

FILE No:

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Form G Exclusive Dealing: notification

Trade Practices Act 1974 s 93(1)

To the Australian Competition and Consumer Commission:

N92764

Notice is hereby given, in accordance with subsection 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in subsection 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.

1. (a) **Name of person giving notice**
iinet Limited, ACN 068 628 937
- (b) **Short description of business carried on by that person**
iinet is an Internet Service Provider which provides a variety of Internet and communication services, including dial-up, broadband and telephone services.
- (c) **Address in Australia for service of documents on that person**
Robert Neely
Henry Davis York
44 Martin Place
Sydney NSW 2000
Tel: +612 9947 6290
2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates**
Video content on demand over the internet to retail customers in Australia

Broadband internet services to retail customers in Australia
- (b) **Description of the conduct or proposed conduct**
Anytime Pte Ltd of 30 Hill Street, #01-01 Singapore 179360, Ph: +65 6398 8888 provides video content (mostly movies) on demand to customers who can download or stream such content to their home computer or video set-top box.

iinet proposes to allow customers to download content from the Anytime website without such downloads being included as part of the customers' monthly download quota (**iinet Free Bandwidth**).

iinet and Anytime propose to enter into arrangements pursuant to which iinet will:
 - (i) supply or offer to supply the iinet Free Bandwidth for any data downloaded from the Anytime website; or
 - (ii) not offer iinet Free Bandwidth for downloads from any other video on demand provider.
The proposed conduct will be of benefit to the public as it will:
 - provide consumers with a secure and convenient method of obtaining video content from an established provider. Online video content is generally of such a significant size that it discourages consumers from downloading as it would form a large part of any monthly download limit. The proposed conduct will allow iinet customers to download video content by not including the content in their general monthly download quotas;
 - promote competition in the relevant markets by encouraging competitors to offer similar value-added services; and

- provide consumers with greater convenience in dealing with iinet and Anytime.

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

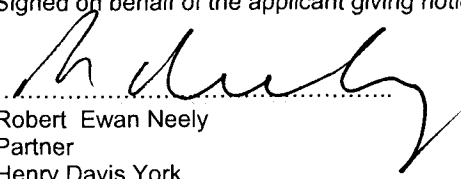
- competition in the internet service provider market and online content provider market is vigorous and there are many competitors;
- such arrangements are already commonplace in the relevant markets; and
- the number of consumers likely to take up the offer is insignificant compared to the total number of consumers who use internet service provider and online content provider services.

The applicant believes that the 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**
Customers of iinet who are also customers of Anytime.
- (b) **Number of those persons-**
- | | | |
|------|--------------------------------|-----------------|
| (i) | At present time | Greater than 50 |
| (ii) | Estimated within the next year | Greater than 50 |
- (c) **Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses**
Not applicable.
4. **Names and address of person giving this notice to provide additional information in relation to this notice**
Robert Neely
Henry Davis York
44 Martin Place
Sydney NSW 2000
Tel: +612 9947 6290

Dated 15 January 2007

Signed on behalf of the applicant giving notice


Robert Ewan Neely
Partner
Henry Davis York

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 subsection 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 subsection 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act 1974* (**Act**), it comes into force at the end of the period prescribed for the purposes of subsection 93(7a) of the Act (**prescribed period**) unless the Commission gives a notice under subsection 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 subsection 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 subsection 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 subsection 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.