



**Australian
Competition &
Consumer
Commission**

Our Ref: C2004/1804
Contact Officer: Gavin Jones
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23 January 2005

Mr David Wenck
Partner
Blake Dawson Waldron
PO Box 7074
Riverside Centre
BRISBANE QLD 4001

Dear Mr Wenck

**Third line forcing notification lodged by
Netgear Pty Limited (N50155)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 22 November 2004. The notification has been placed on the Commission's public register.

Netgear has described the conduct as follows:

For a limited period, Netgear proposes to:

- give or offer to give a discount, allowance, rebate or credit in relation to a Netgear Product to retail customers on the condition that the customer acquires or agrees to acquire a Telstra Internet Product; and
- refuse to give or offer to give a discount, allowance, rebate or credit in relation to a Netgear Product for reason that that the customer has not acquired or has not agreed to acquire a Telstra Internet Product.

Legal immunity conferred by the notification commenced on 6 December 2004.

You provided further information regarding the nature of the offer, including the level of discount offered, the products to which the offer applies and the duration of the offer, by facsimile on 16 December 2004.

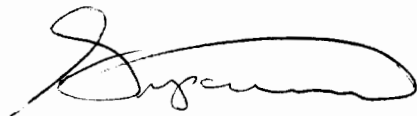


On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

Please note that the Commission may act to remove the immunity afforded by this 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 on the Commission's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Gavin Jones on (03) 9290 1959 or David Hinit on (02) 9230 9148.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long, sweeping horizontal stroke extending to the right.

Scott Gregson
A/g General Manager
Adjudication Branch