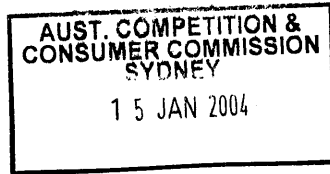


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DELL



FILE No:
DOC:
MARS/PRISM:

By Courier

14th January 2004

Authorisations and Notifications
Australian Competition and Consumer Commission
Level 7, Angel Place
123 Pitt Street
Sydney NSW 2001

Dear Sir

Re: Exclusive Dealing Notification

I enclose Form G, Exclusive Dealing Notification pursuant to section 93(i) of the Trade Practices Act 1974, together with a bank cheque in the sum of \$100. This notice is given in the prescribed form and should not be taken as an admission that the proposed conduct would contravene the statutory prohibition.

Please provide confirmation of immunity.

Please do not hesitate to contact me should you require further information or if you have any queries about the notification.

Yours faithfully

Amber Keon
Legal Counsel, Australia & New Zealand
Telephone: 8972 5569
Facsimile: 8972 6569

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(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1. (a) **Name of person giving notice**

Dell Computer Pty Limited (ACN 003 855 561) ("**Dell**")

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

Dell supplies computer hardware and software products and peripherals directly to business and individual consumers.

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

Dell Computer Pty Ltd
Level 1, Building 3
14 Aquatic Drive
Frenchs Forest NSW 2086
Australia

Telephone: (02) 8972-5569

Facsimile: (02) 8972-6569

Attention: Legal Counsel

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

Various computer hardware and software products, storage and services and related products and services supplied by Dell including desktop computers, notebooks and servers ("**Dell Products**").

(b) **Description of the conduct or proposed conduct**

Dell proposes to enter into arrangements with CIT Group (Australia) Limited trading as Dell Financial Services ("Dell Financial Services") pursuant to which Dell proposes to:

- (a) supply or offer to supply to persons a Dell Product together with a free printer on the condition that the person acquires or leases the Dell Product through Dell Financial Services;
- (b) refuse to supply or refuse to offer to supply to persons a Dell Product together with a free printer for the reason that the person has not acquired or leased the Dell Product under lease from Dell Financial Services;
- (c) give or allow, or offer to give or allow, persons a discount, allowance, rebate or credit in relation to the supply of a Dell Product on the condition that the person purchase the Dell Product under lease from Dell Financial Services; or
- (d) refuse to give or allow a discount, allowance, rebate or credit in relation to the supply of a Dell Product to a person for the reason that the person has not acquired or leased the Dell product under lease from Dell Financial Services.

The amounts of the discount, allowance, credit or rebate offered by Dell will vary over time from product to product and model to model.

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

- reduce costs to customers who may be otherwise unable to negotiate discounts, rebates, allowances, credits or other benefits in relation to the Dell Products on their own behalf;
- promote competition in the relevant markets by exerting downward pressure on prices offered by competitors, thereby encouraging competitors to offer similar discounts, rebates, allowances, credits and other value added services; and
- provide both businesses and individual consumers with the opportunity to obtain Dell Products at discounted rates.

The proposed conduct will not lessen competition in the markets for the relevant products and services and will be pro-competitive as:

- consumers will be able to acquire the same Dell Products at the usual price without the need to acquire financial services from Dell Financial Services. Dell offers a range of payment options for its products, including cheque, cash, telegraphic transfer and Bankcard, Mastercard and VISA credit cards;
- competition in the computer hardware, software and associated services and financial services markets is vigorous and there are many competitors;
- consumers may acquire the relevant products and services from a range of other suppliers; and
- consumers will be provided with a further incentive to purchase Dell Products, thus increasing competition in the markets for computer hardware, software and associated services.

The applicant believes that the likely benefits from the proposed conduct outlined above will outweigh any possible detriment considered to 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.

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

Not applicable.

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

Amber Keon
Legal Counsel
Dell Computer Pty Ltd
Level 1, Building 3
14 Aquatic Drive
Frenchs Forest NSW 2086
Australia

Dated 14 January 2004

Signed by/on behalf of the person giving this notice


.....

(Signature)

Amber Maitland Keon
(Full Name)

Legal Counsel ANZ
Dell Computer Pty Ltd
(Description)

