

COUDERT BROTHERS

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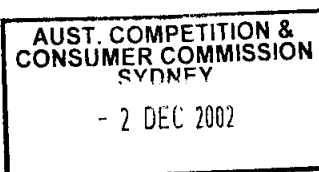
ASSOCIATED OFFICES

BUDAPEST, MEXICO CITY, PRAGUE, SHANGHAI

29 November 2002

BY COURIER

Mr Tim Grimwade
General Manager
Adjudications Branch
Australian Competition and Consumer Commission
C/- Level 7
Angel Place
123 Pitt Street
SYDNEY NSW 2000



Dear Sir

International Management Group of America Pty Ltd

We act for MasterCard Australia Limited which is entering into a promotion with International Management Group of America Pty Ltd (ABN 23 001 788 343).

On behalf of International Management Group of America Pty Ltd, we lodge the enclosed Notification pursuant to sub-section 93(1) of the Trade Practices Act 1974 (C'ith).

As you will see from the Notification, the conduct in question for this entity concerns the promotional offer of discounts or special offers to customers who use a MasterCard credit card to purchase products and services offered by this entity.

We enclose a cheque in the amount of \$100.00 in payment of the filing fee.

If you require any further information, please contact the undersigned on (02) 9930 7150.

Yours faithfully

Peter Norman

Direct line (61-2) 9930-7150
Direct fax (61-2) 9930-7117
Email peter.norman@sydney.coudert.com

Partner Peter Norman
Matter 44030.4

Encl.

FILE No:
DOC:
MARS/PRISM:

NO31204

AUST. COMPETITION &
CONSUMER COMMISSION
SYDNEY

- 2 DEC 2002

Form G

Commonwealth of Australia
Trade Practices Act 1974 --- Sub-section 93(1)

**EXCLUSIVE DEALING
NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or (9)(a), (b), (c) or (d) of that Act in which the person giving notice engages or proposes to engage.

1. (a) Name of person giving notice

International Management Group of America Pty Limited (ABN 23 001 788 343) ("IMG") is a company registered in Australia which manages sporting events and distributes merchandising relating to sporting events. Its current office is 281 Clarence Street, Sydney NSW 2000.

(b) Short description of business carried on by that person

IMG manages sporting events and distributes merchandising relating to sporting events.

(c) Address in Australia for service of documents on that person

C/- Peter Norman
COUDERT BROTHERS
Solicitors and International Attorneys
Level 8, Gateway
1 Macquarie Place
Sydney NSW 2000 Australia

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates

Merchandise available at the MasterCard Masters Golf Tournament event to be held at Huntingdale Victoria.

(b) Description of the conduct or proposed conduct

IMG proposes to enter into arrangements with MasterCard Australia Limited pursuant to which IMG proposes to:

- (a) offer to give or allow a discount, allowance, rebate or credit on its merchandising products available at the MasterCard Masters Golf Tournament on condition that consumers acquire the credit services of MasterCard; or

- (b) refuse to give or allow a discount, allowance, rebate or credit on its merchandising products available at the MasterCard Masters Golf Tournament to a consumer who has not acquired or has not agreed to acquire the credit services of MasterCard.

The proposed conduct

IMG proposes to offer discounts, allowances, rebates or credits to customers who purchase its merchandising products available at the MasterCard Masters Golf Tournament and pay for the product by a MasterCard credit card.

The proposed conduct will be of benefit to the public as it will:

- promote competition amongst retail operators involved in selling products similar to IMG's merchandising products;
- promote competition amongst providers of payment services; and
- provide businesses with potentially increased numbers of consumers shopping.

The proposed conduct will not lessen competition in the retail industry as:

- the Australian retail industry is very competitive;
- it is not unusual practice for retail operators to engage in promotions involving discounts, allowances, rebates or credits on products from time to time;
- it is not unusual for providers of payment services to engage in promotions involving discounts, allowances, rebates or credits on products offered by particular companies as long as payment for those products or services is made using that payment service;
- the proposed conduct is for a limited duration and the number of consumers who are potentially affected by the proposed conduct is negligible as consumers may obtain other added benefits/extras offered by other retail operators throughout Australia;
- consumers may still acquire IMG's products at the usual price without acquiring MasterCard credit services.

IMG believes that the benefits from the proposed conduct will outweigh any possible detriment that may arise from the conduct.

3. (a) Class or classes of persons to which the conduct relates

The public generally.

(b) Number of those persons:

Not applicable.

(i) At present time

Not applicable.

(ii) **Estimated within the next year**

Not applicable.

(c) **Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses**

Not applicable.

4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice

Peter Norman
COUDERT BROTHERS
Solicitors and International Attorneys
Level 8, Gateway
1 Macquarie Place
Sydney NSW 2000 Australia

Dated: 29 November 2002

Signed  on behalf of the applicant giving notice



.....
Peter Norman
Solicitor

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or 9(d) of the *Trade Practices Act* 1974 ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7a) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3a) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or 9(a), (b) or (c), of the Act, it comes into force when it is given.