

# B6

## Competition Law, IP Rights & Consumer Protection in Electronics

CCI Jurisprudence, Standard-Essential  
Patents, FRAND Licensing, e-Commerce  
Rules & Consumer Redressal



# Competition Law, IP Rights & Consumer Protection in Electronics

CCI Jurisprudence, Standard-Essential Patents, FRAND Licensing, e-Commerce Rules & Consumer  
Redressal

*Booklet VI of VI — Indian Electronics Sector Legal Series*

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## CHAPTER ONE

# CCI Jurisprudence in the Electronics Sector

*Market Definition, Dominance, Predatory Pricing in Online Electronics, Exclusive Arrangements and  
Algorithmic Concerns*

*The Competition Commission of India has been a highly active regulator in the electronics and digital technology sector, developing sophisticated jurisprudence on market definition, dominance assessment, and competitive behaviour in markets characterised by rapid technological change, network effects, and platform intermediation. This chapter examines the CCI's approach to the electronics sector from the perspective of OEMs, platform operators, and component suppliers.*

## 1.1 Market Definition in Electronics: CCI's Approach

The Competition Commission's market definition analysis in electronics sector cases has addressed the fundamental question of how to define relevant markets in an industry characterised by rapid product evolution, strong substitution effects across categories, and complex multi-sided platform dynamics. In the smartphones segment, the CCI has defined the relevant product market as the market for "smartphones" in India — a separate market from feature phones (which lack smartphone operating systems and app ecosystems) and from tablets

(which differ in portability and primary use cases) — while acknowledging that the smartphone market itself may be further segmented by price range for purposes of competitive analysis (budget, mid-range, and premium segments having different competitive dynamics and consumer switching behaviour). The geographic market for smartphones has been defined as India — consistent with the national market approach used for most consumer goods — reflecting the fact that smartphone prices, marketing, product specifications, and distribution arrangements are configured on a country-specific basis. For competition law practitioners advising electronics companies, understanding how the CCI defines markets in specific product segments is critical for assessing whether a client holds a dominant position (which triggers the Section 4 abuse of dominance analysis), whether a proposed merger or acquisition may raise competition concerns, and whether the competitive behaviour of a market leader may attract CCI scrutiny.

The CCI's assessment of dominance in the electronics sector has addressed several significant market positions: the investigation of Google's dominance in the Android mobile operating system market and the related market for app distribution through the Google Play Store (the landmark CCI vs. Google cases, in which the CCI found Google dominant in multiple smartphone-related markets and imposed penalties totalling Rs. 1,337.76 crore for abusive conduct including mandatory pre-installation of Google apps, restricting Android forks, and tying the Play Store to Google's proprietary app ecosystem); the investigation of Apple's dominance in the market for the distribution of apps to iOS device users through the App Store (initiated in 2021 following complaints about Apple's 30% app store commission and its restrictions on alternative payment systems); and investigations into the competitive practices of major consumer electronics brands in the aftermarket for spare parts and repair services, applying the aftermarket dominance principles established in the automobile sector Shamsher Kataria case to the electronics context. These investigations reflect the CCI's consistent recognition that platform markets — where a dominant platform controls access to a large installed base of users — can create competition concerns distinct from traditional product market dominance, requiring novel analytical frameworks and remedies that address the systemic nature of platform power.

## **1.2 Predatory Pricing in Online Electronics Retail**

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The pricing practices of major e-commerce platforms in the consumer electronics category — specifically, the provision of deep discounts on flagship electronics products (smartphones, laptops, TVs) as part of platform-level promotional events (Flipkart's Big Billion Days, Amazon's Great Indian Festival) — have been examined by the CCI for potential predatory pricing concerns. The allegation, advanced primarily by offline electronics retailer associations (CAIT — Confederation of All India Traders, and the All India Mobile Retailers Association — AIMRA), is that the deep discounts offered on e-commerce platforms are predatory — priced below cost

with the intention of eliminating offline retailer competition — and that the discounts are funded not by the platform itself but by preferential arrangements with selected large sellers (often brand-owned entities or preferred brand distribution partners) who can access inventory, financing, and logistics support on terms not available to independent sellers. The CCI has examined these allegations in the context of both predatory pricing under Section 4(2)(a)(ii) and anti-competitive vertical arrangements under Section 3(4) of the Competition Act — the latter theory focusing on the exclusive or preferential arrangements between platforms and certain sellers that may foreclose the market to independent sellers and disadvantage competing platforms that do not offer equivalent preferential terms. The CCI's ongoing investigation into Flipkart and Amazon India's platform practices (in which the NCLAT affirmed the CCI's jurisdiction to investigate the platform-seller arrangements) represents one of the most significant active competition investigations in India's digital economy.

### **1.3 Exclusive Launch Arrangements in Electronics**

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The practice of exclusive online launch arrangements — under which electronics brands (particularly smartphone manufacturers) agree to launch new models exclusively on one e-commerce platform for a specified period, typically 3-6 months, before making the product available through other channels — has attracted CCI scrutiny as a potential vertical restraint restricting competition. The CCI's analysis of exclusive launch arrangements in the electronics sector has examined: whether the market-foreclosure effects of the exclusive arrangement (preventing competing platforms and offline retailers from selling the product during the exclusivity period) outweigh the efficiency justifications (reduced marketing cost through concentrated launch support, guaranteed visibility on the chosen platform, and lower inventory risk); whether the exclusivity benefits the upstream brand at the expense of downstream retailers and consumers (who have reduced choice of purchase channel during the exclusivity period); and whether the exclusivity is reciprocal — the platform provides guaranteed marketing support, prime placement, and logistics assistance in exchange for the exclusive launch, suggesting a bilateral commercial arrangement rather than a unilateral restriction imposed by a dominant brand. The CCI has generally taken a nuanced approach to exclusive launch arrangements, recognising that they can serve legitimate commercial purposes while remaining alert to cases where exclusivity is used by a dominant platform to entrench its market position by denying rival platforms access to high-demand products that drive consumer traffic.

# Standard-Essential Patents in Electronics

*SEP Definition, ETSI Framework, Cellular Standard SEPs, Major Patent Holders and the Indian Litigation Landscape*

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*Standard-Essential Patents (SEPs) — patents that claim technology necessarily implemented in a technical standard — are at the intersection of patent law, competition law, and technology policy in the electronics sector. The SEP licensing landscape for mobile telecommunications standards is among the most commercially and legally contested domains in global intellectual property law, and India has emerged as an important SEP litigation jurisdiction.*

## 2.1 SEPs: Definition and Standards Organisation Framework

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A Standard-Essential Patent is a patent whose claims necessarily read on — i.e., cannot be avoided by any implementer of the standard without infringing the patent. SEPs arise in electronics primarily from the technical standardisation process conducted by Standards Development Organisations (SDOs): the European Telecommunications Standards Institute (ETSI) for cellular telecommunications standards (2G/GSM, 3G/UMTS, 4G/LTE, 5G/NR, Wi-Fi); the Institute of Electrical and Electronics Engineers (IEEE) for Wi-Fi (802.11 series), Bluetooth (through the Bluetooth Special Interest Group), and Ethernet standards; and the Video Electronics Standards Association (VESA) and HDMI Forum for display interface standards. When an SDO develops a technical standard, the member companies who contribute technical proposals typically agree (through the SDO's Intellectual Property Rights (IPR) policy) to license any patents that become essential to the standard on "Fair, Reasonable, and Non-Discriminatory" (FRAND) terms — a contractual commitment running with the patent that binds the patent holder's successors and assignees as well. For ETSI specifically, all members must declare patents that may be essential to ETSI standards and commit to FRAND licensing before the technical work on the standard is completed, creating a large database of ETSI FRAND commitments that is publicly accessible and forms the legal basis for SEP licensing negotiations between patent holders and implementers.

The cellular telecommunications standard SEP landscape is dominated by a relatively small number of major patent holders: Qualcomm (which holds a large portfolio of FRAND-committed 3G/CDMA, 4G/LTE, and 5G SEPs and was involved in landmark global antitrust proceedings for alleged non-FRAND licensing practices); Ericsson (a founding member of the global cellular standards community with extensive SEP portfolios for 2G, 3G, 4G, and 5G); Nokia (which significantly expanded its SEP portfolio through acquisitions including Alcatel-Lucent and is now primarily a licensing business in telecommunications); Huawei and ZTE (major Chinese companies with growing 4G and 5G SEP portfolios); Samsung, Apple, and Intel (each with

significant SEP portfolios from their respective research programmes); and InterDigital, Via Licensing, and Sisvel (specialist licensing companies that have assembled SEP portfolios through patent acquisition). For Indian smartphone manufacturers — Micromax, Lava, Karbonn, and others who produce devices implementing 2G/3G/4G/5G cellular standards — the SEP landscape represents a complex licensing obligation: every device sold must be covered by licences from multiple patent holders, and the aggregate royalty burden (which can reach 5–10% of handset average selling price for all cellular SEP licences combined) significantly affects device economics at the lower price points where Indian manufacturers have traditionally competed.

## **2.2 Ericsson v. Indian Smartphone Manufacturers: Landmark Cases**

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The litigation initiated by Ericsson against multiple Indian smartphone manufacturers — including Intex Technologies, Micromax, Xiaomi India, Karbonn Mobile, Videocon, and others — before the Delhi High Court from 2013 onwards established the Indian legal framework for SEP enforcement and created landmark precedents in India's SEP jurisprudence. Ericsson's suits alleged that the defendant manufacturers were implementing Ericsson's 2G/3G/EDGE/GPRS patents in their devices without having obtained valid licences, and sought injunctions preventing the sale of the infringing devices and damages for past infringement. The Delhi High Court's approach to these cases — particularly the grant of interim injunctions against some defendants while FRAND negotiations were ongoing — was significantly contested: defendants argued that granting injunctions in SEP cases without first determining the FRAND royalty rate effectively coerced them into accepting Ericsson's licence terms by threatening their commercial existence if they did not capitulate before the FRAND determination was completed. The Court's approach evolved over the course of the litigation, with some cases resulting in negotiated settlements (notably Micromax and Intex, who reached licence agreements with Ericsson after extended litigation), and others resulting in detailed judicial analysis of the FRAND rate determination methodology. These cases collectively established that Indian courts will enforce SEP patents through injunctions in appropriate circumstances, that FRAND obligations do not automatically preclude injunctive relief in cases of infringement, and that FRAND royalty rate determination is a matter of judicial analysis rather than exclusively bilateral negotiation.

## **2.3 Competition Commission and SEP Licensing**

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The CCI has been an active forum for SEP-related competition complaints, addressing the question of whether a patent holder's SEP licensing practices constitute an abuse of a dominant position under Section 4 of the Competition Act. In *Micromax Informatics v. Telefonaktiebolaget LM Ericsson* (2013) and the related cases filed by other Indian smartphone manufacturers, the CCI found *prima facie* evidence that Ericsson's imposition of excessive royalties and unreasonable terms for SEP licences (including conditioning licences on compliance with irrelevant non-disclosure obligations and charging royalties as a percentage of the device's selling price rather than based on the component implementing the standard) could constitute

an abuse of its dominant position in the market for licences to its standard-essential patents. The CCI directed the Director General to investigate Ericsson's SEP licensing practices, setting the stage for a multi-year CCI investigation running parallel to the Delhi High Court patent litigation. The jurisdictional interface between the CCI's competition investigation and the Delhi High Court's patent litigation — both concerning the same subject matter of Ericsson's SEP licensing terms — raised fundamental questions about which forum has priority in addressing the FRAND determination, and the Supreme Court's eventual resolution of this jurisdictional question (in proceedings that involved both the CCI and the Delhi High Court) has established important principles about the concurrent jurisdiction of competition authorities and courts in SEP matters.

# FRAND Licensing: Legal Framework and Dispute Resolution

*FRAND Principles, Rate Determination Methodologies, Indian Court Approach and CCI-Court Jurisdictional Allocation*

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## 3.1 FRAND Principles and Their Legal Character

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The FRAND commitment made by SEP holders to Standards Development Organisations — undertaking to license their standard-essential patents on "Fair, Reasonable and Non-Discriminatory" terms — creates a legally enforceable obligation that runs with the patent and binds all subsequent owners of FRAND-declared patents. In India, the legal character of the FRAND commitment has been examined by the Delhi High Court in the Ericsson cases, with the Court confirming that the FRAND commitment is a legally binding obligation that qualifies the patentee's right to seek injunctive relief and that a patentee who has made a FRAND commitment is obligated to license its SEPs to willing licensees on FRAND terms before seeking injunctive relief for infringement by those licensees. The "willing licensee" standard — determining whether an infringer is a "willing licensee" who is committed to accepting a FRAND licence (and therefore not subject to injunction pending FRAND determination) or a "holdout" who is strategically avoiding licence negotiations to benefit from continued infringement — is one of the most contested issues in global SEP litigation, with patent holders arguing that delays in accepting licence terms constitute "holdout" justifying injunctions, and implementers arguing that their participation in negotiation processes demonstrates willingness even if they dispute the specific terms offered. Indian courts have taken a nuanced approach to the willing licensee question, generally requiring infringers who seek to avoid injunctions on FRAND grounds to demonstrate genuine engagement in negotiation and a commitment to accepting whatever FRAND terms the court ultimately determines.

## 3.2 FRAND Rate Determination: Methodologies

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The determination of the FRAND royalty rate for a SEP licence — the "R" in FRAND — is among the most economically and legally complex tasks in intellectual property litigation. Indian courts have addressed FRAND rate determination in the Ericsson cases and in related proceedings, drawing on the methodologies developed in US, UK, German, and other jurisdictions: the "comparable licences" methodology (identifying existing FRAND licences for comparable patent portfolios in the same or similar technology as the benchmark for the rate to be determined — with the challenge that comparable licences are often confidential and may themselves have been established through non-FRAND negotiation dynamics); the "top-down" methodology (starting from the total SEP royalty burden for the standard, dividing by the total number of

SEPs to determine a per-patent rate, and adjusting for the relative strength and value of the specific patent portfolio being licensed — with the challenge that counting SEPs and assessing their relative value are both contested exercises); and the "incremental value" methodology (determining the royalty based on the technical contribution of the patented technology to the standard and to the downstream product — with the challenge that isolating the value contribution of a specific SEP in a complex system standard is inherently subjective). The Delhi High Court has shown willingness to engage in detailed technical and economic analysis of FRAND rates, appointing technical and economic experts, reviewing comparable licences, and ultimately determining FRAND rates in cases where parties could not reach agreement — establishing India as a FRAND rate-setting jurisdiction alongside the UK, Germany, and the United States.

### **3.3 CCI and Courts: Jurisdictional Allocation in SEP Disputes**

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The concurrent jurisdiction of the Competition Commission (which addresses whether SEP licensing practices are anti-competitive) and the civil courts (which address whether specific patents are valid, essential, and infringed, and what FRAND rate applies) has created a jurisdictional complexity unique to SEP disputes. The Supreme Court of India addressed the jurisdictional interface in *Telefonaktiebolaget LM Ericsson v. Competition Commission of India* (2023), holding that the CCI has jurisdiction to investigate whether SEP licensing practices constitute an abuse of dominant position even where patent validity and infringement are being simultaneously litigated in civil courts, since the CCI's competition law analysis addresses a different legal question (whether the patent holder's market conduct violates competition law) from the civil court's patent analysis (whether the specific patent is valid and infringed). The Supreme Court also held that the CCI cannot determine the FRAND rate itself — that function belongs exclusively to the civil courts — but can address whether the patent holder's conduct in licensing negotiations (imposition of unreasonable conditions, excessive royalties, discriminatory terms) constitutes anti-competitive conduct. This jurisdictional allocation — civil courts for patent validity, essentiality, infringement, and FRAND rate; CCI for competition law conduct assessment — provides a clear framework for practitioners advising both SEP holders and implementers in India.

## **e-Commerce Rules 2020 and Electronics Platforms**

*Consumer Protection e-Commerce Rules, Seller Disclosure, BIS Compliance on Platforms, Grey Market and Draft Digital Competition Bill*

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### **4.1 Consumer Protection (e-Commerce) Rules 2020**

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The Consumer Protection (e-Commerce) Rules, 2020, notified by the Department of Consumer Affairs under the Consumer Protection Act, 2019, establish a comprehensive framework of obligations for e-commerce entities — marketplace platforms and inventory-based e-commerce entities — who sell goods and services to Indian consumers. For electronics retailers operating through e-commerce — including brand-owned direct-to-consumer platforms, marketplace sellers, and the electronics vertical of large horizontal platforms — the Rules impose specific obligations including: mandatory disclosure of seller identity (legal name, registered address, and contact details) on every product listing; mandatory display of all material information about the product including country of origin, expiry date (for batteries and devices with limited service life), and applicable warranty terms; mandatory display of the total price including all fees and charges before the order is placed; prohibition on manipulative pricing practices (fake discounts from inflated "original prices" that do not reflect the product's genuine market price); mandatory appointment of a grievance officer accessible to Indian consumers; and mandatory establishment of a return, refund, and exchange policy with clear timelines. For electronics brands, the "country of origin" disclosure requirement is particularly commercially sensitive — products assembled in China with Indian brand names must accurately disclose the country of origin (China) in a prominent manner on the product listing, which can affect consumer purchasing decisions in a market environment where "Made in India" is a commercially valuable quality signal and where there is consumer awareness of the distinction between Indian-branded products assembled domestically and those manufactured abroad.

### **4.2 BIS Compliance Obligations on Electronics Platforms**

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E-commerce platforms that host and facilitate the sale of electronics products in CRS-covered categories bear regulatory responsibility for ensuring that products listed on their platforms have valid BIS-CRS registrations. The Consumer Protection Act 2019's provisions on "marketplace e-commerce entities" — platforms that provide a marketplace for third-party sellers — create liability for the platform if it knowingly facilitates the sale of products that do not comply with mandatory certification requirements. The CCPA has issued advisories directing e-commerce platforms to: require sellers to disclose BIS-CRS registration numbers for all electronics products listed in CRS-covered categories; verify the validity of declared CRS numbers against the BIS database before permitting products to be listed; and remove listings of

products for which the declared CRS number is found to be invalid, expired, or inapplicable to the listed product specification. For major platforms (Amazon, Flipkart, Meesho), implementing systematic BIS-CRS verification for their electronics seller base — which may include thousands of sellers offering millions of product listings — requires significant investment in compliance technology (automated CRS validation against BIS APIs) and seller onboarding processes that make CRS compliance a prerequisite for listing electronics in CRS-covered categories. Platforms that fail to implement effective CRS compliance monitoring risk regulatory action by CCPA and liability for the consumer harm caused by the sale of non-compliant electronics through their platforms.

### **4.3 Grey Market Electronics: Platform Liability and IP Enforcement**

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The grey market in consumer electronics — products imported informally (without proper customs clearance and without BIS-CRS registration) and sold through informal channels including online marketplaces — represents a significant commercial and regulatory challenge for brand owners, authorised importers, and platforms. Brand owners' primary legal remedies against grey market electronics sold through online platforms include: trademark infringement proceedings (where grey market products bear the brand's trademark but have not been authorised for distribution in India, the brand can argue that the importation and sale without authorisation in the Indian market constitutes trademark infringement despite the genuine nature of the product); parallel import defences and the doctrine of exhaustion (India applies the international exhaustion doctrine under the Trade Marks Act, which in principle allows parallel importation of genuine trademarked goods from overseas — though this is subject to significant limitations where the products are materially different from the authorised Indian versions, have different warranty terms, or do not comply with mandatory Indian certification requirements); and customs enforcement through Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 (which allow brand owners to record their IP rights with customs authorities and to request detention of suspected infringing or grey market consignments at the port of entry).

# Consumer Protection and Electronics Disputes

*NCDRC Jurisprudence, Defective Electronics, Software Liability, E-Waste Consumer Rights and Class Actions*

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## 5.1 NCDRC Jurisprudence on Electronics Defects

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The National Consumer Disputes Redressal Commission has developed an extensive body of jurisprudence on electronics consumer disputes, addressing the specific challenges of assessing defects in technologically complex products where the defect may manifest as software failure, battery degradation, display anomaly, or networking malfunction — rather than the straightforward mechanical failures that characterise traditional product defect cases. Key principles established in NCDRC electronics cases include: the "persistent defect" principle — a smartphone or laptop that experiences the same failure repeatedly despite multiple workshop repairs has a manufacturing defect entitling the consumer to replacement or refund even if each individual repair episode was successful; the "fit for purpose" standard — an electronics product must be fit for the specific purpose communicated by the manufacturer in its marketing and specifications, and a product that fails to perform as advertised (whether in camera quality, battery life, processing speed, or connectivity) may constitute a defective product under Section 2(47) of the CPA 2019; and the "equal treatment" principle — an electronics company that provides better after-sales service to customers in certain cities or through certain channels than in others, without a rational basis, may be providing a "deficient service" under the consumer protection framework to customers in the underserved markets.

## 5.2 Software Liability in Consumer Electronics

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The liability of electronics manufacturers for software defects — bugs, security vulnerabilities, performance issues, and incompatibilities introduced through OTA software updates — is an emerging area of consumer protection law in India that has been addressed in scattered NCDRC and state commission decisions but has not yet received the comprehensive judicial treatment it warrants. The general principle of consumer protection law — that a product must be fit for its purpose, safe for use, and free from defects — applies to software embedded in consumer electronics in the same way as to hardware components, since software is an integral part of the product's functionality and a software defect can render the product entirely or partially unusable. The specific challenge of software liability in consumer electronics arises from: the ongoing nature of software (manufacturers continue to release updates that can both fix and introduce defects long after the initial sale); the difficulty of distinguishing "defects" (bugs that prevent normal use) from "features" (design choices that some consumers find unsatisfactory); and the standard terms of electronics warranties (which almost universally disclaim liability for software defects and limit warranty coverage to hardware failures). The CPA 2019's product

liability framework — which does not distinguish between hardware and software defects in its definition of manufacturing or design defects — provides a potentially stronger basis for software-related consumer claims than the pre-CPA warranty-based framework, though the enforcement of software product liability against major global electronics brands requires substantial resources and technical expertise that individual consumer complainants rarely possess.

### 5.3 Class Action in Electronics: CCPA and Representative Complaints

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The CCPA's power to file class action complaints on behalf of a class of consumers — available under Section 35(1)(c) of the CPA 2019 — represents a significant enhancement of consumer protection enforcement in the electronics sector, enabling centralized regulatory action against systemic consumer harms that affect large numbers of individual consumers who would not individually have the resources or inclination to file separate complaints. CCPA class actions in the electronics context could address: systematic fuel efficiency misrepresentation in laptop battery life claims (where manufacturers publish battery life figures based on optimistic test conditions that are not achievable in real use); systematic overcharging through misleading "maximum retail price" labels on electronics accessories (where the printed MRP substantially exceeds the product's actual market price, enabling retailers to charge above the MRP while appearing to offer discounts); and systematic defects in specific electronics models that affect all purchasers but where the individual claim value is insufficient to motivate individual complaints (such as a camera software issue affecting image quality across an entire model range). For electronics brands, the prospect of CCPA class action creates strong incentives for: accurate, qualified product specifications that do not overstate performance; proactive identification and recall of systematic defects; and responsive customer service programmes that address consumer complaints before they escalate to regulatory attention.

**Booklet VI Key Takeaways:** Competition law and IP rights in the electronics sector generate India's most complex and commercially consequential legal proceedings. The CCI's enforcement against platform dominance (Google, Amazon, Flipkart), the Delhi High Court's SEP jurisprudence (Ericsson v. Indian manufacturers), and the Supreme Court's jurisdictional allocation between competition and patent courts collectively create a sophisticated legal environment for technology companies. The e-Commerce Rules 2020 impose BIS compliance and consumer protection obligations on platforms that are progressively enforced by CCPA. Consumer protection claims for electronics defects — including software liability — are increasingly viable under the CPA 2019's no-fault product liability framework. Practitioners advising electronics sector clients must integrate competition, IP, consumer protection, and platform regulation expertise to provide comprehensive legal counsel in this rapidly evolving domain.

# Competition, IP and Consumer Rights: Advanced Electronics Law

*Patent Portfolios for Electronics Companies, Design Rights, Trademark Protection, Platform Regulation and Future Legislation*

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## F.1 Building Patent Portfolios for Electronics Companies

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Electronics companies — whether global technology giants, domestic startups, or mid-size component manufacturers — increasingly recognise that patent portfolios are strategically essential assets that provide: freedom to operate (defensive value — a robust portfolio of granted patents enables a company to threaten countersuits against would-be patent asserters, deterring aggressive licensing demands and litigation); licensing revenue (offensive value — asserting patents against competitors or complementors generates licensing income that can be commercially significant for companies with large, well-curated portfolios); and negotiating leverage in cross-licensing discussions (enabling "portfolio balancing" arrangements under which companies with overlapping patent portfolios grant each other licences, avoiding the need for royalty payments in both directions). The legal framework for patent protection in India is the Patents Act, 1970, which protects novel, non-obvious, and industrially applicable inventions for a term of 20 years from the filing date. Electronics companies building India patent portfolios should understand: Section 3(k) of the Patents Act excludes mathematical methods, algorithms, and computer programs "per se" from patentable subject matter — a provision that has been interpreted by the Indian Patent Office to exclude many software-implemented inventions that would be patentable in the US or Europe; this requires careful claim drafting that ties the software implementation to a tangible technical effect or a specific hardware interaction to achieve patentability. The Intellectual Property India (IPI) — the Indian Patent Office — has published examination guidelines for software and computer-implemented inventions that provide guidance on the claim formats and technical effect demonstrations required for software patent grants in India, and legal practitioners advising electronics companies on India patent strategy should ensure that patent applications are drafted and prosecuted with these guidelines in mind to maximise the grant rate for software-intensive inventions.

The intersection of standard-essential patents (SEPs) and a company's broader patent portfolio strategy creates specific considerations for electronics companies that participate in standards development. Engineers who contribute technical proposals to standards bodies — proposing specific solutions to standardisation problems in mobile telephony, Wi-Fi, Bluetooth, or display interface specifications — generate patentable inventions as a natural by-product of their standardisation work. Companies that develop systematic processes for: identifying invention disclosures from engineers working on standards contributions; assessing the patentability of

those inventions; filing patent applications before or contemporaneously with the standards contribution (to preserve priority dates); and declaring the resulting patents as potentially essential to the standard through the SDO's FRAND declaration process — are able to build SEP portfolios that generate substantial FRAND licensing income while contributing to the international standards process. The strategic management of SEP portfolios — including the decision about which SEPs to assert in licensing negotiations, which to include in portfolio licence agreements, and which to trade in cross-licensing arrangements — requires integrated legal, technical, and business input that experienced IP counsel in the electronics sector are positioned to provide.

## **F.2 Design Rights Protection for Consumer Electronics**

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The visual appearance of consumer electronics products — the shape, configuration, pattern, and ornamentation of a smartphone, laptop, wearable, or consumer appliance — is protectable as a registered design under the Designs Act, 2000, which grants the registered proprietor an exclusive right to use the registered design for articles in the relevant class for a term of 10 years (extendable by 5 years). Design protection is commercially important for premium consumer electronics brands whose product aesthetics are a significant component of their brand value and competitive differentiation — the distinctive curved glass back of a premium smartphone, the specific keyboard and trackpad arrangement of a laptop, or the minimalist control interface of a smart speaker can each be registered as a design, preventing competitors from manufacturing near-identical-looking products that ride on the design equity of the original. The Indian Designs Act provides for design registration, which is a relatively quick and inexpensive process (compared to patent prosecution): an application specifying the article to be protected and including drawings or photographs showing the design from sufficient views for clear representation is examined by the Designs Office, and upon satisfaction of formality and novelty requirements, a certificate of registration is granted. Design infringement proceedings — before the Commercial Courts (for high-value disputes) or the Controller of Designs for cancellation proceedings — require proof that the alleged infringer's article uses the same design as the registered design or a design not substantially different from it.

## **F.3 Trademark Protection for Electronics Brands**

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Trademark protection is fundamental to the commercial value of consumer electronics brands in India, where brand recognition is a primary purchase driver and where the risk of counterfeiting and passing off is significant. The Trade Marks Act, 1999 provides the statutory framework for trademark registration and enforcement in India, with the Trade Marks Registry (under the Office of the Controller General of Patents, Designs and Trade Marks) administering the registration system. Electronics companies operating in India should: register their core brand trademarks (word marks, logos, and device marks) in the relevant classes (Class 9 for electronic products, Class 35 for retail services, Class 38 for telecommunications services, Class 42 for

technology services) and in all standard variants (different colours, stylised forms, and combined logo-word mark combinations); register trademarks for sub-brands and model names that are commercially important and are likely to be counterfeited; monitor the trademark register for conflicting applications by third parties; and maintain a regular programme of market surveillance to identify and take action against trademark infringement and counterfeiting. For international electronics brands with established global trademarks, the Madrid Protocol — to which India is a signatory — enables international trademark registration through a single filing procedure that designates India along with other member countries, significantly simplifying the administrative complexity of global trademark portfolio management.

#### **F.4 Digital Competition Bill: Implications for Electronics Platform Operators**

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The Draft Digital Competition Bill (DCB) — released for public consultation by the Ministry of Corporate Affairs' Committee on Digital Competition Law in 2024 — proposes to introduce a new legal regime for regulating "Systemically Significant Digital Enterprises" (SSDEs) in India, addressing competition concerns specific to the digital economy that the existing Competition Act framework addresses only imperfectly. The DCB proposes ex ante (prospective, rule-based) obligations for SSDEs rather than relying exclusively on the ex post (reactive, case-by-case) enforcement approach of the current Competition Act. For electronics companies who operate digital platforms associated with their products — app stores, cloud services, payment platforms, or digital content stores — the SSDE designation under the DCB could impose significant operational constraints: mandatory interoperability requirements (enabling third-party services to connect with the platform); data portability requirements (enabling users to transfer their data from the platform to competitors); non-discrimination requirements (prohibiting the platform from preferencing its own services over competitors' services in ranking, access, and default settings); and tying and bundling restrictions (prohibiting the platform from conditioning access to one service on the use of another service). The Apple App Store and Google Play Store — the primary app distribution platforms for iOS and Android devices respectively — are the most obvious targets for SSDE designation in the electronics context, but large consumer electronics brands who operate their own smart TV operating systems, smart home platforms, or IoT device ecosystems with significant market presence may also face SSDE scrutiny as these platform ecosystems grow in scale.

#### **F.5 E-Waste as a Consumer Right: Take-Back Obligations**

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India's E-Waste (Management) Rules, 2022 establish the consumer-facing dimension of electronics producers' Extended Producer Responsibility obligations through mandatory take-back requirements: electronics producers must provide convenient mechanisms for consumers to return end-of-life products for responsible recycling, at no cost to the consumer. The Rules require producers to: set up collection centres at their authorised service centres, dealer locations, or designated collection points; publicise the take-back mechanism prominently on

product packaging, product documentation, and the producer's website; and accept returned products regardless of the product's age, condition, or whether it was purchased directly from the producer. From the consumer protection perspective, the take-back obligation is a fundamental consumer right that electronics companies must actively fulfil — not merely a compliance obligation met by nominal collection points that are inconveniently located or that impose practical barriers to return. The CCPA has indicated interest in investigating electronics companies whose take-back programmes are de facto ineffective (with collection points limited to urban areas, with inconvenient operating hours, or with staff who discourage returns through informal barriers), and consumers who are denied their take-back rights have recourse to consumer forum proceedings. For electronics companies, building a genuinely accessible and consumer-friendly take-back programme — with collection points at every service centre and dealer location, consumer-friendly documentation requirements (no proof of purchase needed), and positive consumer incentives (discount vouchers for returns) — simultaneously achieves EPR regulatory compliance and generates positive brand engagement with the growing segment of environmentally conscious Indian consumers.

**Booklet VI — Complete Summary:** Competition law, intellectual property rights, and consumer protection together constitute the legal framework within which electronics companies compete, innovate, and serve their customers in India. The CCI's active enforcement against platform dominance and anti-competitive vertical restraints, the Delhi High Court's sophisticated SEP jurisprudence, the evolving FRAND rate determination methodology, the e-Commerce Rules' compliance obligations, and the CPA 2019's product liability framework collectively create one of the most dynamic and legally demanding commercial environments for electronics companies among major global markets. The emerging Digital Competition Bill adds a prospective regulatory layer that will impose structural obligations on platform operators associated with electronics ecosystems. Building and maintaining robust legal programmes across competition compliance, IP protection, consumer redressal, and platform governance is essential for electronics companies seeking to operate successfully and sustainably in India's rapidly growing and increasingly sophisticated market.