



Australian Competition & Consumer Commission

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Our Ref: C2004/48, C2004/357
Contact Officer: Michael Green
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11 June 2004

Mr Colin Lockhart
Pullinger Readhead Stewart
Level 1, 46/50 Kings Park Road
West Perth WA 6005

Dear Mr Lockhart

Re: Third line forcing notifications N70375, N70376 and N70377 lodged by Vcubed Pty Ltd and N70379, N70380 and N70381 lodged by One Stop Tourism Limited

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the Commission) on 19 December 2003. I refer also to the third line forcing notifications lodged with Commission on 1 June 2004 by One Stop Tourism Limited (One Stop). Legal immunity provided by the notifications lodged by Vcubed Pty Ltd (Vcubed) came into force on 2 January 2004. Legal immunity for the One Stop notifications will commence on 15 June 2004.

You have used the following terminology:

System – V3Travel System

Agents – travel agents or travel distribution agents

Customers – customers for tourism products or services

Business Clients – persons trading in the tourism industry

Suppliers – persons wishing to supply goods or services to Business Clients

Vcubed notifications

Notification N70375

Vcubed has described the conduct as the grant of licences to Suppliers (each in a separate goods and services category) to supply an electronic inventory of goods or services in their respective category through the System to Business Clients connected to the System on condition that a similar licence will not be granted to persons who compete in the respective categories of goods or services with the Suppliers.



The categories of suppliers include: fresh produce (including fruit and vegetables), printing, telecommunications, creative services, industry representation, market research and insurance.

Notification N70376

Vcubed has described the conduct as the integration of the System to a specified bank to enable Business Clients connected to the System to receive electronic payments from Customers and Agents through the System on condition that those Business Clients independently open an account with the specified bank integrated to the System.

Notification N70377

Vcubed has described the conduct as the acquisition and re-supply of software licences to enable Business Clients connected to the System to receive electronic payments through the System from Customers and Agents on condition that those Business Clients do so through a specified payment gateway.

Conclusion – N70375, N70376 and N70377

On the basis of the information that you have provided, it is not intended that further action be taken in relation to the Vcubed notifications at this stage.

One Stop notifications

Notification N70379

One Stop has described the conduct as the integration of the System to a specified bank to enable Business Clients connected to the System to receive electronic payments from Customers and Agents through the System on condition that those Business Clients independently open an account with the specified bank integrated to the System.

Notification N703780

One Stop has described the conduct as the acquisition and re-supply of software licences to enable Business Clients connected to the System to receive electronic payments through the System from Customers and Agents on condition that those Business Clients do so through a specified payment gateway.

Notification N70381

One Stop has described the conduct as the grant of licences to Suppliers (each in a separate goods and services category) to supply an electronic inventory of goods or services in their respective category through the System to Business Clients connected to the System on condition that a similar licence will not be granted to persons who compete in the respective categories of goods or services with the Suppliers.

The categories of suppliers include: fresh produce (including fruit and vegetables), printing, telecommunications, creative services, industry representation, market research and insurance.

Conclusion – N70379, N70380 and N70381

On the basis of the information that you have provided, it is not intended that further action be taken in relation to the One Stop notifications at this stage.

Notifications N70375 and N70381

While I have decided not to make further inquiries at this time concerning the notified conduct, I would like to bring to your attention an issue arising from notifications N70375 and N70381 lodged by Vcubed and One Stop respectively.

On the basis of the information provided in relation to the notifications, it appears that licensed Suppliers may possibly be engaging in exclusive dealing conduct in that they purchase a license from Vcubed on condition that Vcubed does not grant licences to persons in competition with the Supplier. Such conduct may potentially contravene ss. 47(2) and 47(3) of the *Trade Practices Act 1974* (the Act).

You should note, however, that the conduct described above would only constitute exclusive dealing if it has the purpose, or has or is likely to have the effect of substantially lessening competition. Whether the conduct would in fact substantially lessen competition is for the Suppliers to assess, as the Act does not enable a person to notify on others' behalf.

As with any notification, please note that the Commission may act to remove the immunity afforded by these notifications as 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 on the Commission's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Michael Green on 02 6243 1088.

Yours sincerely



Tim Grimwade
General Manager
Adjudication Branch