

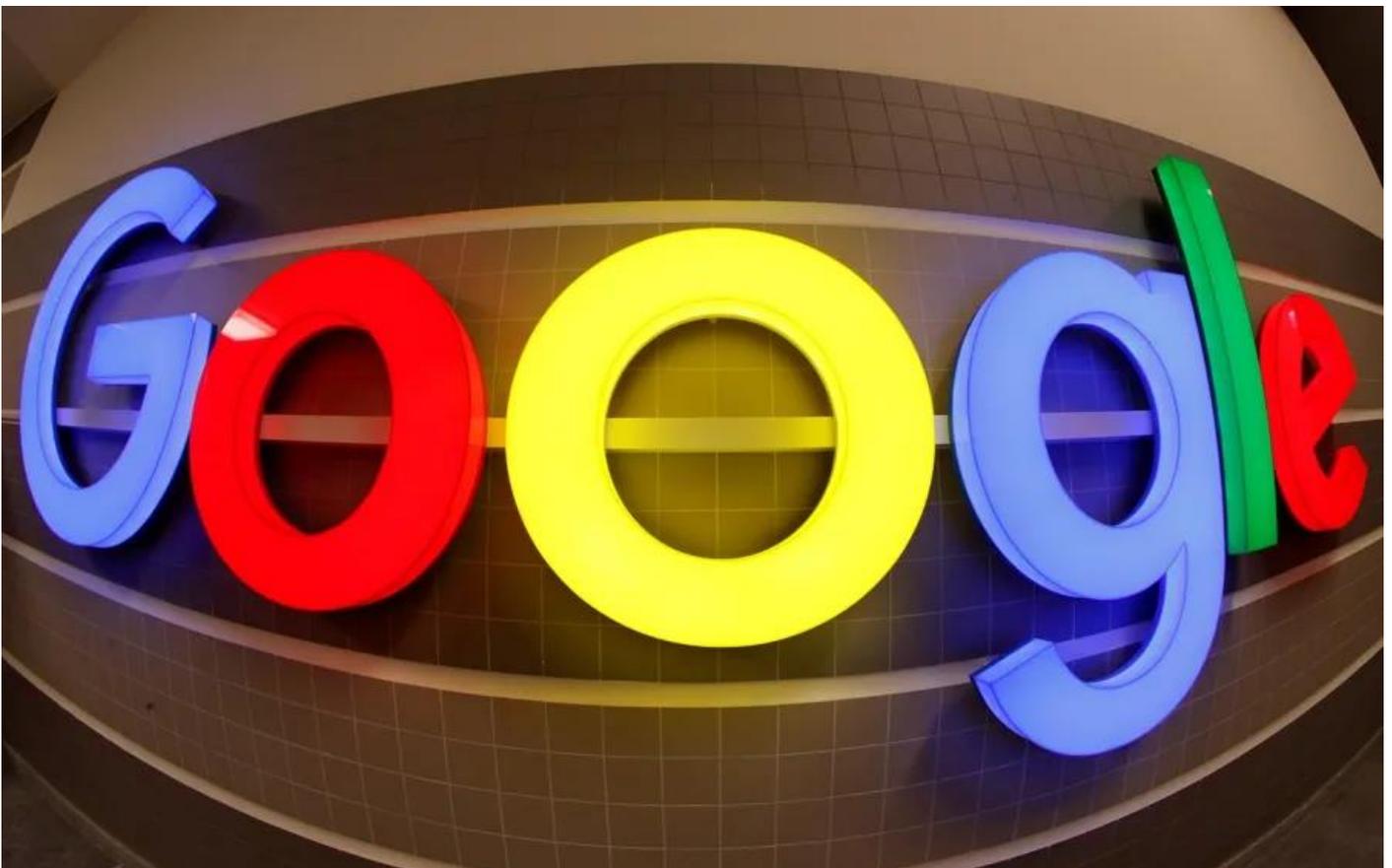


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## Powerful 'forces' behind new Google antitrust case in India

Although reports say that the case has been filed by two lawyers, according to experts there is a much bigger force, like a cohort of aggrieved TV manufacturers, backing the move

by [Indrajit Basu](#)



**(ATF) In yet another blow for Google in India the competition regulator is reportedly examining a complaint that the search giant abused its dominant market position in smart television operating systems.**

Reuters reported on Wednesday that in this latest antitrust case, the tech giant allegedly used the dominance of its Android operating system to kill competition.

This is Google's fourth major antitrust challenge in India, one of its key markets where it is currently facing public criticism from local startups for enforcing policies and company charges they contend hurt their growth.

Google also faces antitrust challenges in the United States and a potential challenge in China. Google has denied any wrongdoing.

The Competition Commission of India (CCI) has since June been looking into allegations that Google creates barriers for firms wanting to use or develop modified versions of Android for smart TVs, such as Amazon Fire TV's operating system.

The case has been filed by two Indian antitrust lawyers, Kshitiz Arya and Purushottam Anand. They both confirmed the case alleging abuse in the smart television market, according to Reuters.

CCI had directed Google to submit its written responses to the allegations and that the company has sought more time.

A Google spokesman declined comment, since the case with the antitrust body was pending. Amazon and the CCI did not respond to requests for comment, according to Reuters.

### **Bigger powers at play**

With a slew of antitrust cases slapped against Google, this new case has come as no surprise to legal experts in India; on the contrary, it was inevitable, an expert said.

"Though Google may deny that it does not use its Android operating system dominance to suppress competition; the tech giant is doing it all over the world and is facing investigations the world over too," MM Sharma, Head Competition Law Practice, Vaish Associates Advocates, a Delhi-based lawyer firm told ATF. "This investigation requested against Google in India is a sequel to similar inquiries undertaken in the European Union and I am not surprised. It was expected.

"However, my experience tells me that the two lawyers are not alone in this allegation. There may be a much larger force backing them, which is anybody's guess, and I reckon that some aggrieved TV manufacturers, who cannot break out from the Google dominance, could be behind this case," Sharma added.

The latest case also alleges that Google's agreements with companies such as Xiaomi and TCL India effectively stop them from using both the Android system and a modified version of it on different devices they make, according to Reuters.

For example, if a company sells smartphones based on Android, it cannot sell smart TVs running on competing platforms, such the Amazon Fire TV system.

And if a company's smart TV is using the Amazon OS, then it is restricted from offering Google's popular Play Store or the Google Maps app on its smartphones.

### **Hard to prove**

In 2018, the CCI fined Google \$18.5 million for "search bias," but a company appeal against that is pending. The CCI last year also started probing Google for allegedly misusing its dominant position to reduce the ability of smartphone makers to opt for alternate versions of its Android system.

Earlier this year, the CCI started reviewing a case alleging that Google abuses its market position to unfairly promote its mobile payments app in the country.

Still, according to experts, the outcome of the latest allegation will be interesting to watch since establishing that Google is really arm twisting is hard to prove.

According to Payel Chatterjee, Head-European Practice, Nishith Desai Associates, a global lawyer firm, the CCI may first need to determine if the Smart TV market is a separate relevant market and then determine if the Android operating system is dominant in the Indian market. If dominance cannot be established, there would be no question of abuse.

"Therefore, the determination of the relevant market will be critical," Chatterjee told ATF. "Besides, establishing that Google is abusing its alleged dominance in the market will require some reliable and specific information which can be difficult to produce. Earlier this year, for instance, CCI had to dismiss an abuse of dominance case against Whatsapp Pay for lack of specific information."

- *With reporting by Aditi Shah and Aditya Kalra of Reuters*