

# Annexure I

This annexure contains a list of the cases that were surveyed in the Report in order to study judicial responses to the complexities of digital platforms. These responses were categorised as relating to either 'Integration' attributes, or 'Influence' attributes, explained on page 35-36 of the report.

The list of cases was aggregated using the following method:

1. A universal sample was chosen of all cases from 5 legal databases: Westlaw (UK), Westlaw (US), Supreme Court Cases (India), BAILII (UK) and EUR-Lex (European Union). Please note that this sampling was done in November 2019, and therefore, cases available on these databases after that date are not included in this sample.
2. These databases were searched for the terms "online platform", "digital platform" and plural variants of the same phrases. This search led to a collection of 524 cases.
3. This database was further refined by excluding cases on the following three grounds:
  - a. The phrases 'online platform(s)' or 'digital platform(s)' are used merely to describe one of the parties in the judgment.
  - b. The reference to the phrases 'online platform(s)' or 'digital platform(s)' is incidental.
  - c. The judgment does not recognise an aspect of platform design as contributing to the characteristic of an "Integration attribute" or an "Influence attribute". Do note that this involves subjective assessments, and a scaled application of this method may require inter-coding of this exclusion in order to build reliability
4. After the exclusions mentioned above, we arrived at a database of 150 cases across four jurisdictions. These cases were studied for observations about platform design that could be classified as an Integration/Influence attribute. This list of cases is mentioned from the next page onwards:

## List of cases

### United Kingdom

SNo	Case
1.	Agents' Mutual Ltd v Gascoigne Halman Ltd (t/a Gascoigne Halman) [2017] CAT 15 (5 July 2017)
2.	Agilisys Ltd v. CGI UK, [2018] ScotCS CSOH_112 (04 December 2018)
3.	Ahmed v. Wardle ,2019] 6 WLUK 810
4.	Ang v Reliantco Investments Ltd, [2019] 3 W.L.R. 161
5.	Apple Distribution International v Commission (Competition - Action for annulment - State aid - Aid planned by Germany to fund film production and distribution - Order) [2018] EUECJ T-101/17_CO (27 July 2018)
6.	Ard v British Sky, C 154/00, EU
7.	Asian Music Circuit, R (on the application of) v Arts Council England [2012] EWHC 1538 (Admin) (01 June 2012)
8.	Asociacion Profesional Elite Taxi v Uber Systems Spain [2018] 2 C.M.L.R. 20
9.	British Sky v Sky Homes, 2006 EWHC 3165
10.	Commission v IIC (Research, information, education, statistics) [2007] EUECJ T-500/04 (22 May 2007)
11.	Coty Germany v. eBAy International [2012] E.T.M.R. 20
12.	David McBrayne Ltd v. Atos IT Ltd [2018] ScotCS CSOH_32 (05 April 2018)
13.	England And Wales Cricket Board Ltd & Anor v Tixdaq Ltd & Anor [2016] EWHC 575 (Ch) (18 March 2016)

14. Filmflex Movies Limited v Piksel Ltd 2015 WL 685455
15. Football Dataco Ltd. v. Sportrader [2011] E.C.C. 16
16. George & anor v AVA Trade (EU) Ltd. [2019] IEHC 187 (29 March 2019)
17. Gladman Developments Ltd v West Oxfordshire DC [2017] P.A.D. 3
18. Google Android [2018] 7 WLUK 948
19. Google LLC v. European Commission [2019] 4 C.M.L.R. 35
20. Jack Wills Ltd v House of Fraser (Stores) Ltd [2014] E.T.M.R. 28
21. JML Direct Ltd v Freesat UK Ltd [2009] EWHC 616 (Ch) (26 March 2009)
22. King v Sash, C 214/16 EU
23. Lloyd v Kruger [2018] EWHC 2011 (Comm) (27 July 2018)
24. Match Group LLC 2019 WL 00400226
25. Mediaset v Commission (State aid) [2011] EUECJ C-403/10 (28 July 2011)
26. News Corp UK & Ireland Ltd v Revenue and Customs (VAT - ZERO-RATING : Newspapers) [2018] UKFTT 129 (TC) (08 March 2018)
27. Re E-Book MFNs and Related Matters (Amazon) [2017] 5 C.M.L.R. 14
28. Re Google Search (Shopping) [2018] 4 C.M.L.R. 12
29. Revenue and Customs Commissioners v Hargreaves Lansdown Asset Management Ltd [2019] 8 WLUK 36
30. Royal Cornwall Hospitals NHS Trust v Cornwall Council [2019] EWHC 2211 (TCC) (13 August 2019)
31. Sony and Sony Electronics v Commission [2019] EUECJ T-762/15
32. Stichting Brein v Google Inc & Google Ireland Ltd [2016] E.C.D.R. 16
33. Tabidi v British Broadcasting Corporation (SEX DISCRIMINATION -- Costs) [2019] UKEAT 0272_18_1303 (13 March 2019)
34. Taurus-Film GmbH & Co. v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM). (Community trade mark) [2001] EUECJ T-135/99 (31 January 2001)
35. Televising Premier League Football Matches, Re Chancery Division (Restrictive Practices Court), 28 July 1999, [1999] 7 WLUK 611
36. Toshiba Samsung Storage Technology Corp v. European Commission [2019] 5 C.M.L.R. 13
37. Uber B.V. ("UBV") & Ors v Aslam & Ors, 2016 10 WLUK 681
38. Uber B.V. ("UBV") & Ors v Aslam & Ors 2017 IRLR 4
39. Uber B.V. ("UBV") & Ors v Aslam & Ors [2018] EWCA Civ 2748 (19 December 2018)

## India

S No	Case
1.	Accor and Anr. v. Ajay Gupta 2019 SCC OnLine Del 8738
2.	All India Online Vendors Association v. Flipkart India Private Limited and Another 2018 SCC OnLine CCI 97
3.	Amway India Enterprises Pvt. Ltd v. 1MG Technologies Pvt. Ltd and Ors. 2019 SCC OnLine Del 9061
4.	Bayer AG, In re, 2018 SCC OnLine CCI 69
5.	Black Ticket Films v. Walter Philip, 2017 SCC OnLine Bom 5368
6.	Christian Louboutin Sas v. Nakul Bajaj and Ors. 2018 SCC OnLine Del 12215
7.	Confederation of Real Estate Brokers' Association of India v. Magicbricks.com and Ors. 2016 SCC OnLine CCI 19 : [2016] CCI 19
8.	Everstone Capital Advisors Pvt. Ltd v. Akansha Sharma & Ors. 2018 SCC OnLine Del 10167
9.	Fast Track Call Cab Pvt. Ltd. v. ANI Technologies Pvt. Ltd., 2017 SCC OnLine CCI 36

10.	Flipkart Internet Pvt. Ltd. v. Flipkartwinnerdraw.com and Ors 2019 SCC OnLine Del 8382 : (2019) 261 DLT 115
11.	Hathway v ESPN, 2011 SCCOnline TDSAT 354
12.	Indraprastha People v. Union of India, 2013 SCC OnLine Del 1380
13.	Indusind Media v Mediapro, 2012 SCCOnline TDSAT 706
14.	Indusind Media v Star Den, 2011 SCCOnline TDSAT 384
15.	Intermedia Cable v Taj Television, 2011 SCCOnline TDSAT 355
16.	Jasper Infotech Pvt. Ltd. v. KAFF Appliances 2019 SCC OnLine CCI 2
17.	Jeevan Telecasting v Asianet Satellite Communication, 2011 SCCOnline TDSAT 481
18.	Justice K.S. Puttaswamy (Retd.) v. Union of India, 2018 SCC OnLine SC 1642
19.	Justickets Pvt. Ltd. v. Big Tree Entertainment Pvt. Ltd. 2017 SCC OnLine CCI 14
20.	K.S. Puttaswamy (Aadhaar-5J.) v. Union of India (2019) 1 SCC 1
21.	K.S. Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 SCC 1
22.	Kansan v Fastway, 2012 SCCOnline TDSAT 311
23.	M/s Counfreedise v. Timex Group India Limited 2018 SCC OnLine CCI 67
24.	Matrimony.com Limited v. Google LLC, 2018 SCC OnLine CCI 1
25.	Matrimony.com Ltd. v. Google LLC 2018 SCC OnLine CCI 1
26.	New Balance Athletics v. Apex Shoe Company Pvt. Ltd 2019 SCC OnLine Del 7393
27.	Notice filed by Walmart u/s. 6 of the Competition Act 2018 SCC OnLine CCI 103
28.	Ortel Communications v Taj Television, 2012 SCCOnline TDSAT 506
29.	Sholay Media & Entertainment (P) Ltd. v. Vodafone Essar Mobile Services Ltd., 2011 SCC OnLine Del 2147
30.	Star India v DIPP, 2018 SCCOnline Mad 1595
31.	Stelling Technologies Pvt. Ltd. (Railyatri.In) and Another v. Indian Railway Catering and Tourism Corporation Ltd., 2019 SCC OnLine Del 7921
32.	Taj Pharmaceuticals Ltd. v. Facebook and Ors. 2015 SCC OnLine CCI 173
33.	Myspace v. Super Cassettes, 2016 SCC Online Del 6382
34.	Toyota Jidosha Kabushiki Kaisha v. Deepak Mangal and Ors 2016 SCC OnLine Del 3809 : (2016) 158 DRJ (SN) 698
35.	Viacom 18 Media Private Ltd. v. MSM Discovery Pvt. Ltd., Mumbai, 2010 SCC OnLine TDSAT 561
36.	Viraj Cable Network v Wire and Wireless, 1010 SCCOnline TDSAT 575
37.	Walt Disney v UTV, 2011 SCCOnline CCI 104
38.	Zee Turner v TRAI, 2010 SCCOnline TDSAT 935
39.	Zulfiqar Ahman Khan v. Quintillion Business Media Pvt. Ltd. and Others, 2019 SCC OnLine Del 8494

## ***United States of America***

<b>S. No</b>	<b>Case</b>
1.	Abella v Student Aid, Civil Action No. 15-3067 (E.D. Pa. Oct. 30, 2015)
2.	Airbnb v Boston, 386 F. Supp. 3d 113 (D. Mass. 2019)
3.	Airbnb v San Francisco, Case 3:16-cv-03615-JD (ND California, U.S. District Court, 2016)
4.	Arfa v Mecox, 2012 WL 697155 (S.D.N.Y Mar. 5, 2012)
5.	Azar v Yelp, Case No. 18-cv-00400-EMC (9 <sup>th</sup> Circuit, ND California, 2018)
6.	Baghdasarian v Amazon, 258 FRD 383 (2009)
7.	Bass v Facebook, 394 F. Supp. 3d 1024
8.	Capitol Records v Vimeo, 972 F. Supp. 2d 500
9.	Carroll v American Empire Surplus Lines, 289 F. Supp. 3d 767 (E.D. La. 2017)

10. Chamber of Commerce v City of Seattle, No. 17-35640, at 31 (9th Cir. May 11, 2018)
11. Christine Asia v Alibaba, 192 F. Supp. 3d 456
12. City of Portland v HomeAway, 240 F. Supp. 3d 1099
13. Clayborn v Twitter, No. 3:2015cv01984 (9th Cir, D. O.R. 2016)
14. Cunningham v Montes, No 17-2516 (7th Cir, 2018)
15. Deltona Transformer Corp v Noco Company, case number 6:19-cv-0030 (11th Cir, MD FL 2019)
16. Digital IRA (Bitcoin IRA) v Kingdom Trust Company, No. 19-CV-4137-KES. (8th Cir, D S.D. 2019)
17. Dolce & Gabbana Trademark v TXT Enterprises, case number 1:14-cv-00855,
18. Dyroff v Ultimate Software,
19. Experience Hendrix v Tiger Paw, No. 4:2016cv00107 - Document 100 (S.D. Ga. 2016)
20. Gardner v CafePress, No. 3:2013cv01108 - Document 48 (S.D. Cal. 2014)
21. Gaza v Auto Glass, No. 8:17-cv-1811-T-27AEP, 2018 WL 5775915 (M.D. Fla. Nov. 2, 2018)
22. Green v YouTube, Civil No. 18-cv-203-PB (D.N.H. Mar. 13, 2019)
23. Gucci America v Alibaba, case number 1:15-cv-0378
24. Hare v Richie, Civil Action No. ELH-11-3488 (4th Cir, MD 2012)
25. Harrington v Airbnb, Case No. 3:17-cv-558-YY
26. HomeAway v City and County of San Fransisco, Case No. 14-cv-04859-JCS
27. Homeaway v Santa Monica, No. 18-55367 (9th Circuit, 2019)
28. In re Jumei International Holding, 14cv9826 (S.D.N.Y. Jan. 10, 2017)
29. In re Quirky, Case No. 15-12596 (MG)
30. In re: Daily Fantasy Sports Litigation, 1:16-md-02677
31. IntegrityMessageBoards v Facebook, case number 4:18-cv-05286
32. Johnson v New Destiny Christian Center Church, 303 F. Supp. 3d 1282 (M.D. Fla. 2018)
33. Lateral Link v Habeas Corp, Case No. CV 14-05695-JAK (JEMx) (C.D. Cal. Jun. 22, 2016)
34. Lawson v Grubhub, 302 F. Supp. 3d 1071 (N.D. Cal. 2018)
35. Levitt v Yelp, No. C-10-1321 EMC, CONSOLIDATED WITH No. C-10-2351 EMC (N.D. Cal. Oct. 26, 2011)
36. Lightbox v 3rd Home, No. 16cv2379 (DLC) (S.D. N. Y. 2018)
37. Lightbox Ventures v 3rd Home, No. 16cv2379 (DLC) (S.D. N. Y. 2018) (Trial Court Opinion)
38. Long v Dorset, 369 F. Supp. 3d 939 (N.D. Cal. 2019)
39. Lopez v Bonanza.com, 1:17-cv-08493
40. MA v Wyndham Hotels and Resorts, Case No. 2:19-CV-849 (S.D. Ohio Dec. 9, 2019)
41. Malibu Media v John Doe, 1:14-cv-493 (S.D. O.H. 2015)
42. Mavrix v Livejournal, Docket Number: 14-56596 (9th Cir, US Court of Appeals, 2017)
43. Mazur v EBay, 2008 WL 618988, 2008 US Dist. LEXIS 16561 (N.D. Cal. Mar. 4, 2008)
44. Microsoft v Geotag, Case. 1:11-cv-00175
45. Mustafin v Greensky, o. 1:2018cv11071 - Document 76 (S.D.N.Y. 2019)
46. MyPlayCity v Conduit, 589 F. App'x 55
47. Oberdorf v Amazon.com, 3d Cir. en banc, No. 18-1041
48. Ohio State University v Teespring, case number 2:14-cv-00397
49. Ohio State University v Redbubble, S.D. Ohio, No. 17-cv-1092
50. Otimo Music v Royalty Exchange, case number 1:18-cv-00006
51. Palmucci v Twitter, Case No. 18-cv-03947-WHO
52. Parisienne v HeyKorean, 1:19-cv-02257
53. Perez v Amalgamated Transit Union, No. 8:2016cv02052 - Document 25 (D. Md. 2017)
54. Piazza v Airbnb, 289 F. Supp. 3d 537

55. Porras v StubHub, No. C 12-1225 MMC
56. Rose Law Firm v Mahler, No. 3:2018cv01536 - Document 12 (D. Or. 2019)
57. Smith v eBay, No. 3:2010cv03825 - Document 72 (N.D. Cal. 2012)
58. Stage 32 v Tuccio, Case No. 2:18-cv-09800-ODW (JEMx)
59. Trust Safe Pay v Dynamic Diet , Civil Action No. 17-10166-MPK (D. Mass. Sep. 8, 2017)
60. US v DiTomasso, 552 F. Supp. 2d 233
61. US v Schaefer, No. 3:17-cr-00400-HZ (D. Or. May. 7, 2019)
62. US v Ulbricht, No 15-1815 (2d Cir. 2017)
63. Viacom International v Youtube, No. 07 Civ. 2103, 2010 WL 2532404 (S.D.N.Y 2010)
64. Warner Bros v Slaughter, Case No. CV 13-0892-DOC(RNBx)
65. Washington Post v McManus, No. 19-1132 (4th Cir. 2019)

## *European Union*

S No	Case
1.	AirBnb Ireland [2019] EUECJ C-390/18_O
2.	Case C-329/02 P. SAT.1 SatellitenFernsehen GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).
3.	Case C-434/15 Asociación Profesional Elite Taxi v Uber Systems Spain, SL.
4.	Case T-158/00 Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (ARD) v Commission of the European Communities.
5.	Case T-177/07 Mediaset SpA v European Commission
6.	Case T-500/04 Commission of the European Communities v IIC Informations-Industrie Consulting GmbH.
7.	Spreadex Ltd v Cochrane [2012] EWHC 1290 (Comm)