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Big Tech Mergers and "Killer Acquisitions": Re-Evaluating Merger Control Criteria in Digital Markets

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ABSTRACT

The expansion of digital markets has changed the way competition develops and the way businesses acquire one another. A young technology firm may have limited turnover yet possess an important innovation, a growing user base, valuable data or a realistic opportunity to challenge an established platform. When a large technology company acquires such a firm, the transaction may provide capital, technical resources and wider distribution. In other cases, it may remove a potential rival before that rival becomes a meaningful competitive constraint. This concern is commonly discussed through the concept of "killer acquisitions". This review article examines whether traditional merger-control criteria adequately identify competition risks in digital markets. It reviews scholarship and policy materials on nascent competition, network effects, data advantages, innovation and notification thresholds, with particular attention to India's Competition Act, 2002 and the deal-value threshold introduced through the Competition (Amendment) Act, 2023. It also considers selected developments in the United States and the European Union. The article argues that a review based only on current turnover or market share may overlook a target's future competitive importance. However, acquisition by a large firm should not be treated as harmful without evidence. A sound framework should examine realistic counterfactuals, the acquirer's incentives, the target's independent prospects, likely effects on users and credible efficiencies. It recommends clearer regulatory guidance, proportionate evidence-gathering, stronger digital-market expertise and remedies tailored to demonstrated harm. The aim is to protect the possibility of future competition while preserving legitimate investment and innovation.

This article uses a doctrinal and comparative review method. It relies on legislation, regulatory publications, policy reports and selected academic writing. It does not claim that every transaction identified in public debate is a killer acquisition, nor does it provide a statistical estimate of the prevalence of such transactions.

KEYWORDS: Digital markets; deal-value threshold; merger control; network effects; potential competition; start-ups.

1. INTRODUCTION

Mergers and acquisitions are a regular feature of commercial development. They can allow firms to obtain technology, recruit specialist teams, enter new markets and bring products to a larger audience. For a start-up, acquisition may provide an exit for founders and investors or give a promising product the resources it needs to survive. Competition law therefore cannot assume that a merger is harmful simply because a large company purchases a smaller one. The relevant question is whether the transaction is likely to weaken the competitive process. That question has become more difficult in digital markets. A new service may operate for years with low revenue while it builds a user community, improves its technology or tests a business model. Its value may be reflected in user engagement, technical knowledge, data, intellectual property or the prospect of entering a neighbouring market. Traditional measures such as turnover, assets and present market share may not fully capture those features. The expression "killer acquisition" is used to describe a transaction in which an established firm acquires an emerging or potential competitor and then discontinues, delays or absorbs the target's competing project in a manner that reduces future competition. The idea was first examined in detail in research on pharmaceutical acquisitions, but it has become relevant to debates about technology platforms as well.[2] The OECD has explained that the central challenge is to determine whether the target would have become a meaningful competitive force without the transaction and whether the acquisition removes that possibility.[3]

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[2] Colleen Cunningham, Florian Ederer and Song Ma, 'Killer Acquisitions' (2021) 129(3) Journal of Political Economy 649.
[3] OECD, Start-ups, Killer Acquisitions and Merger Control, OECD Roundtables on Competition Policy Papers No. 248 (2020).

The phrase must nevertheless be used with care. A product may be discontinued because it is technically unsuccessful, duplicated by a better product, or integrated into a service that benefits users. Those outcomes are not automatically unlawful. The competition concern arises when the transaction removes an important competitive constraint and the resulting loss is not outweighed by substantiated benefits.

This review examines the limits of conventional merger criteria, the Indian statutory response, selected international approaches and practical options for improving enforcement. Its central position is that merger review in digital markets should be forward-looking, evidence-based and proportionate.

2. SCOPE AND METHOD OF THE REVIEW

This article is a review of legal and policy literature rather than an empirical study of individual acquisitions. It brings together three strands of discussion: first, economic writing on nascent and potential competition; second, competition-authority guidance on digital mergers and theories of harm; and third, Indian legislative and regulatory developments affecting the notification and assessment of combinations.

The review gives priority to primary legal materials, including the Competition Act, 2002, amendments to that Act, regulations issued by the Competition Commission of India (CCI), and official materials explaining the deal-value threshold. International materials are used to identify comparative principles, not to suggest that a foreign rule automatically applies in India. Policy reports of the Organisation for Economic Co-operation and Development (OECD) are relevant because they address the practical difficulties of counterfactual analysis, notification gaps and claimed efficiencies.[4]

The method is doctrinal because it interprets legal provisions and regulatory standards. It is comparative because it considers how the United States and European Union approach acquisitions that may eliminate future competition. It is critical because it asks whether the existing tools are capable of capturing the particular features of digital businesses, including network effects, data-driven economies of scope, platform ecosystems and services offered at no direct monetary price.

The review has limits. Public documents do not reveal every internal business consideration behind an acquisition. A transaction's later outcome does not, by itself, establish what would have happened without it. Similarly, the fact that a product was closed after an acquisition does not prove that the purchaser intended to suppress competition. Reliable assessment requires contemporaneous evidence, an examination of realistic alternatives and attention to the market conditions at the time of the transaction.

The article therefore avoids treating the term "killer acquisition" as a legal conclusion. It uses the term to identify a possible theory of harm that must be tested against evidence. This distinction is important for academic fairness and for a merger-control system that must protect competition without unnecessarily obstructing investment.[5]

3. CONCEPT OF KILLER ACQUISITIONS

A killer acquisition is not simply a purchase followed by the closure of a product. The central concern is that an incumbent acquires a business partly to prevent a future competitive threat from developing. The target may currently sell a different product, operate on a small scale or be in an early stage of development. Its importance lies in its likely future ability to constrain the acquirer, encourage innovation or offer users an alternative.

Cunningham, Ederer and Ma's influential study of pharmaceutical acquisitions examined circumstances in which established firms acquired projects and then discontinued overlapping drug development. Their work helped establish the concept as a distinct issue in merger analysis.[6] Digital markets differ from pharmaceuticals in important ways, but the broader lesson remains relevant: present market position may be an incomplete guide to future rivalry.

[4] OECD, Start-ups, Killer Acquisitions and Merger Control (2020), especially its discussion of counterfactual analysis and efficiencies.
[5] OECD, Theories of Harm for Digital Mergers: Roundtable Background Materials (2023).
[6] Cunningham, Ederer and Ma, 'Killer Acquisitions' (2021) 129(3) Journal of Political Economy 649.

In technology markets, a target may be developing a new search method, messaging service, online marketplace, payment tool, advertising technology or software product. It may also hold a capability that can be extended into the acquirer's core market. An acquisition can remove the independent incentive to develop that capability, particularly where the target's owners would otherwise continue to compete or license the technology to others.

A related concern is the "buy-and-build" strategy, where an incumbent acquires several businesses and combines their technology, users or data into a wider ecosystem. Such a strategy can create efficiencies. Yet repeated acquisitions may also reduce the number of independent firms capable of challenging the incumbent, increase switching costs or make entry more difficult. The analysis should therefore examine the cumulative market context where the law permits it, while still assessing each transaction on its evidence.[7]

The term should not become a shortcut for condemning acquisitions. The target may be unlikely to survive independently, and the acquirer may be the only realistic buyer able to commercialise its innovation. The legal inquiry should identify the counterfactual: what is likely to happen if the acquisition does not occur? That question provides the basis for distinguishing a genuine loss of competition from a transaction that supports innovation.

4. FEATURES THAT COMPLICATE MERGER REVIEW

Digital markets often operate through platforms that connect different groups, such as users and advertisers, sellers and buyers, or application developers and consumers. The value of a service may increase as more people use it. These network effects can make an established platform more attractive over time and may make it difficult for a new competitor to persuade users to switch. Acquiring a smaller platform can therefore have effects beyond the target's immediate sales.

Data may reinforce an incumbent's position. A larger volume or variety of data can help a business personalise services, improve search results, train systems, detect fraud or target advertising. Data is not always an insurmountable barrier: its value depends on relevance, quality, timeliness, access and the ability of competitors to obtain substitutes. Merger analysis should ask how the transaction changes the parties' practical capabilities, not assume that data automatically creates market power.

Digital businesses may also benefit from economies of scope. A firm with an established cloud service, app store, operating system or advertising network can extend its reach into adjacent markets using existing infrastructure and customer relationships. An acquisition may allow useful integration, but it may also enable tying, self-preferencing, restrictions on interoperability or the use of one service to strengthen another. The OECD has identified platform ecosystems, network effects, algorithms and data-driven economies of scope as issues that can challenge traditional merger theories.[8]

Another difficulty is that users may not pay money for a service. A zero monetary price does not mean that a service has no economic value or that users cannot suffer harm. Relevant effects may include reduced quality, fewer privacy choices, less innovation, diminished interoperability or increased dependence on a single provider. Competition authorities must nevertheless explain how these effects relate to competitive conditions and avoid treating privacy concerns as a substitute for a proper competition analysis.

These features call for a broader but disciplined assessment. Digital characteristics can help explain how harm might occur; they do not prove that harm will occur in every case. The authority must connect the feature to a plausible theory of harm, supported by evidence about the transaction and the relevant market.[9]

5. LIMITS OF TURNOVER, ASSETS AND MARKET SHARE

Turnover thresholds have an important practical advantage: they are relatively clear and allow businesses to determine whether a transaction must be notified. Asset thresholds also provide a measurable screening tool. However, these measures can understate the importance of an early-stage technology business. A start-up may have little revenue because its service is free, it has not yet begun monetisation, or it is investing in product development before commercial launch.

[7] OECD, Start-ups, Killer Acquisitions and Merger Control (2020).
[8] OECD, OECD Handbook on Competition Policy in the Digital Age (2022), chapter on merger control in digital markets.
[9] OECD, 'The Suitability of Existing Theories of Harm for an Effective Assessment of Mergers in Digital Markets' (2023).

The price paid for a target can sometimes reveal that the buyer values capabilities not reflected in its current accounts. A high purchase price may reflect intellectual property, a skilled team, a user base or future opportunities. Yet deal value is not a direct measure of anticompetitive effect. It may reflect expected efficiencies, scarcity of technical talent, strategic complementarity or intense competition among potential purchasers. It is therefore useful as a notification trigger but cannot replace substantive review.

Market shares may also be backward-looking. In a developing market, a target with a small share of current sales might be one of the few firms capable of introducing a new technology or disciplining an incumbent in the future. Market definition can be difficult where firms provide several connected services, compete for attention rather than money, or serve different sides of a platform. An overly narrow focus on existing sales can miss the competitive relationship between products that are likely to converge.[10]

The solution is not to discard traditional criteria. They remain useful for predictability and for assessing many transactions. Instead, authorities should combine them with evidence about user growth, product development, technical capability, entry conditions, customer switching, internal strategy and the target's plausible future trajectory. The weight assigned to each factor should depend on the industry and the quality of the evidence.

A review system must also recognise the risk of false positives. If regulators block acquisitions merely because the target is innovative or the purchaser is large, they may prevent efficient combinations and reduce the willingness of investors to fund start-ups. The objective is to improve the screening of potentially significant transactions while retaining a demanding standard for establishing competitive harm.[11]

6. COUNTERFACTUAL ANALYSIS AND EVIDENCE

Counterfactual analysis asks what is likely to happen without the proposed merger. In a potential-competition case, the question may be whether the target would continue to develop its product, enter the acquirer's market, license its technology or be acquired by another firm. The answer is rarely certain, particularly when the target is young. But uncertainty should be managed through evidence rather than replaced with speculation.

Useful evidence may include business plans, product roadmaps, investment proposals, hiring records, technical testing, user growth, customer feedback, patent activity, partnership discussions and financing options. The acquirer's internal documents may show whether it viewed the target as a potential rival, a complementary product or simply a source of talent.

Such documents can be informative, but individual statements must be read in context. Competitive businesses often describe many firms as threats without implying that a particular acquisition is designed to eliminate competition. Authorities should examine alternative explanations for the transaction. The target might lack the funds to continue independently, its technology may be failing, or its product may be better delivered as part of a larger service. The buyer may be able to achieve efficiencies through integration, security investment, distribution or improved reliability. The parties should be allowed to present evidence supporting these claims, and the authority should test whether the benefits are specific to the transaction and likely to reach users.

The OECD's work emphasises the importance of in-depth counterfactual analysis and the need to connect claimed efficiencies to the particular transaction.[12] This approach is especially useful in digital cases because the future path of a product can be uncertain and because the same facts may support more than one explanation.

A transparent decision should identify the theory of harm, the evidence supporting it, the counterfactual selected and the reasons competing explanations were rejected. This improves accountability and helps courts, businesses and the public understand why intervention was necessary. It also reduces the risk that an authority's decision rests on hindsight alone.[13]

[10] OECD, Start-ups, Killer Acquisitions and Merger Control (2020).
[11] Competition Act, 2002 (India), ss. 5, 6, 19 and 20.
[12] OECD, Start-ups, Killer Acquisitions and Merger Control (2020).
[13] U.S. Department of Justice and Federal Trade Commission, Merger Guidelines (2023).

7. MERGER CONTROL UNDER INDIAN LAW

India regulates combinations under the Competition Act, 2002. Sections 5 and 6 form the core framework for determining whether a transaction is a notifiable combination and whether it may cause, or is likely to cause, an appreciable adverse effect on competition in India. Section 20 addresses the Commission's inquiry into combinations, while section 19 sets out factors relevant to assessing competitive effects. The CCI may approve a transaction, require modifications or prohibit it where the statutory standard is met.[14]

The framework is intended to prevent transactions from weakening competition before the effects become difficult to reverse. Where notification is required, parties generally must notify the CCI before completing the transaction, subject to the Act and applicable exemptions. The notification system matters because a competition authority cannot conduct a meaningful ex ante review of a transaction that it does not know about.

India's earlier reliance on asset and turnover thresholds raised questions about acquisitions of smaller businesses whose competitive importance was not reflected in financial size. This concern became particularly relevant to digital businesses, where a target may have a relatively small revenue base but possess a valuable user network, data, technology or a credible path into an adjacent market.

The Competition (Amendment) Act, 2023 introduced a deal-value threshold (DVT) as an additional basis for notification. The CCI's official material states that the DVT framework became effective on 9 September 2024 and was accompanied by the Competition Commission of India (Combinations) Regulations, 2024.[15] The reform is important because it adds a transaction-value measure to the existing financial tests.

The deal-value threshold should be understood as a notification mechanism, not a presumption that the transaction harms competition. Once a transaction is within the review system, the CCI must still evaluate its likely effects under the Act. A high transaction value may signal strategic importance, but the value could also reflect legitimate synergies, the target's technology or competition among bidders. The substantive analysis remains essential.

8. THE DEAL-VALUE THRESHOLD: PROMISE AND LIMITS

The DVT is one of the most significant recent changes in India's merger-control framework. According to the CCI's official explanation, the Competition (Amendment) Act, 2023 introduced the additional notification criterion and it was brought into effect on 9 September 2024 through the relevant notification and 2024 Combination Regulations.[16] The reform responds to the concern that a target's financial size may not reflect the value attributed to its technology, data, users or future competitive potential.

A transaction-value test can help capture acquisitions where a target has low turnover but commands a substantial purchase price. It may also provide a way to review transactions involving innovative businesses before they become large enough to meet traditional thresholds. This is particularly relevant where the target has a meaningful presence in India even though its worldwide financial measures are modest.

The DVT nevertheless has limits. First, a high price does not necessarily indicate an anticompetitive transaction. Second, valuation can be affected by market conditions, scarcity of talent, expected efficiencies and the strategic value of complementary assets. Third, businesses need workable guidance to understand how transaction value is calculated and how the target's substantial business operations in India are assessed. Unclear rules may increase compliance costs and uncertainty.

The DVT also does not solve every potential-competition problem. A strategically important target may be acquired at a modest price, while a high-value transaction may involve firms that are not close competitors. Authorities should therefore treat the DVT as one part of a broader notification system and should apply the substantive competition test separately.

[14] Competition Act, 2002 (India), ss. 5, 6, 19 and 20.
[15] Competition Commission of India, 'Deal Value Threshold Criteria for Merger Review', Fair Play publication; CCI, FAQs on combinations
[16] Competition Commission of India, 'Know Your Competition Law: Deal Value Threshold Criteria for Merger Review' (2024).

For the reform to work well, guidance should explain the treatment of contingent payments, non-cash consideration, connected transactions and the relevant Indian nexus. Regulatory explanations should be updated as business models evolve. The CCI should also publish reasoned decisions where legally possible, allowing businesses and researchers to understand how the rules operate in practice. Predictability and effective enforcement are complementary goals, not competing ones.[17]

9. COMPARATIVE PERSPECTIVE: UNITED STATES

The United States uses merger enforcement under federal antitrust law to examine transactions that may substantially lessen competition or tend to create a monopoly. The Federal Trade Commission (FTC) and Department of Justice (DOJ) assess the competitive context of transactions, including whether a target represents a developing or potential competitive threat. The 2023 Merger Guidelines discuss how agencies analyse mergers and the range of evidence that may be relevant.[18]

The FTC's litigation concerning Facebook, now Meta Platforms, illustrates the way acquisition history may be considered in a broader assessment of alleged conduct by a digital platform. The FTC's case included allegations relating to Instagram and WhatsApp acquisitions, but the existence of allegations should not be confused with a judicial finding that every acquisition was unlawful.[19] The case is useful as an example of the legal and evidential complexity surrounding digital-platform acquisitions.

The US approach highlights the potential value of contemporaneous documents. Internal strategy papers, product roadmaps and assessments of rivals may help establish whether the target was expected to become a competitive constraint. Market evidence and technical analysis remain necessary, because an incumbent may describe a start-up as a threat for ordinary strategic reasons even when the target would not realistically have developed into a significant competitor.

The US experience also shows that enforcement can be contested for years and that retrospective proceedings differ from pre-merger review. If the goal is to preserve future competition, timely notification and early investigation are important. At the same time, procedural fairness requires that agencies articulate a plausible theory of harm and support it with evidence.

For India, the useful lesson is not to copy every aspect of American enforcement. It is to combine clear legal standards with a willingness to examine potential competition, while ensuring that evidence is evaluated in context and that parties have a fair opportunity to respond. The institutional design and statutory language of each jurisdiction remain distinct.

10. COMPARATIVE PERSPECTIVE: EUROPEAN UNION

The European Union reviews concentrations under the EU Merger Regulation. The substantive test asks whether a transaction would significantly impede effective competition, particularly as a result of creating or strengthening a dominant position. The assessment can consider price, quality, choice, innovation and the structure of the relevant markets. The framework is not confined to current price effects, which is important where a transaction may affect the development of future products.

Digital acquisitions may raise concerns about the strengthening of an ecosystem. A platform can operate across related services and benefit from shared infrastructure, distribution, data or user relationships. An acquisition that appears small in one market may strengthen the buyer's position in another, or make entry more difficult for firms that depend on access to a platform. The OECD's work on online markets discusses both the potential benefits and challenges of reviewing conglomerate mergers.[20]

[17] Competition Commission of India, Combinations Regulations, 2024.
[18] U.S. Department of Justice and Federal Trade Commission, Merger Guidelines (2023).
[19] Federal Trade Commission, FTC v. Meta Platforms, Inc., Case No. 191-0134, official case materials.
[20] Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (EU Merger Regulation).

European merger policy has also been the subject of debate about the treatment of innovation and the competitive significance of smaller firms. A careful analysis should distinguish between a transaction that brings complementary technologies together and one that removes a likely independent constraint. It should consider the target's development plans, the acquirer's market position, entry conditions and whether any claimed efficiencies can be achieved in a less restrictive way.

The European experience also demonstrates the importance of legal certainty. Firms need to know whether a transaction falls within the review system, and regulators need a clear legal route to examine transactions that may affect competition. Where ordinary jurisdictional thresholds do not capture a transaction, authorities may face difficult questions about referral mechanisms, jurisdiction and the limits of their powers.[21]

For India, the comparative lesson is to maintain a clear statutory basis for review while developing economic tools suited to digital markets. Comparative law can inform analysis, but Indian authorities must act within the Competition Act and the regulations made under it. Foreign experience is a guide to policy design, not a substitute for domestic legal authority.

11. ASSESSING THEORIES OF HARM IN DIGITAL ACQUISITIONS

A credible theory of harm should explain how the acquisition is likely to weaken competition. One possibility is the loss of a direct or emerging rival. Another is the removal of a technology that could have enabled entry into a neighbouring market. A transaction may also increase barriers to entry if the merged firm combines data, distribution or infrastructure in a way that rivals cannot reasonably replicate.

A further concern is the reduction of innovation incentives. Independent firms may experiment with different approaches, while an integrated firm may have less incentive to develop a product that competes with its existing services. Yet integration may also speed up development, improve security or make a product commercially viable. The authority must therefore assess likely incentives and capabilities rather than rely on the mere fact that the target's product changes after acquisition.

Potential foreclosure can arise where a platform controls an important route to customers, developers or business users. If the merged firm restricts interoperability, changes access terms or uses its position in one market to advantage its own product in another, competitors may face higher costs or reduced reach. Such effects require evidence that the firm has both the ability and incentive to act and that the likely result is a meaningful reduction in competition.[22]

Non-price effects may be important where users do not pay a monetary price. These can include fewer choices, slower improvement, lower reliability, reduced privacy options or less control over data. Competition analysis should identify the connection between the transaction and these outcomes, and should not assume that every reduction in privacy or quality necessarily establishes a merger violation.[23]

The most reliable approach is to specify the mechanism of harm, identify the evidence required to test it, consider alternative explanations and evaluate whether the effect is likely to be substantial. This disciplined method allows regulators to adapt to digital markets without creating a vague rule under which any acquisition by a powerful firm is presumed unlawful.

12. EFFICIENCIES, INVESTMENT AND THE RISK OF OVER-ENFORCEMENT

A balanced merger-control system must recognise that acquisitions can create genuine benefits. A start-up may lack the capital, computing infrastructure, distribution network or compliance resources needed to grow. An established purchaser may be able to improve cybersecurity, scale the product, integrate complementary services or bring the technology to users more quickly. These benefits can be particularly important in industries with high fixed costs and rapid technical change.

[21] James Mancini, Making Online Markets More Competitive: The Benefits and Challenges of Conglomerate Merger Review, OECD (2021).
[22] OECD, Theories of Harm for Digital Mergers (2023).
[23] OECD, OECD Handbook on Competition Policy in the Digital Age (2022).

The parties' claims should nevertheless be examined carefully. It is not enough to state that integration will create efficiencies in general. The parties should explain what benefits are expected, how they arise from the transaction, when they are likely to occur and whether they are likely to benefit users. Where a similar benefit could reasonably be achieved through a licensing agreement, partnership or other less restrictive arrangement, the claimed efficiency may be less persuasive as a justification for eliminating an independent competitor.

The opposite error is also serious. If authorities treat every acquisition of an innovative start-up as suspicious, investors may become less willing to finance early-stage firms. Acquisition can be a legitimate exit route and may encourage investment in research and development. Preventing a transaction that would have allowed a useful product to survive could reduce rather than improve innovation.

The OECD's review of killer acquisitions stresses the importance of assessing efficiencies in relation to the specific transaction and of examining the counterfactual.[24] These principles help avoid two extremes: accepting broad efficiency claims without proof, and assuming that a target would inevitably become a major rival without the acquisition.

A proportionate framework should therefore use clear notification rules, evidence-based substantive review and remedies tailored to the harm established. Regulatory intervention should be strong where the evidence shows a substantial risk to competition, but restrained where the concern is speculative or where credible efficiencies outweigh the likely harm under the applicable legal test.[25]

13. RECOMMENDATIONS FOR INDIA

First, the CCI should continue to develop practical guidance explaining how digital transactions are assessed under the deal-value threshold and the substantial-business-operations test. Guidance should address common questions about transaction valuation, the Indian connection and the evidence that may be relevant to a target operating through digital services. Clear examples can reduce uncertainty for businesses and improve compliance.[26]

Second, the substantive review should expressly consider the target's likely independent development where potential competition is central. Relevant factors may include product testing, user growth, investment plans, technical capabilities, customer adoption, hiring and the availability of financing. These indicators should not be treated as a checklist that automatically establishes harm; their importance depends on the facts and the market.

Third, the CCI should maintain and strengthen expertise in digital economics, data analysis, software architecture and platform business models. Competition authorities need the capacity to understand whether a target's technology is readily replicable, whether data is a meaningful input, and whether the merger changes the parties' ability to foreclose rivals. Technical expertise should support, not replace, legal reasoning.

Fourth, the authority should publish reasoned decisions and explanatory materials to the extent permitted by confidentiality and law. A body of transparent decisions can help businesses understand how potential competition, innovation and efficiencies are evaluated. Confidential business information must remain protected, and the publication of decisions should not expose trade secrets.

Fifth, international cooperation may be useful when a transaction affects several jurisdictions. Coordination can reduce inconsistent remedies and allow agencies to share lawful, relevant information. Such cooperation must respect domestic procedures, confidentiality protections and the independent legal standards applicable in each country.

Finally, remedies should be designed around the actual risk identified. Structural remedies may be appropriate in some cases; in others, carefully designed behavioural commitments or interoperability obligations may be considered if they are legally available, workable and monitorable. The CCI should not assume that a remedy will succeed merely because it is written into an order. Monitoring, enforceability and the ability to respond to changing technology are essential.[27]

[24] OECD, Start-ups, Killer Acquisitions and Merger Control (2020).
[25] U.S. Department of Justice and Federal Trade Commission, Merger Guidelines (2023).
[26] Competition Commission of India, Combinations Regulations, 2024.
[27] Competition Commission of India, 'Deal Value Threshold Criteria for Merger Review' (2024).

14. CONCLUSION

The debate about Big Tech mergers and killer acquisitions is ultimately a debate about the future of competition. A young digital business may have little turnover today but may become an important source of innovation or a meaningful alternative to an established platform. If merger control looks only at present financial size, it may overlook transactions that remove future competitive pressure. The features of digital markets—network effects, data-driven advantages, platform ecosystems and rapid innovation—make this concern worth serious attention.

At the same time, the term "killer acquisition" should not be used as a conclusion before the evidence has been assessed. Many acquisitions help new products survive, scale and reach consumers. A product may be discontinued for legitimate commercial or technical reasons. Authorities must therefore identify a plausible theory of harm, examine the target's realistic prospects without the merger, evaluate the acquirer's incentives and test claimed efficiencies.

India's deal-value threshold is an important step in addressing the limitations of traditional notification tests. It may bring certain transactions involving low-turnover but high-value targets within the CCI's review. Its practical value will depend on clear guidance, consistent application and the ability to assess digital-market evidence. The threshold itself does not establish that a transaction is anticompetitive; the substantive assessment under the Competition Act remains decisive.

Comparative experience from the United States and European Union reinforces the need to examine potential competition and innovation while preserving legal certainty and procedural fairness. India should adapt useful lessons to its own statutory framework rather than import foreign rules without regard to domestic conditions.

The best approach is neither automatic approval nor automatic suspicion. It is a forward-looking, evidence-based and proportionate system that distinguishes acquisitions which strengthen innovation from those that remove a meaningful competitive threat. Merger control should protect the possibility that tomorrow's competitor can emerge, while allowing businesses to invest, collaborate and grow where the transaction is consistent with the law.

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