

N31620



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5 June 2006

Our Ref: AS 5155

Mr Scott Gregson
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
Level 7
123 Pitt Street
Sydney NSW 2000

BY COURIER

Dear Mr Gregson,

My World Pty Ltd – Form G - Notification of Exclusive Dealing

We act for My World Pty Ltd.

Enclosed for your review is a Form G Notification of Exclusive Dealing pursuant to s93(1) of the *Trade Practices Act 1974* (Cth) attaching submissions on behalf of My World Pty Ltd together with a cheque payable to the Australian Consumer and Competition Commission for \$100.

If you have any queries in relation to the enclosed documents please contact us on the details provided.

Yours faithfully,

Shane Simpson
Partner
ssimpson@simpsons.com.au

Kate Ingber
Solicitor
kingber@simpsons.com.au

Encl.

Form G

Commonwealth of Australia

Trade Practices Act 1974 (Cth) – Sub-section 93(1)

N.31620

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* (Cth), of particulars of conduct, or of proposed conduct, of a kind referred to in sub-sections 47(6) and (7) of that Act in which the person giving notice proposes to engage.

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

My World Pty Ltd (ABN 30 119 436 841) (*myWorld*).

(b) **Short description of business carried on by those persons:**

myWorld is a company formed to provide and administer an entertainment event loyalty based credit card program in conjunction with GE Capital Finance Australia (*GE Finance*).

(c) **Address in Australia for service of documents on those persons:**

My World Pty Ltd
603 Elizabeth Street
Surry Hills NSW 2010

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

myWorld will provide access to a number of offers relating to live entertainment events to individuals who are holders of a GE Finance MasterCard (the *myWorld MasterCard*). Cardholders will be able to take advantage of the following offers (the *Offers*) provided that they pay for the goods/services offered using their myWorld MasterCard:

- (i) **Exclusive Ticket Allocations** – access to an exclusive allocation of tickets to entertainment events.
- (ii) **Pre-sale Ticket Allocations** – first notice and access to pre-sale tickets to entertainment events up to 72 hours before they are available to the general public.
- (iii) **Discounted Ticket Pricing** – access to discounted tickets to entertainment events.
- (iv) **Trade Promotions** – automatic entry into myWorld trade promotions such as opportunities to meet and greet entertainers, enter sound check areas at entertainment events, access photographers' pits at events, win signed merchandise, posters, programs and photos, win tickets to events and to win CDs/DVDs.
- (v) **Merchandise** – the opportunity to access and purchase merchandise before it is offered for sale to the general public and an opportunity to access and purchase merchandise after events at a discounted price.
- (vi) **Retail Partner Benefits** – access to other discounts and special offers through myWorld partners including restaurants, hotels, airlines and rental companies.

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

myWorld and GE Finance have an arrangement in Australia whereby they have agreed to jointly promote credit card activities and whereby:

- myWorld has agreed to offer entertainment event related goods and services to consumers holding a myWorld MasterCard; and
- GE Finance has agreed to make, issue, provide and manage the financial aspects of the myWorld MasterCard (a myWorld branded MasterCard).

Pursuant to this arrangement, myWorld MasterCard holders will have the opportunity to take advantage of the Offers by purchasing the goods/services using their myWorld MasterCard. Access to the Offers will be via the myWorld website (www.myworld.net.au) where individuals will be required to use their myWorld MasterCard. Cardholders will be able to check and manage their myWorld MasterCard account through a GE Finance hosted website.

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

myWorld Cardholders

(b) **Number of those persons:**

(i) **At the present time**

Not applicable/None

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

myWorld's target is to provide the myWorld Card to approximately 15,000 people.

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

Not applicable.

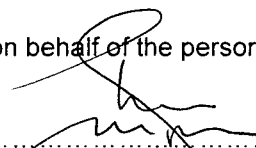
4. **Name and address of persons authorised by the person giving this notice to provide additional information in relation to this notice**

Matthew Lazarus-Hall and Kylie Jeffrey
My World Pty Ltd
603 Elizabeth Street
Surry Hills NSW 2010

Dated: 5 June 2006



Signed by/on behalf of the person giving this notice


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Shane Simpson
Partner, Simpsons Solicitors

SUBMISSION IN SUPPORT OF NOTIFICATION BY MY WORLD PTY LTD IN RELATION TO THIRD LINE FORCING CONDUCT

The Proposed Conduct

My World Pty Ltd (**myWorld**) and GE Capital Finance Australia (**GE Finance**) have established a relationship in Australia whereby they have agreed to jointly promote credit card activities and whereby myWorld has agreed to offer entertainment event related goods and services to consumers holding a GE Finance MasterCard (**myWorld MasterCard**).

The proposed conduct may constitute third line forcing pursuant to ss 47(6) and 47(7) of the *Trade Practices Act 1974* (Cth). This is because it may be argued that myWorld's offers will only be available to consumers (for the short duration of the offer period) who have a myWorld MasterCard (or that myWorld's offers will not be available to consumers who do not have a myWorld MasterCard).

Public Benefit

However, there is an inherent public benefit in the proposed conduct because it will:

- Result in lower prices and increased competition in both the entertainment event market (including operators involved in offering ticket and complementary services) and the credit card market, resulting in better offers in relation to live entertainment events and lower credit card rates and fees for consumers.
- Provide consumers who would like to access entertainment event related goods/services with the ability to take up myWorld's offers at a genuine savings on the total price of such goods/services.
- Provide a benefit to myWorld MasterCard holders by providing advanced access to tickets to events.
- Provide support to entertainment businesses by fuelling demand for access to entertainment events and increasing the numbers of consumers purchasing tickets and merchandise for such events.

The proposed conduct will not substantially lessen competition because:

- Both the entertainment event market and the credit card market are fiercely competitive.

- The proposed conduct will have the effect of further promoting competition in the credit card market by encouraging other suppliers of credit related services to offer valued-added services. The GE Finance myWorld MasterCard will face competition from Visa, American Express and Diners, all of whom are offering similar types of offers to their cardholders (e.g. Ticketek Pty Ltd & Visa International Service Association - N31409 and N91884).
- The proposed conduct will not impose any material restriction on access to tickets and merchandise by the general public:
 - The general public will still have access to the tickets after the expiration of the exclusivity period for myWorld MasterCard holders, including those that may have formed part of the myWorld pre-sale offer.
 - myWorld offers are only intended to run for a proportionately short period of time.
 - No more than 35% of tickets to any event will be available to myWorld MasterCard holders during the exclusivity period.
 - myWorld offers will not result in an entire category of tickets (e.g. general reserve only) being sold prior to access to the general public.
- There is no obligation on myWorld MasterCard holders to take advantage of any of the myWorld offers.

These public benefits will outweigh any detriment to the public as a result of the proposed conduct.