

**Abuse of Dominant Position: The legal Position of tying principles
Within Pakistani Competition law**



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Dedication

I dedicate my dissertation work to my family, friends and colleagues. A special feeling of gratitude to my loving parents for providing their moral, spiritual and emotional support.

I also want to dedicate this work to my paternal grandfather who raised me and taught me. Although he is no longer in this world but his memories continue to regulate my life.

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Thank You.

Abstract

“With greater power comes greater responsibility”

The above quote by Stan Lee, also known as the Peter Parker principle, beautifully describes the concept of market dominance. It is this underlying principle that forms basis of Section 3 of the Competition Act 2010 (the Act), resonating the same principle across major competition law regulations globally.

Healthy competition is the essence of a productive market space. It therefore rightly follows that the Act does not forbid enjoyment of market dominance, monopoly or a position of strength by an enterprise. However, almost like the object of any other law, it aims to bring about a level playing field by restricting The term abuse of dominant position refers to anticompetitive business practices in which a dominant firm may engage in order to maintain or increase its position in the market. These business practices by the firm, not without controversy, may be considered as "abusive or improper exploitation" of monopolistic control of a market aimed at restricting competition. Holding an enterprise accountable for the ‘abuse of dominance’ is not free from its own challenges abuse or rather misuse of such dominance to the prejudice of a non-dominant market player. The regulating agencies have to tread with caution or they risk acting as a deterrent to growth. In this paper we will explore what principles needs to be understood that forms the ties with the law of abuse of dominant position. Although the main focal point of the paper is Pakistan but the concepts of these principles would be understood in other jurisdictions as well specifically EU and USA.

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List of Abbreviations

Abuse of Dominance	AOD
Competition Commission Of Pakistan	CCP
Competition Act 2010	CA 2010
Department Of Justice	DOJ
European Union	EU
European Court Of Justice	ECJ
Federal Trade Commission	FTC
International competition Network	ICN
Monopolies Control Authority	MCA
Monopolies and Restrictive Trade Practices Ordinance	MRTPO
Organization on Economics and Commerce Development	OECD
Treaty on Functioning of European Union	TFEU
United Nations Commission on trade and development	UNCTAD
United States of America	USA
World Trade Organization	WTO
