

## The Role of Competition Law in Preventing Anti-Competitive Practices and Safeguarding Consumer Interests: Towards Consumer Welfare and Gender Equality in Employment

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### ABSTRACT

The market-based economies rely heavily on the competitions law because it is designed to curb anti-competitive behavior and ensure that the consumer needs are not negatively affected. This treatise is a discussion on the functions of the competition law towards ensuring fairness of the markets, curbing the misuse of position of dominance and to ascertain that the consumers are obtaining good outcome in terms of price, quality and innovation. This by the articulation of the conceptual bases and the requirements of the policy identifies the part that is being played by the law in accentuating a healthy level of virtualization in the competitive environment. That fact can be proven by empirical facts that the competition law has been elaborated based on the fluctuating market structures; however, its principle of consumer protection has remained in the front seat. This also creates a dual purpose of competition regulators to both satisfy the short-term desires of consumers and, additionally, the long-term aspect of market reliability.

**Keywords:** - Competition Law, Digital Markets, Antitrust, Consumer Protection, Data Protection, AI-enabled price discrimination.



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### INTRODUCTION

The interaction of the competition law and the customer protection operates on numerous levels, and the FAA representatives have to cope with the idea that important competitive processes have long-term and complex consequences on the market, as well as to the effects, which should be addressed on a short-term basis. Such aspects as algorithmic coordination, or the control of digital platforms, in turn, represent the new challenges of modern markets demand that competition authorities devise new frameworks of analysis and also stand by their committee to protect consumers.

The present paper is a critique of the competition law as a protective measure form of consumers, discussing some of the most significant enforcement strategies and evaluating the current problems developing in the digital marketplace. It is revealed in the study that the core objectives are also similar, but the implementation policies should be constantly redefined, to be able to respond to the new forms of anti-competitive behavior and market structure threatening the consumer interests. In particular, the critical examination of the re-

assessment of ex-ante and ex-post tools of enforcement to surmount the rapidity of the digital transformation and regulatory challenges of Civilian digital ecosystems is this question. Consideration of omissible digital frameworks such as the Digital Markets Act of the EU is another significant departure in post competition law enforcement that accentuates proactive controls in the fulfillment of may-nevertheless of digital spaces and preservation of market threat in the digital commerce.

### THEORETICAL FOUNDATIONS OF COMPETITION LAW AND CONSUMER PROTECTION

#### Economic Rationale for Consumer Protection through Competition

Competition law rests on the fundamental economic principle that competitive markets deliver optimal outcomes for consumers through efficient resource allocation, innovation incentives, and consumer choice. When markets function competitively, resources flow to their most productive uses, resulting in lower prices, higher quality products, and increased innovation that directly benefits consumers.

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The theoretical framework recognizes that market failures can arise when firms possess significant market power, leading to various forms of consumer harm. Such failures happen in various ways; these firms can lock out or rather collude with their competitors in terms of pricing, or they can misuse their dominance status and plunder consumers with higher profits. The current competition law deals with such issues with a strict set of enforcement tools created to eliminate both the direct and indirect consumer injury.

### **Consumer Welfare as the Central Objective**

The consumer welfare has become the ultimate mission of undertaking the competition law even though they have different interpretations given the various methods of enforcement. Consumer welfare in its holistic meaning does not per se only refer to pricing, but also to quality, innovation, choice, and long-run market dynamics with an impression on consumer interests.

Consumer welfare as a notion in competition law will neither be limited in regard to short-term price implications, but more broadly dynamic bearing to innovation drive and access to market. This wider view has noted that consumer interests are sometimes multi-faceted and, in some cases, require the balancing of short-term costs and long-term benefits where a component of innovation-intensive sectors might result in huge consumer benefits over the long run on the initial investments made.

### **Evolution of Consumer Protection Objectives**

Competition law has developed since the time when the early concerns were focused on economic concentration to advanced analytical theories whereby the effects on consumers are anticipated and prevented in advance. Conventional strategies were with market structure and behavior with oftentimes bright-line rules to prevent practices that were perceived to detract competition. The current policy is increasingly based on economic analysis to evaluate what impact is likely to take place in the welfare of the consumer in the face of a business conduct.

This development is indicative of a rising cognizance that consumer interests could be compound in nature and may at times be contradictory. Some business modes can create unexpectedly short-term expenses but pool of the long-term benefits in innovations or savings. The competition authorities should therefore strike this balance even as they also ensure that, the standards set in regards to enforcement remain under predictable levels that offer clear guidelines to the involved market players.

## **ANTI-COMPETITIVE PRACTICES AND THEIR IMPACT ON CONSUMERS**

### **Cartels and Horizontal Coordination**

The simplest and most direct type of consumer harm caused by anti-competitive behavior of a group of rivals is the existence of a cartel the existence of explicit agreement among competitors to collude around prices,

markets, and output. These agreements kill price competition and minimize innovation and quality improvements incentives further moral transferring wealth of consumer to members of the cartel.

The contemporary waging of cartels has come up with detailed detection and prosecution tools as leniency programmed and economic analysis tools. Consumer protection does not solely rely on detection and prosecution, but also extends to establishing the level of damage suffered by consumers and remedies sufficient. Research indicates that successful cartel prosecutions can generate substantial consumer savings, though measurement challenges remain significant.

Private enforcement mechanisms have become increasingly important in ensuring consumers receive compensation for cartel overcharges.

### **Abuse of Dominance and Consumer Harm**

The concept of abuse of dominance encompasses both exploitative conduct that directly harms consumers and exclusionary practices that harm the competitive process. Exploitative abuses, such as excessive pricing or discriminatory terms, directly transfer wealth from consumers to dominant firms, whilst exclusionary practices may harm consumers indirectly by reducing competitive pressure.

Recent enforcement trends demonstrate increased focus on digital platform conduct, where traditional concepts of abuse require adaptation to multi-sided markets and data-driven business models. Platform self-referencing, for example, raises complex questions about when favoring one's own services crosses the line from legitimate business strategy to anti-competitive conduct that harms consumers.

### **Anti-Competitive Mergers and Consumer Protection**

Merger control represents a preventive aspect of competition law, attempting to stop the creation or strengthening of market positions that could harm consumers. The forward-looking nature of merger analysis requires authorities to predict competitive effects and balance potential consumer harms against efficiency benefits.

Modern merger analysis incorporates sophisticated economic techniques, including merger simulation and coordinated effects analysis. The challenge lies in accurately predicting future competitive dynamics while ensuring that legitimate business combinations that benefit consumers are not prevented. Recent developments in merger enforcement demonstrate increased attention to theories of harm that may not be immediately apparent but could affect consumers over time.

Digital market mergers present particular challenges, as traditional market share metrics may not adequately capture competitive significance in markets characterised by network effects and data advantages.

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Competition authorities are developing new analytical frameworks to assess mergers involving digital platforms and data-driven business models, recognizing that consumer harm in these markets may manifest in ways that traditional analysis might miss.

## **Digital Markets and Consumer Protection Challenges**

### ***Platform Dominance and Consumer Welfare***

Digital platforms present unique challenges for competition law enforcement, as they often operate multi-sided markets where consumer harm may not be immediately apparent through traditional price-based analysis. The platform business model has the potential to pose a scenario in which consumers are free of charge to access service but advertisements or data monetization supports the activities of the model, rendering all types of welfare analysis difficult.

The self-referencing of platforms has become an important issue because of consumer protection. Where channels give preference to their products or services rather than those offered by third-party suppliers, consumers would lack choice, have poor quality or differentiate and charge higher prices on complementary services. Nevertheless, the consumer effects have to be examined meticulously to identify when such behavior becomes inappropriate business strategy and turns anti-competitive behavior.

Digital markets that have network effects and switching costs may also lead to circumstances in which consumers will yearn to remain platform-trapped despite other options that may benefit them more. The competition law should deal with these dynamics so that the digital markets remain profitable in terms of consumer benefits in the form of competitive pressure and innovation incentives.

### **Data and Privacy as Consumer Protection Issues**

Data protection and competition law has risen to the point of significance to the consumer welfare. The gathering and utilization of consumer data on digital platforms can generate competitive advantages that could not only encourage direct hurt on consumers due to the matters of privacy, but also indirectly by the absence of the competition pressure.

Competition authorities are designing policies to investigate the impact of data-based competitive benefits and their implications to the welfare of the consumer. It is a factor of either data gathering leading to barriers to entry which eventually are detrimental to the consumer by less innovation and choice. The issue is to strike the right balance between the expenditures data insight-based services will make consumers find worthwhile on the one hand and the possible damages of lessened rivalry on the other hand.

Privacy degradation has been perceived as possible type of consumer harm in competition probing. Whereby market power companies aggregate privacy by lowering

or withdrawing the contact of privacy or gathering truth through arranging an excessive quantity of data which are not connected to the betterment of the consumer then such can be considered a type of exploitation that should be dealt with through the competition law. Nevertheless, it is hard to address privacy issues in competition analysis because it is difficult to measure the degree of privacy betrayal and how this is correlated to the conventional measures of competition.

### **Ex-Ante Regulation and Consumer Protection**

The shortcomings of the standard ex-post approaches of competition regulation in the digital domain that is in rapid movement have resulted in emergence of ex-ante regression and control structures for consumers against platform conducts. These laws create certain duties and restrictions of clear platforms without having case by case study on the influences of competitive impact.

The ex-ante regulation is a notable breach of the classical competition law, where the priority of such regulation approaches certainty of regulations and consumer protection in the short-term rather than the determination of the economic conditions. Advocates say that this the best kind of consumer protection because the markets involved create situations when the protection needs to be timely and effective in markets where the old methods might be so slow that they will inflict too much damage to its subject.

One of the arguments being fronted against ex-ante regulation is that it has the potential to crush innovation and causes regulatory uncertainty that ends up being detrimental to the consumer through lack of investment and innovation.

### **Regulatory Integration for Gender Equality**

The future of the competition law is seen to lie more in embedding itself to other forms of regulations such as employment-equality laws. Equality regulators ought to collaborate with competition agencies and ensure that gender equality goals are promoted instead of being threatened by the market-based structures. This combined strategy acknowledges the enhancing nature of consumer protection and gender equality as complementary objectives that should be addressed in Media-coordinated regulation. With competition law undergoing transformation to meet the demands of digital markets and AI-related decision-making, there should be the concept of gender equality in order to make sure that competitive markets can offer higher benefits to wider social goals of inclusive economic development.

## **ARTIFICIAL INTELLIGENCE AND ALGORITHMIC CHALLENGES**

### **Algorithmic Coordination and Consumer Harm**

Tracing the growing application of artificial intelligence and algorithmic pricing presents new dilemmas in consumer protection by the competition law. Algorithms have the potential of enabling coordination at the competitor level lacking any formal cooperation

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between competitors, thus causing an increase in prices and the lack of innovation, which has negative effects on consumers.

The algorithms are not directed towards consumer protection with equal concern in different situations of algorithmic coordination. The generic cases of predictable agent, where algorithms are actively controlled by humans, can be discussed in terms of the conventional competition law impressions. Nonetheless, autonomous algorithmic action which has developed as a result of machine learning processes challenges the conventional concept of corporate responsibility and willful organization.

The consumer effects of this algorithmic coordination potential are huge, since algorithmic coordination has the potential to align pricing throughout an entire market better than a conventional cartel. Competition agencies are devising means of detection and means of enforcement to deal with these emerging consumer harms, although a huge problem arises in proving the coordination and liability.

#### **AI Market Concentration and Consumer Choice**

The markets on artificial intelligence are becoming concerned, in terms of the impact of concentration and the influence on consumer choice and innovation. The competitive access by huge technology firms in terms of data access, computing capabilities and acquisition of talent can enable barriers to entry that eventually become detrimental to the consumer in terms of lack of competition.

Regulatory agencies are looking at market forces in AI where concentration may have an impact on consumers exposed to harm. This involves examination of vertical integration plans, sole dealing and such other measures that may impose competition restriction on AI service suppliers. The difficulty in doing so is identifying the existence of fair competitive advantage and actively engaging in practices such that it will sustain market power unnaturally at the expense of the consumer.

The AI marketplace concentration has a consumer protection characteristic which goes beyond immediate service delivery to the impacts of innovation in the long run. Should these concentration issues stifle the motivation to innovate or deny the variety of different ways of developing AI, consumers can lose by failing at accelerated technological growth and by having fewer options when it comes to demand the services of the AI.

**5.3 Algorithmic Transparency and Consumer Protection**

The lack of transparency in the algorithms used in decision-making creates barriers to consumer protection whereby customers would be in a position to know how the platform sets prices and content selection, services delivery, among others. The enforcement of the competition laws is becoming aware that more and more transparency by the algorithms is necessary to measure its impact on competition and consumer protection.

In compliance by design requirements, firms are required to make sure that their algorithms are consistent with the laws of competition since the advancement phase. This approach aims to prevent consumer harm before it occurs, rather than relying on ex-post enforcement to remedy violations. However, implementing such requirements presents significant technical and legal challenges.

"Outcome visibility" obligations require firms to monitor algorithmic behavior and correct anti-competitive outcomes even when algorithms were initially programmed in compliance with guidelines. This reflects recognition that machine learning systems may develop behaviors that harm consumers despite being initially compliant, requiring ongoing monitoring and adjustment to maintain consumer protection.

#### **Consumer Protection through Competition Law Enforcement**

##### ***Direct Consumer Benefits***

Competition law enforcement delivers direct consumer benefits through multiple channels, with effective cartel prosecution providing the clearest examples of consumer protection. Studies demonstrate that successful cartel enforcement can generate substantial consumer savings through prevented overcharges and restored competitive pricing.

Beyond pricing effects, competition law protects consumers by preserving choice and promoting innovation. Competitive markets provide incentives for firms to develop new products and services, improve quality, and respond to consumer preferences. Competition is also complicated in relation to innovation but to some point there may be necessity of market power to offer sufficient incentive of innovation.

##### ***Indirect Consumer Protection***

The competition law serves to ensure that markets bring customer benefits to markets over time by avoiding excessive concentration and in maintaining competitive pressures on large companies.

This mindset has gained more significance in technology markets whereby the time span of innovation has been short and the market position can change very fast.

Enhanced preserved market structure maintained by competition law can avoid consumer having limited options, paying a high price or less innovation, as a result of an excessive market concentration. This consumer protection preventative is reached by providing a competitive Pressure which would discipline the conduct of the firms even in no threats of competitive threat.

##### **Challenges in Measuring Consumer Impact**

Measuring the consumer implication of competition law implementation is still a challenge, especially on exclusionary practices at the expense of indirectly harmed consumers due to loss of competitive pressure.



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Customers traditional economic analysis is concerned with the effects created by a price, but the customers can equally be impacted by quality, innovation and service dimension, which are harder to quantify.

The digital markets pose certain issues of measurement because the conventional price-based measurements might be insufficient in an instance where consumers are being provided with free services masked under advertising or monetization of data. Regulatory agencies are devising newer strategies of evaluating consumer damage in such markets, which involve the influence of privacy, decline in quality, and subdued innovativeness drive.

Measurement of impact may get complicated due to the temporal aspect of consumer harm because anti-competitive practices may offer short-term consumer benefits but long-term consumer harms. Competition authorities must balance these considerations whilst maintaining enforceable standards that provide clear guidance to businesses about permissible conduct.

## **THE INTERSECTION OF COMPETITION LAW AND CONSUMER PROTECTION**

### **Complementary Objectives**

The stocks in competition law and consumer protection law not only have some complementary aims of guardian consumer welfare but also take methods and analytical instruments. The consumer protection law normally deals with particular practices which can injuriously have a direct impact on the consumers but the competition law deals with competitive market structures, which indirectly benefits the consumers due to the competitive pressures.

The convergence of these legal strategies has proved to be all the more significant in the field of digital markets, where launching platforms can take part in the practices that breach the principles of competition as well as consumer protection. Deceptive advertising, inequitable conditions on the contracts as well as intrusions on privacy by the major platforms not only reduce the consumers directly but also the competitive behaviors as well. By incorporating competition as well as consumer protection agencies can improve the overall consumer welfare by mitigating short-term and structural market issues that facilitate these harms. This must, however, be done with a lot of care to the jurisdictions and areas of enforcement interest to prevent overlap when it comes to regulations and competing demands.

### **Regulatory Challenges and Consumer Rights**

Consumer harm that exists via sophisticated economic processes as opposed to direct business relationships makes application of consumer rights under the competition law especially challenging. The legislation in the competition law paying attention to the market structure and the competitive process is not always in consonance with the situation of the individual harm experienced by the consumers.

In alleviating the risk posed by competition policy failures in the context of individual consumer law, there has proven to be increased significance in utilizing class action techniques and in-house administrative processes. These processes help consumers to get compensation in case of competition law breach as well as pursuing greater enforcement goals based on incentives offered in case of litigation.

### **Future Integration Challenges**

The further development of consumer protection based on competition law is likely to entail that the competition policy is more closely aligned with other regulation schemes such as data protection, consumer rights and sector based regulation. It should be a kind of hunting ground that ensures enough consumer protection and at the same time retain competitive markets and a motive to be innovative.

The success of integrated approaches to consumer protection will depend on maintaining focus on consumer welfare outcomes rather than regulatory process considerations. This requires ongoing evaluation of regulatory effectiveness and adaptation of approaches based on empirical evidence of consumer impact rather than theoretical frameworks alone.

### **Gender Dimensions in Digital Platform Employment**

The digital platforms have not only generated new jobs, but also new gender-related discrimination, and the competition law is required to respond to it. The platform algorithms can continue supporting gender discrimination in job performance and matching, assignment of gigs, and job performance evaluation, which essentially places boundaries on equal employment opportunities by women. The competition agencies have to understand that domination in the platform may bring out gender inequality where competitive power is utilized to perpetrate discriminatory behavior without the need to be competitive. The give and take of algorithm-based decision-making and gender equality mean that the competition law enforcement power should include the effects of market concentration to decrease the motivation of the platform to combat gender bias in employment-related services.

### **Innovation and Gender-Inclusive Employment Practices**

Competitive markets encourage innovation not just to products and services but to working practices such as programs of gender equality. Once companies are faced with actual competition; there are greater reasons to initiate an inclusive work environment and policies that can capture talent of various nature and maintain it. The resulting effect of competition law in protecting the competition in the market, which ensures gender equality, is because when there is no competition concentrated in the market, then there will be no competitive pressure to develop competitive employment practices. The involvement of companies in competitive markets in gender equality measures is

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likely to increase more so as a strategic tool of improving competitive advantage due to better use of talents and better corporate image.

## CONCLUSION

Competition law is crucial for preventing anti-competitive practices and protecting consumers, but it needs to adapt to evolving markets and technologies. Its core goal of ensuring consumer welfare through competitive markets remains, but the methods must change to address new anti-competitive behaviors and market dynamics. Digital markets, AI, and data-driven models challenge and create opportunities for consumer protection via competition law. While traditional methods need significant updates, the basic principles of competition law are still vital for protecting consumers in today's markets. New ex-ante (preventative) regulations are a major development in competition policy, but their long-term effectiveness in consumer protection is yet to be proven. Competition law and consumer protection are linked in complex ways, affecting prices, quality, and indirectly, competitive market structures. It is probable that future competition rights will be more intertwined with other laws, more technologically enforced, and seeking new ways to analyse a new competitive circumstance. All these adaptations will ensure that the competition law continues playing the decisive role of ensuring that consumer interest is served and the promotion of competitive markets that provide consumers with superior prices, quality, greater choice, and constant innovation. The effectiveness of the competition law in safeguarding consumers does not just depend on the sophisticated enforcing tools but also a clear sense of concentration towards consumer welfare outcomes. With markets changing and emerging challenges, the competitive law has to be flexible when it fulfills the core endeavor of ensuring markets are consumer-oriented through competitive dynamics at a low price, quality, greater choice and continuous innovation.

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