

FILE No:
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MARS/PRISM:

November 6, 2006

Australian Competition and Consumer Commission
Level 7, Angel Place
123 Pitt Street
Sydney NSW 2000

Dear Sir/Madam,


Re: Third Line Forcing Notification

We enclose for lodgement a notification in relation to conduct which may constitute third line forcing. The notification relates to promotional arrangements involving FUJIFILM Australia and Fletchers Fotographics.

We enclose a cheque for \$100.00 in payment of the lodgement fee.

If the Commission has any queries, please contact the writer.

Yours sincerely



ERICA MOORHOUSE
Legal Counsel

Encl.

AUST. COMPETITION &
CONSUMER COMMISSION
SYDNEY
- 6 NOV 2006

FORM G
[Front of Form]
COMMONWEALTH OF AUSTRALIA
Trade Practices Act 1974 – Sub-section 93(1)

Regulation 9

**EXCLUSIVE DEALING
NOTIFICATION**

To the Australian Competition and Consumer Commission:

N92690

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(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) **Name of person giving notice**
FUJIFILM Australia Pty Ltd (ABN 80 000 064 433) (**Fujifilm**)
(See Direction 2 on the back of this Form)
- (b) **Short description of business carried on by that person**
Fujifilm distributes a wide range of camera and film products to retailers and provides related services including photo imaging, film processing, digital memory cards, etc.
- (c) **Address in Australia for service of documents on that person**
c/o Erica Moorhouse, FUJIFILM Australia Pty Ltd, 114 Old Pittwater Road, Brookvale NSW 2100
2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates**
 - (i) Fujifilm FinePix S6500fd digital cameras supplied to consumers by participating Fletchers Photographics retail stores (**Fletchers**) during a limited promotional period.
 - (ii) Twelve (12) month subscriptions to "Better Photography" magazine supplied by Fujifilm (**Magazine Subscriptions**).
- (b) **Description of the conduct or proposed conduct**
For a limited promotional period, Fujifilm proposes to:
 - (iii) supply Magazine Subscriptions to consumers, at no charge, on the condition that the consumers acquire or agree to acquire Fujifilm FinePix S6500fd digital cameras from a Fletchers store; and
 - (iv) refuse to supply to consumers Magazine Subscriptions for the reason that the consumers have not acquired or have not agreed to acquire a Fujifilm FinePix S6500fd digital camera from a Fletchers store.

The following promotional activity is proposed:

Fujifilm will offer, for a limited promotional period, consumers with a Magazine Subscription at no cost to consumers who have acquired a Fujifilm FinePix S6500fd digital camera from a Fletchers store during a limited promotional period. A redemption form will be provided to consumers in-store by Fletchers at the time of purchase. Upon receipt by Fujifilm of the completed redemption form along with proof of purchase and subject to certain terms and conditions disclosed on the redemption form, Fujifilm will provide the Magazine Subscription to the consumers.

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

- promote competition in relevant markets by encouraging competitors of Fujifilm and Fletchers to offer similar benefits; and
- provide consumers with the opportunity to obtain additional goods or services upon the purchase of a Fujifilm branded good or service.

The proposed conduct will not substantially lessen competition because:

- consumers will be able to acquire Fujifilm branded goods and services from Fletchers at the usual retail price without any obligation to obtain goods or services from Fujifilm;
- consumers may acquire equivalent products and services from a range of other suppliers; and
- competition in markets for camera, film and related accessory products and services is vigorous and there are many suppliers in these markets.

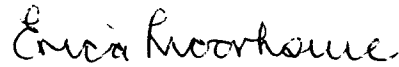
Fujifilm believes that the benefits and proposed conduct outlined above outweigh any possible detriment considered to arise from the conduct.

(See Direction 4 on the back of this Form)

3. (a) **Class or classes of persons to which the conduct relates**
Members of the general public
- (b) **Number of those persons**
More than 50
- (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**
Erica Moorhouse
Legal Counsel
FUJIFILM Australia Pty Ltd
114 Old Pittwater Road
Brookvale NSW 2100

Dated..... 6 NOVEMBER, 2006

Signed by/on behalf of the applicant giving notice



.....
(Signature)

Erica Moorhouse

Solicitor

[Back of Form]

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of sub-section 93(7A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under sub-section 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in sub-section 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.