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DISNEY RELIANCE: A STRATEGIC ALLIANCE

Rituparna Panda[1]

I. ABSTRACT

This research paper mainly highlights the seismic shift within India's entertainment sector led by non-other than billionaire Mukesh Ambani and Bob Iger, CEO of Disney. It mostly elaborates on the ambitious collaboration, between RIL's media unit Viacom18 and the global media Walt Disney forming an unrivalled corporation which will be led by Nita Ambani and will be vice chaired by Uday Shankar. This paper also tries to draw attention towards the strategic collaborative efforts between Reliance Industry and Walt Disney that goes beyond the traditional business framework, defining a watershed event that not just recasts India's consumption of content but also establishes a worldwide standard for operational synergy in the media and entertainment industries.

II. KEYWORDS

Media Joint Venture, Streaming Services, Content Library, Streaming Platforms, Digital Transformation.

III. INTRODUCTION

Reliance industries, India's one of the enormous conglomerates, which has branched out into the entertainment industry with its wholly owned subsidiary i.e., Reliance Entertainment. This entertainment behemoth operates film productions, television networks such as Colors and Star Sports, the Jio Cinema streaming platform, animation studios, and even home entertainment distribution. Reliance's priority for Indian programming, wide collection, tightly integrated operations and the recent foray into digital streaming cement its position as a significant player defining the future of Indian entertainment.

[1] Birla Global University, Bhubaneswar

Similarly, The Walt Disney Company rose from a modest start in the year 1923 which turned into an internationally renowned entertainment powerhouse. While animation remained a significant component of their business with reputable companies such as Pixar and Walt Disney animation which are generating adored masterpieces such as Mickey mouse and Toy story. It also involves purchasing big film studios like Marvel (home of Iron Man and the Avengers) and Lucasfilm (home of the Star Wars universe), which will assist them to diversify their content portfolio. Traditional cable subscriptions are dwindling, driving people into streaming services such as Netflix, Disney+, Amazon Prime Video etc. creating a revelry environment for firms. To draw in and hold on to the viewers studios and platforms are spending extensively in innovative material while also purchasing old libraries with an emphasis upon high-quality content.

The Disney-Reliance joint venture makes perfect sense. As it offers Disney's renowned content collection and its worldwide popularity and reliance's massive establishment in the enormous Indian market and its powerful telecommunications infrastructure through Jio. This arrangement puts them in an excellent position to compete efficiently in the worldwide streaming sector.

IV. RESEARCH OBJECTIVES

1. To ensure complete compliance with Indian laws, regulations and policies that regulates media, entertainment and commercial activities resulting in smooth and consistently boost for the Joint Venture.
2. The goal is to delve into terms and conditions through an in-depth investigation of the joint venture agreement that seeks to diminish risks, promote fair transactions, and enhance transparency, resulting in an adequate and mutually profitable operating structure.
3. To successfully navigate anti-trust legislation by analysing the market supremacy, detecting anti-competitive activities, and assessing merger control measures.

V. RESEARCH QUESTIONS

1. How will the aggregate market share of the Disney- reliance joint venture affect competition in the Indian media industry, and will regulatory authorities intervene due to anti-trust concerns?
2. Will the joint venture result in more investment towards the content creation? What consequences will it have on the current media ecosystem in India?
3. What are the major legal and regulatory challenges that the joint venture might confront in India and other operating countries? How will the contractual framework between the two firms be organised?

VI. RESEARCH HYPOTHESES

1. The executed merger between Disney and Reliance is expected to have an extensive effect on the Indian media sector. This merger of massive streaming services and television networks anticipates about probable monopolistic authority over advertising pricing and market domination, specifically regarding the cricket broadcasting rights. Because of this integration which resulted in large market dominance in both TV and OTT, the legal experts are expecting the Competition Commission of India (CCI) to conduct antitrust investigations. Regulatory intervention might be required to demolish anticompetitive activity, ensuring fair competition in the market.
2. This proposed merger is expected to result in increased investment towards content development as both the companies has the required resources and expertise as well. This injection of funding is expected to improve the quality and variety of content accessible to Indian audience, leading to a more diversified entertainment environment. Furthermore, this joint venture has chances benefiting from the content synergies and cross-promotion techniques improving the exposure and reach of both the firms. However, these advancements might lead to issues faced by the small competitors in the market, who might face a lot of challenges while competing with this

dominance created by this merger and might require to pursue the novel methods and alliances to stand in this competitive market.

3. This venture while leading to significant changes in the entertainment industry also open to many legal challenges like the CCI might presumably raise some antitrust concerns relating to the market dominance, complexities in licensing the content, challenges regarding the intellectual property rights and the cross-border restrictions required to be taken into considerations. Data privacy, broadcasting and merger approvals add up as a challenging circumstance. A strong contractual frame work is needed which requires to consists of ownership, investments and these can only be controlled by the legal agreements, and the contracts that addresses exclusive rights, content licencing and integration plans providing as successful groundwork despite of the numerous legal challenges.

VII. RESEARCH METHODOLOGY

The research methodology adopted in this paper is purely doctrinal in nature. Doctrinal research, also known as library-based research, is a distinctive method of conducting legal research that involves the study and analysis of existing legal provisions, case laws, and scholarly works. This methodology is well-suited for examining the theoretical and conceptual aspects of law and for providing a systematic exposition of legal doctrines and principles. The primary sources relied upon in doctrinal research include statutory materials, judicial precedents, and authoritative texts, while secondary sources such as commentaries, articles and legal digests are also consulted. The research process involves the identification, collection, and critical analysis of these sources to draw logical conclusions and offer insights into the legal issues under investigation. Through doctrinal research, this paper seeks to provide a comprehensive and coherent understanding of the legal framework governing the subject matter at hand.

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VIII. LITERATURE REVIEW

This paper mainly highlights the significant change in the Indian media landscape. This review investigates the possible research fields and pertinent current literature to assess their effect and consequences. It throws light on the different positive aspects such as market leadership that can be gained by combining their subscriber base and content libraries, it offers mutual benefits which can be obtained by each other's assets and renowned skill sets and many more, which is expected from this venture to be accomplished. Many essentials and key points to be kept in mind while entering into n agreement has been analysed through various court judgements which includes **Continental construction ltd. and ors. v. state of Gujarat and anr. (1996), Ajay v. Kusum (2001),**

Gammon India Limited V. Commissioner Of Customs, Mumbai (2011), Faqir Chand Gulati V. Uppal Agencies Private Limited (2008), Tantia Constructions Limited V. Mather And Plant Pumps Limited (2023).

The literature reviewed in this paper provides a complete analysis of joint venture and the legal framework that highlights its essentials and drawbacks of the presented topic.

IX. MEANING, DEFINITION & EXPLANATION

A joint venture is an arrangement for business in which multiple parties mutually agree to pool their resources to accomplish a specific task. This task might be a new project or an additional business activity. In a joint venture each of the partner is accountable for its earnings, losses, and expenditures. Notably, the venture functions apart from the existing businesses of the partner.[2]

A. Formation and Structure

Joint ventures can be formed using variety of legal structures, it includes corporations, partnership, limited liability companies (LLCs) depending upon the nature of project

[2] Joint venture Definition & Meaning | Merriam-Webster Legal, https://www.merriam-webster.com/legal/joint%20venture.

and continuing goals. These ventures usually bring together various types to work on projects and commercial agreements, leveraging their individual skills to accomplish a common goal. Perhaps, one company is efficient at production processes while the other one has a solid network of distributors leading the joint venture in enhancing operations and optimise the productivity.

A joint venture requires a community of interest and a right to joint control. This means that all the partners involved in this venture have equal rights over how the business is managed and operated.[3] It is also very crucial to note that an agreement in a joint venture requires to be well defined. If any ambiguity found in the venture, then a partner dismissed from the venture if their activities harmed their interests.[4] Furthermore, Joint Ventures' utilise each other's abilities by integrating the knowledge and skill sets from their various areas of expertise. These joint ventures are frequently utilised as a strategy for accessing overseas markets. Companies may better transverse foreign markets and develop an enhanced international presence by exploiting regional expertise and preexisting distribution networks.

X. HISTORICAL BACKGROUND / EVOLUTION

Reliance Entertainment (REL) founded in 2005, has emerged as a prominent player in Indian entertainment with its diverse portfolio in of contents in cinema, sports, gaming and digital media with its branches like Reliance Animation and Reliance Big music strengthening their authority in this competitive market. Strategic investments in initiative such as Amblin partners demonstrate their commitment towards global collaboration.

REL's impact broadens not only to films but beyond that having massive synergies contribution to television. A historic relationship with Steven Spielberg in 2009 solidifies its worldwide presence. Their decision to enter the radio market with Big 92.7 FM which extends to Singapore demonstrates their ambition.

[3] Continental construction ltd. and ors. v. state of Gujarat and anr. (1996)1 GLR 651
[4] Ajay v. Kusum [AIR 2001 SC 618]

In a nutshell, REL's diverse content, investment strategies, and worldwide relationship establish it as a leader in influencing the Indian media landscape on the international stage.[5]

The Walt Disney Company (Disney) has a long legacy that has significantly influenced the entertainment industry. From its seedy beginnings in 1920, with Walt Disney animation efforts at the Kanasas City Film Ad firm, the firm swiftly gained popularity. The secret behind the successful cartoons such as "Alice in Cartoonland" in 1922 is the collaboration with Ub lwerks and Laugh-O-gram. The watershed movement was the relocation of Disney in1923 and was the opening path for Disney's long-standing success.

Despite of its unique animations, Disney has deliberately evolved throughout the year, branching into live-action films, television, theme parks. This growth reinforced its status as a worldwide media conglomerate. While hurdles came as its death in 1966, the company endured by expanding its portfolio with acquisitions such as ABC, ESPN, Pixar Animation Studio, Marvel Entertainment, and 20th Century Studios. Disney's impact stretches from generation by famous characters such as Mickey Mouse resulting in an everlasting mark on worldwide entertainment. Disney is still influencing the future of entertainment with its broad programming, inventive theme parks proficient acquisitions.[6]

XI. EXEMPLIFICATIONS OF CROSS-BROADER JOINT VENTURES

A. Tata Motors and Jaguar Land Rovers

Tata Motors an Indian Carmaker, made a substantial acquisition in 2008 of the well-known British brand Jaguar and Land Rover from American automaker Ford Motor corporation. This deliberate approach elevated Tata Motors from an exporter of commercial vehicles and small automobiles to a worldwide power having a portfolio of luxury brands in it.

[5] About Us - Reliance Entertainment, https://www.relianceentertainment.com/about-us/

[6] Walt Disney: How Entertainment Became an Empire, https://www.investopedia.com/articles/financial-theory/11/walt-disney-entertainment-to-empire.asp

This was an historic and the inaugural acquisition in the Indian corporation which had acquired such renowned British automative icons. This agreement gave Tata Motors the opportunity to acquire Jaguar and Land Rover's premium vehicles and luxury SUVs which resulted in an enormous financial commitment to assist JLR operation and new product launches. Despite of the preliminary doubts regarding Tata Motor's quality and standard, this British brand became prosperous under Tata's leadership after applying cost-cutting measures and increasing efficiency, demonstrating the acquisition success.[7]

B. Aditya Birla Group and Sunlife financial

Aditya Birla Sunlife Insurance Company Limited (ABSLI) is a noteworthy business in the Indian insurance market that came into existence on Aug 4, 2000 and started operating on 17th January 2001. It forms a 15:49 joint venture between these two companies. The Canadian financial services own 49% of the business while the Birla Group owns the 51% which provides a diverge range of insurance services such as, customer's life, including children's future plans, asset protection, retirement solutions, health plans, classic term plans, and Unit Linked Insurance Plans (ULIPs).[8]

C. Bharati Airtel and Singtel

It was a strategic change undergone by Airtel when Singtel sold 3.33% interest to Airtel. This transaction prioritizes the shareholder's profit while optimizing Singtel's capital. The two of the enterprise seek to eventually equalize their operational Airtel stakes. While singtel continued to maintain its long-term dedication, meanwhile Airtel retained its ownership strengthening the strategic alliance in India's competitive market. This initiative mostly emphasized in creating value while establishing a solid basis for Airtel's future.[9]

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[7] Tata Motors Completes Acquisition Of Jaguar Land Rover | JLR Media Newsroom, https://media.jaguarlandrover.com/node/4917

[8] Company Profile - Aditya Birla Sun Life Insurance, https://lifeinsurance.adityabirlacapital.com/about-us/company-profile.

[9] Bharti Airtel: Bharti Telecom acquires 3.33% Airtel stake from Singtel in $1.61 billion deal - The Economic Times, https://economictimes.indiatimes.com/industry/telecom/telecom-news/bharti-telecom-acquires-3-33-airtel-stake-from-singtel-in-1-61-billion-deal/articleshow/93765647.cms

XII. MOTIVATION FOR THE ALLIANCE

A. Market Dominance and Growth

The collaborative approach between Disney and reliance in the Indian history creates a powerful market presence in India. This collaboration strengthens their edge against other streaming platforms and media associations. Taking advantage of Reliance's jio massive customer base, the agreement intends to boost expansion of Disney's subscribers in India capitalizing the country's vast market potential. Furthermore this combination creates a content dynamo by Disney's library of films and TV series with reliance's assets and large group of users creating wide range of engaging content options not only in India but also in Global scale.

B. Strategic Advantages

This alliance not only benefits Disney but also is advantageous to Reliance by providing worldwide reach and distribution network. This collaboration promotes wider content dissemination and creates prospects for co-productions. Furthermore, the joint venture promotes operational synergies by pooling resources and infrastructure, resulting in cost savings and a more efficient overall operation.

C. Additional Considerations

The collaboration might encourage investment in generating Indian content for local audiences while simultaneously extending its worldwide appeal. Furthermore, the relationship might create breakthroughs in streaming technologies and content distribution systems, encouraging innovation in the Indian industry.

XIII. TYPES / KINDS

There are four kinds of joint ventures

1. **Project based joint ventures:** This cooperative venture functions as a project-based partnership. The main focus of this venture is on accomplishing a particular goal, such as creating a dominant position in the Indian media. Unlike a regular venture, this venture is valid for a specific period of time and will soon dissolve once the main objective of the venture is accomplished.

2. **Functional based Joint Ventures:** Companies form functional joint ventures to strategically exploit one others competence in certain areas, such as marketing and distribution. This complementary corporation enables them to do their job more efficiently or effectively compared to if they were operating alone. The goal is to maximize mutual benefits through synergies, resulting in an win-win situation for both partners.
3. **Vertical Joint Ventures:** Vertical joint ventures take place in the same course of business along a supply chain that connects enterprises at various levels (ex; Manufacturers and retailers). The main focus of these kind of venture is to simplify processes, lower overall cost and resulting improving the product qualities.
4. **Horizontal Joint Ventures:** Horizontal joint ventures bring together rivals from the same industry. By collaborating, they may pool resources like as manufacturing capacity, marketing reach, and intellectual property. This enables businesses to have a greater market presence, compete more effectively with other competitors, and perhaps benefit from economies of scale that would not be available if they operated separately. It is simply a strategic partnership for gaining a competitive advantage. The sort of joint venture chosen depends on the synergy goal of the company. Each category has its own unique way to perform that contributes to strategic progress.

XIV. CASE LAWS / PRECEDENTS / OVERRULINGS (IF ANY)

A. Sony Ericsson Mobile Communications ab v. Telefonaktiebolaget LM Ericsson[10]

In this case issue involves that Sony and Ericsson's joint venture to manufacture and sell mobile phone together. The issue began when Sony attempted to buy out Ericsson's interest in the joint venture. The case raised problems of value, breach of contract, and intellectual property rights. The accusations submitted by Intex and Micromax revealed an apparent abuse of power by Ericsson. The court also found that

10 W.P.(C) 464/2014 & CM Nos.911/2014 & 915/2014

the challenged directives were not issued without evidence and affirmed the findings of abuse of power.

B. Gammon India limited v. Commissioner of Customs, Mumbai[11]

In this case the joint venture doctrine was used to calculate customs duty. The court determined that the joint venture required two fundamental elements-

1. Shared Intent i.e., the documented collaborative intent for a certain project.
2. Contributing Action i.e. Concrete measures accepted by each participant to achieve the agreement's aim.
3. These essentials clearly establish legal standard for determining true joint venture.

C. Faqir Chand Gulati v. Uppal agencies private limited[12]

The case mainly emphasized on the ambiguity between partnerships and joint ventures, mainly stressing on the point that just labelling an arrangement "joint venture and collaborations" does not constitute it as a joint venture. Whereas shared control and common intent are the most essential characteristics to decide whether an agreement is a joint venture or not.

D. Tantia constructions limited v. Mather and plant pumps limited[13]

The court pondered on the joint and several liability in the context of a joint venture emphasizing the importance of Joint Venture Declaration in assessing culpability.

XV. CONCLUSION, SUGGESTIONS & RECOMMENDATIONS

The Disney- Reliance joint venture flourished by using Disney's creative capabilities and Reliance's extensive Indian market reach. Beyond success, the partnership taught key lessons for future collaborations, such as forming strategic alliances to utilise complementary capabilities, prioritising content localization, and adopting comprehensive risk management with contingency plans. In summary, this

[11] 2011 AIR SCW 4175
[12] (2008) 10 SCC 345
[13] 2023 Latest Caselaw 1165 Cal/2

collaboration demonstrates the potential of collaboration and adaptability, providing a beneficial path for future initiatives seeking significant results.

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