



COMPETITION COMMISSION OF INDIA

(Combination Registration No.C-2015/11/341)

30.12.2015

Notice u/s 6(2) of the Competition Act, 2002 given by Strides Shasun Limited

Order under sub-section (1) of Section 31 of the Competition Act, 2002 (“Act”)

CORAM:

Mr. Ashok Chawla
Chairperson

Mr. Sudhir Mital
Member

Mr. U. C. Nahta
Member

Mr. M.S. Sahoo
Member

Mr. G. P. Mittal
Member

Legal representative: DSK Legal

1. On 20.11.2015, the Competition Commission of India (“**Commission**”) received a notice given under sub-section (2) of Section 6 of the Act (“**Notice**”), by Strides Shasun Limited (“**Acquirer**”). The Notice was filed pursuant to the execution of various transaction documents between the Acquirer and Johnson and Johnson (“**J&J**”), N R Jet Enterprises Private Limited (“**NR Jet**”) and Johnson and Johnson Private Limited (“**J&J India**”) on 21.10.2015. As per the information given in the Notice, the proposed combination relates to the acquisition of certain intangible assets viz. trademarks, goodwill and know-how pertaining to certain products by the Acquirer from J&J, NR Jet and J&J India (“**Target Business**”).



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2. The proposed combination falls under Section 5(a) of the Act.
3. The Acquirer is a public limited company and is stated to be engaged in the development and manufacturing of pharmaceutical products. J&J is stated to be a publicly held corporation listed on New York Stock Exchange. J&J, through its various subsidiaries, is engaged in research and development and manufacture and sale of a broad range of products related to human health and well-being. J&J India is a company incorporated in India and is stated to be a subsidiary of J&J. Its business activities can be categorized into three segments viz, pharmaceuticals, consumer healthcare and medical devices. NR Jet is a private limited company incorporated in India and is stated to be a subsidiary of J&J India. As per the information given in the Notice, at present, NR Jet does not have any commercial operations.
4. In relation to the pharmaceutical formulations business, the Commission in its previous orders defined the relevant product market at the molecule level i.e. the medicines/formulations based on the same active pharmaceutical ingredient (API) constitute a separate relevant product market. It is observed from the information given in the Notice that there is no overlap between the parties to the combination at the molecule level. It is also noted that the Acquirer is also engaged in the API business which is the primary input in the manufacturing of formulations. In this regard, it has been submitted that the Acquirer does not sell any API in India which can be used as an input in the Target Business.
5. Considering the facts on record and the details provided in the Notice given under sub-section (2) of section 6 of the Act and assessment of the proposed combination on the basis of factors stated in sub-section (4) of Section 20 of the Act, the Commission is of the opinion that the proposed combination is not likely to have an appreciable adverse effect on competition in India and therefore, the Commission hereby approves the same under sub-section (1) of section 31 of the Act.
6. This order shall stand revoked if, at any time, the information provided by the Acquirer is found to be incorrect.



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7. The Secretary is directed to communicate to the Acquirer accordingly.