



Fostering Innovation for Sustainable Development

CUTS International and CUTS Institute for Regulation & Competition organised the 5th Biennial Competition, Regulation and Development Conference in Jaipur, India on November 09-11, 2017. Through the 5th edition, the international conference entered its 10th year and as always, it brought together a unique set of expert stakeholders from across the globe.

The title of the conference was ‘Fostering Innovation for Sustainable Development – Revisiting Intellectual Property Rights & Competition from the Lens of Optimal Regulation’.

Bearing in mind the overarching importance of harnessing an innovation ecosystem that addresses development challenges, especially from emerging nations’ context, the objective of the conference was to bring research and empirical evidence on two seemingly contentious policy and regulatory issues which are far from being settled: a) the interface between competition and intellectual property rights (IPRs); and b) the role of competition and regulation *vis-à-vis* disruptive technologies. Alongside this, the imperative scope of innovation, collaboration, partnership, knowledge sharing and optimal resource allocation between different stakeholders, private and public were discussed.

The conference was attended by close by 100 national and international participants from the competition, regulation and IPR community, which included eminent personalities such as Eduardo Perez Motta, Former President, Federal Competition Commission, Mexico; Isabelle Durant, Deputy Secretary General, UNCTAD; Allan Asher, Chairman, Foundation for Effective Markets and Governance; Atiur Rahman, Former Governor, Bangladesh Bank; Hanne Melin, Director, Global Public Policy, eBay; Arun Maira, President, CUTS International and Former Member, Planning Commission of India.

Following were the key recommendations that emerged from the conference:

1. Crucial for developing nations to find suitable and well-informed approaches to achieve the delicate balance between IPRs and Competition Laws

The problematique of balancing two apparently divergent policy approaches to innovation (i.e. IPRs and Competition Laws) needs to be solved through evidence-based approaches and one-size-fits all approach should be avoided by developing nations.

2. Institutionalise good processes and build capacities to revitalise institutions

In order to spur innovation, protect competition and ensure optimal regulation, across sectors, especially the ones facing technology-led disruption as well

as challenges vis-a-vis legally dichotomous dilemmas (such as maintaining a balance between IPRs and Competition and the manner and form of regulation), it is critical to institutionalise efficient process.

3. Understand before you regulate/ intervene

One of the most important role of policymakers is to enhance the innovative capacity of market players by optimally regulating the market and to build ecosystems which support innovation activities.

4. Improving coordination and generating awareness

It is often the case that imminent policy issues do not seem to lie in

the clear jurisdiction of a single regulatory agency, thus making it difficult for common users to comprehend which is the relevant authority for the concerned issue.

5. Evidence-based policymaking for increased certainty

There is a need of relevant, accurate and factual data, which should be used to devise policies. There is a divergence happening between the policy and real world. A symbiosis between policy objectives and actual implementation and policy recommendations based upon actual facts are the need of the hour.

www.cuts-ccier.org/5th_Biennial_Conference/



L-R: Eduardo P Motta, Nitin Desai, Isabelle Durant and Pradeep S Mehta

Re-imagining Competition Policy and Law in the Era of Disruption

On the occasion of World Competition Day, CUTS International and CIRC organised a roundtable discussion on the theme of changing contours of competition regulation in the wake of disruption across sectors.



Arvind Mayaram addressing the participants during the World Competition Day

Augustine Peter, Member, Competition Commission of India, in his keynote address, noted that need of the hour is to understand innovative markets with their complexities and assess the kinds of intervention required. Arvind Mayaram, Chairman, CIRC in his opening remarks mentioned that in this rapidly evolving technology driven economy, regulators need to strike a balance as benefits to consumers are dynamic in nature, while the disruption leads to asymmetry in markets.

Other speakers included Seema Gaur, Senior Economic Adviser, Ministry of Electronics and Information Technology. It was pointed out while regulating disrupters, concerns of incumbents and interests of small and medium-sized enterprises cannot be lost sight of. Further, while government incentivises new technologies, it also needs to design a transition path for investments hitherto made popular technologies. Level playing field is expected to be the key going forward.

www.incsoc.net/World_Competition_Day.htm

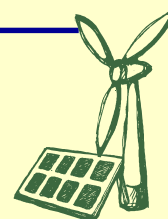
Decentralised Renewable Energy Integration in Rajasthan

CUTS International, in collaboration with Friedrich Ebert Stiftung commenced a project entitled, 'Green Growth and Energy Transformation' in Jaipur, Rajasthan in April 2016. The core idea of the project is to create an implementable strategy for energy transformation at state level by engaging all concerned stakeholders into fostering a dialogue to identify common interests.

To serve this purpose, long-term multi-stakeholder working groups or the 'seed communities' were set up at Rajasthan, West Bengal, National and the International (India-EU Cooperation) levels which identified 'Solar for Education' as a catalytic project. The ultimate aim of the project was to create a Project Design to develop a roadmap for optimal energy planning of the state, addressing challenges at the grassroots and pertaining to financing, policies and technology.

The Project Design was released in the Presentation Event in Jaipur on October 30, 2017. This was followed by a panel discussion to discuss the technical and non-technical aspects of the project design. The panellists of the session were B K Dosi, MD, Rajasthan Renewable Energy Corporation Ltd; RG Gupta, Chairman, Jaipur Vidyut Vitran Nigam Ltd; Aditya Ramji, Manager, Economist, Mahindra and Mahindra Limited; Kaushik Sanyal, Head of the Department, Tata Power and Simran Grover, Energy Expert and Founder, BASK Foundation.

www.cuts-ccier.org/Grow-GET/



Advocacy

Comments on TRAI's Consultation Paper on Privacy, Security and Ownership of the Data in the Telecom Sector

The Telecom Regulatory Authority of India (TRAI) released a consultation paper pertaining to Privacy, Security and Ownership of the Data in the Telecom Sector, inviting comments to assess whether the data protection rights of individuals are being adequately protected in the dynamic data driven business environment, where the rising economic value of consumer data has prompted digital platforms to engage in extensive data mining and analytics. Many issues were touched upon in the paper, such as: consumer consent, setting up data sandboxes, potential issues of cross-border data flow etc.

Being a consumer centric policy think tank, CUTS response paper was prepared from the lens of consumer welfare, and advocated for the need of empowering consumers to give them more control over their data, along with calling for accountability of data controllers for any data leakage/breach. The insufficiency of the current data protection regime was also highlighted in light of the recent landmark judgement of the Supreme Court that establishes 'right to privacy' as a 'fundamental right', and the government's initiative of constituting the Srikrishna committee for suggesting a draft Data Protection Bill was hailed. The above mentioned micro-issues were also addressed in a manner which balanced the interests of all stakeholders.

www.cuts-ccier.org/pdf/Submission_of_Comments_on_Trai_Consultation_Paper-Privacy-Security_and_Ownership_of_the_data.pdf

Role of Consumer Representatives to Further Power Sector Reforms



Participants at the workshop on 'Role of Consumer Representatives to Further Power Sector Reforms'

CUTS International with support from Shakti Sustainable Energy Foundation (SSEF) organised a workshop on 'Role of Consumer Representatives to Further Power Sector Reforms in Uttar Pradesh' in Lucknow on November 27, 2017. The purpose of the event was to bring together various stakeholders on a common platform and provide them a space for interaction and discussion, and building a strategy for policy changes in the state.

The event witnessed participation from Suresh Kumar Agarwal, Chairman, Uttar Pradesh Electricity Regulatory Commission (UPERC); other officials from UPERC and Madhyanchal Vidyut Vitaran Nigam Ltd. (MNVNL); Prayas, Pune and Citizen consumer and civic Action Group (CAG), Tamil Nadu, and from 15 consumer groups in Uttar Pradesh working on issues in various sectors including electricity. Also, experiences were shared by consumer representatives from other states (Maharashtra, Rajasthan and Tamil Nadu) regarding advocacy interventions undertaken in such states and ways through which stakeholders in Uttar Pradesh could learn from such experiences were also discussed.

<http://cuts-ccier.org/CET/>

Digital Economy: Potential Benefits, Challenges and Implications for Regulations

CIRC and CUTS in cooperation with Philippine Institute for Development Studies (PIDS), organised the conference entitled, 'Digital Economy: Potential Benefits, Challenges and Implications of Regulations' Manila, The Philippines, October 25, 2017, which marked the launch of Diginomics-I project there. The project intends to understand potential benefits and challenges posed by digital economy and its implications for regulations.

The conference focussed on the growth of disruptive technologies across several sectors and industries, and how these technological developments can be regulated.

www.cuts-ccier.org/diginomics/



Participants at the conference on 'Digital Economy: Potential Benefits, Challenges and Implications for Regulations'

Broadband Disclosure Labels Empower Consumers

Under its ongoing initiative on 'Consumer Broadband Labels', CUTS and IIIT Bangalore jointly organised a workshop entitled 'Empowering Informed Choices of Broadband Consumers via Information Disclosure' at Bangalore on December 15, 2017. This workshop focussed on the existing Quality of Service (QoS) mechanism for broadband services in India as well as the various perspectives of QoS among key stakeholders such as telecom operators, consumers/businesses, and the regulator.

While consumers are using the TRAI's 'MySpeed' app for crowdsourcing quality of network for measurement and analysis, there is a need for appropriate measurements and analysis of data required for prescribing QoS guidelines at granular levels.

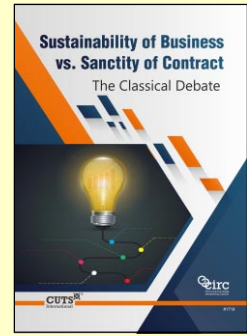
During the focussed group discussion, two broadband labels, which have been designed under the initiative, were presented to the participants, who were encouraged to provide comments towards optimising the design and the content of these labels, in order to make them effective. Participants were of the opinion that such labels should be further simplified by using symbols and less text, making them dynamic for different users and made accessible to visually-impaired through a voice-enabled tool. The session was attended by Kapil Handa, Jt. Adviser, TRAI, industry players, academia and consumer organisations.

<http://cuts-ccier.org/broadbandlabel/>

Sustainability of Business vs Sanctity of Contract: *The Classical Debate*

In order to provide common platform for discussion, CUTS International ran an online debate on its email forum on the theme of upholding sanctity of contract at the cost of sustainability of business in light of recent decisions of Supreme Court in the electricity sector. The core of the theme was whether to preserve sanctity of contract (and allow business to suffer) or uphold sustainability of business (and allow contract to be reneged). Subsequent to the online debate, a roundtable discussion was organised. These initiatives witnessed rich participation from stakeholders having diverse perspectives.

This publication compiles and summarises views expressed on the subject during the online debate, roundtable discussion, and noteworthy opinion pieces published in credible publications. In other words, this publication can boast of being a single most comprehensive source and repository of knowledge on different perspectives on the theme, and is a recommended reading for all interested in the issue.



www.cuts-ccier.org/pdf/E-book-Sustainability_of_Business_vs_Sanctity_of_Contract.pdf

Information and Communication Technology Dossier: *A Global Perspective*



Digitisation and rapid strides in Information and Communication Technologies (ICTs) have set the foundation for fourth industrial revolution. As it continues to pervade everything, unprecedented dynamism has been observed in economic growth, governance, business operations and consumer trends. The advent of new age disruptive and innovative technologies so emerged, along with digitally inter-connected solutions, has impacted all genres of stakeholders.

CUTS has launched this quarterly dossier which envisages capturing relevant news to trigger an informed debate on key issues on ICT. It will focus on four verticals, namely; IPR and Competition Laws; Innovation and Disruption; Connectivity; and Privacy and Data Ownership.

www.cuts-ccier.org/pdf/Information_and_Communication_Technology_Dossier.pdf

Representations

Arpit Tiwari participated in the roundtable on the topic ‘Entrepreneurship on the Road: Adopting Shared mobility Models in India’ organised by *NITI Aayog* in collaboration with Observer Research Foundation, Trilegal and the Indian School of Business at New Delhi on December 12, 2017.

Rohit Singh participated in the 2017 Global Technology Summit organised by The Carnegie India in Bangalore, India, on December 07-08, 2017.

Sidharth Narayan participated in the ‘Law Economics Policy’ Conference organised by National Institute of Public Finance & Policy and Institute of New Economic Thinking at New Delhi on December 04-05, 2017.

Amol Kulkarni participated in the 2nd Law Economics Policy Conference 2017 at New Delhi on December 05, 2017. He also participated in a workshop on Financial Inclusion Policy organised by Indicus Centre for Financial Inclusion at New Delhi on December 07, 2017.

Amol Kulkarni participated in the ITU’s Financial Inclusion Global Initiative Symposium at Bangalore on December 01, 2017. He was a panellist for the session on *Prevention of Unlicensed Digital Investment Schemes*.

Ujjwal Kumar participated in the 1st World Conference on Access to Medical Products and International Laws for Trade and Health, in the context of 2030 Agenda for Sustainable Development, at New Delhi on November 21-23, 2017.

Udai S Mehta made a presentation on ‘The 7Up Initiative: Civil Society Perspective on Competition Advocacy’ at the International Competition Network’s 1st Advocacy Working Group webinar on Innovative Tools on Competition Advocacy on October 05, 2017.

Advocacy through Media

Can India Double its Services Exports in Five Years?

The Wire, October 27, 2017

Pradeep S. Mehta

With increasing demand for Indian services worldwide and sustained support from the government, services exports have the potential to reach US\$300bn by 2022.

www.cuts-ccier.org/article-Can_India_Double_its_Services_Exports_in_Five_Years.htm

A new industrial policy for Bharat

Live Mint, October 11, 2017

Pradeep S. Mehta

India’s new industrial policy must focus on improving overall competitiveness and avoid the lure of protectionism.

www.cuts-ccier.org/Article-A_new_industrial_policy_for_Bharat.htm