



Australian Competition & Consumer Commission

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Our Ref: C2003/293
Contact Officer: Jaime Norton
Contact Number: (02) 6243 1208

10 March 2003

Mr Bruce Lloyd
Messrs Clayton Utz
Level 34, 1 O'Connell Street
SYDNEY NSW 2000

Dear Mr Lloyd

Re: Third line forcing exclusive dealing Notification lodged by Performance Inc (N31217).

I refer to the above third line forcing exclusive dealing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 21 February 2003.

You have described the conduct as involving Performance Inc (Performance) offering The Bicycle Authority Pty Limited (TBA) exclusive rights to advertise, distribute and sell certain lines of bicycles and bicycle related products bearing a Performance trade mark (the licensed products), on condition that TBA purchases the licensed products from authorised manufacturers. Legal immunity provided by the notification commenced on 7 March 2003.

On the basis of the information that you have provided it is not intended that further action be taken in this matter at this stage.

Please note that the Commission may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.



This letter has been placed upon the Commission's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Jaime Norton on (02) 6243 1208.

Yours sincerely

A stylized handwritten signature, likely belonging to Tim Grimwade, consisting of a few sharp, connected strokes.A handwritten signature, likely belonging to Jaime Norton, featuring a large, flowing 'C' followed by a few more strokes.

Tim Grimwade
General Manager
Adjudication Branch