\\_business\\_should\\_be\\_defined/](http://www.theregister.co.uk/2016/12/02/eu_court_to_determine_how_ubers_business_should_be_defined/)
- <sup>34</sup> Available at <http://en.cade.gov.br/topics/about-us/dee/arquivos/rivalidade-apos-entrada-o-impacto-imediato-do-aplicativo-uber-sobre-as-corridas-de-taxi.pdf>
- <sup>35</sup> Available at <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04007.html>
- <sup>36</sup> <https://www.bloomberg.com/news/articles/2015-02-06/uber-solves-taxi-competition-concerns-for-australian-regulator>
- <sup>37</sup> <http://www.theaustralian.com.au/business/business-spectator/uber-is-procompetitive-accc/news-story/7a52fd21364f58f4061ef520a1714d6f>
- <sup>38</sup> Global Forum on Competition Contribution by CCS, *The Impact of Disruptive Innovations on Competition Law Enforcement*, available at [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DAF/COMP/GF/WD\(2015\)24&docLanguage=EN](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DAF/COMP/GF/WD(2015)24&docLanguage=EN)
- <sup>39</sup> *Ibid.*, at p.9
- <sup>40</sup> <https://www.ccs.gov.sg/media-and-publications/media-releases/ccss-work-on-third-party-taxi-applications>
- <sup>41</sup> Objectives might differ from jurisdiction to jurisdiction
- <sup>42</sup> <https://mitpress.mit.edu/books/optimal-regulation>