

# Kluwer Competition Law Blog

## World Competition Law and Economics Review, Volume 45, Issue 4, 2022

Jose Rivas (Bird and Bird, Belgium) · Saturday, January 14th, 2023

We are happy to inform you that the latest issue of the journal is now available and includes the following contributions:

### **Kelvin Hiu Fai Kwok, Abuse of Dominance in the Hong Kong Television Sector**

This article critically evaluates legal developments in relation to the regulation of abuse of dominance in the Hong Kong television sector, focusing on the milestone case of Television Broadcasts Ltd (TVB). The TVB case was decided under the previous sectoral competition regime under the Broadcasting Ordinance (BO) and has since 2015 been replaced by the crosssector Competition Ordinance (CO). Nevertheless, the decisions of the Communications Authority (CA) and the Court of First Instance (CFI) in 2013 and 2016 respectively provided important insights on the application of the small but significant and non-transitory decrease in quality (SSNDQ) test in two-sided markets and the ‘purpose/object’ and ‘effect’ tests to exclusivity practices, and more generally, the analysis of abuse of buyer power in a labour market setting. Hong Kong competition authorities are likely to be confronted with similar issues as they gradually expand their enforcement activities into digital markets and abuse of market power scenarios beyond the broadcasting sector. The purpose of this article is to subject the TVB decisions, in respect of their analysis of market definition, market power, the abusive conduct, and the remedial aspect, to in-depth critique. It situates the issues in the broader context of the crosssector CO under which future cases of abuse of dominance in Hong Kong will be scrutinized.

### **Nicolo Zingales & Bruno Renzetti, Digital Platform Ecosystems and Conglomerate Mergers: A Review of the Brazilian Experience**

This article highlights some of the key challenges for the Brazilian merger control regime in dealing with mergers involving digital platform ecosystems (DPEs). After a quick introduction to DPEs, we illustrate how their market power may be strengthened through conglomerate mergers, and yet these concerns remain largely unaddressed in the current landscape for merger control in Brazil. The article is divided in four sections. First, we introduce the reader to the framework for merger control in Brazil. Second, we identify the possible theories of harm related to conglomerate

merger, and elaborate on the way in which their application may be affected by the context of DPEs. Third, we conduct a review of previous mergers involving DPEs in Brazil, aiming to identify the theories of harm employed (and those that could have been explored) in each case. Fourth and finally, we summarize and results and suggest adaptation to merger control in Brazil, advancing proposals for a more consistent and predictable analysis.

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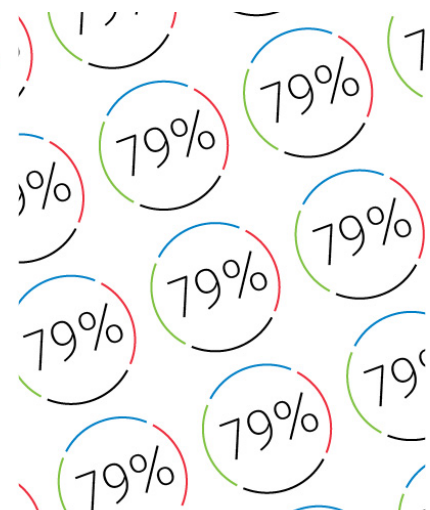
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