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ICLP 
the global loyalty agency

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www.iclp.com.au

international customer loyalty programmes Pty Ltd
abn: 13 083 835 661

General Manager
Adjudication Branch
Australian Competition and
Consumer Commission
PO Box 1199
Dickson ACT 2602

dear sir/madam,

Enclosed is a cheque for \$300, along with 3 ACCC notifications of exclusive dealing lodgements.

The lodgements are for the following Partners:

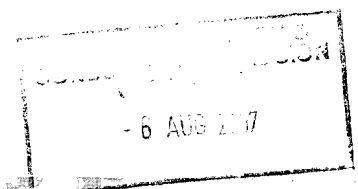
- Jigsaw
- Marcs
- Harvey Norman (Domayne)

Please contact me directly on 02 9463 3302 if there are any problems with the enclosed forms.

Kind regards,
Jessica



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FORM G

Commonwealth of Australia
Trade Practice Act 1974 – subsection 93(1)

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

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

1. Applicant

(a) Name of persons giving notice:

(i) MW Holdings Ltd, trading as Jigsaw N93085
(Jigsaw)

~~(ii) International Customer Loyalty Programs (ICLP) 30~~

(b) Short description of business carried on by that person:

(i) **Jigsaw**

Jigsaw sell women's fashion clothing & accessories

(ii) **ICLP**

ICLP is a full service agency specialising in partnership marketing. Services include planning, partner identification, liaison with partners to obtain the best deals, end-user communication through marketing and customer contact centres, management of partners to ensure deals are fulfilled, renewed and improved, plus reporting.

(c) Address in Australia for service of documents on that person:

c/o –Jessica McIntyre
Partnership Manager
International Customer Loyalty Programs Pty Ltd
62 Alexander St
CROWS NEST, NSW 2065

2. Notified arrangement

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

Supply of women's fashion clothing & accessories

(b) Description of the conduct or proposed conduct:

Jigsaw will contract with ICLP to make a number of offers to individuals who are holders (**Cardholders**) of a VISA Platinum or VISA Infinite payment card. Cardholders wishing to take advantage of the offers must use their VISA Platinum Card or VISA Infinite Card to purchase the relevant products or services. The offers include:

- (i) Discounts on women's clothing;
- (ii) Exclusive shopping events for Visa Platinum Cardholders or Visa Infinite Cardholders;
- (iii) Discounts on selected seasons stock;
- (iv) Discounts on accessories;
- (v) Exclusive bonus gifts for VISA Platinum Cardholders or VISA Infinite Cardholders; and
- (vi) Entry into a free prize draw when purchasing with Jigsaw.

(For convenience, the offers specified in sub-paragraphs (i) to (v) (inclusive) above are hereafter referred to as the **Jigsaw offers**.)

Access to the Jigsaw Offers will usually be via a VISA-hosted website or the Jigsaw website on condition that the Cardholder pays for the Jigsaw Offers using his or her VISA Platinum or VISA Infinite Card. The purchase price of the products or services will be debited by the member financial institution that issued the relevant card to the Cardholder's account with that financial institution.

The proposed Jigsaw Offers may constitute third line forcing pursuant to sections 47(6) and/or 47(7) of the *Trade Practices Act* (Cth). This is because it may be argued that the Jigsaw Offers will only be available to consumers if the consumers acquire the payment services of a VISA Platinum or VISA Infinite card.

3. Persons, or classes or persons, affected or likely to be affected by the notified conduct

(a) Class or classes of persons to which the conduct relates:

VISA Platinum Cardholders and VISA Infinite Cardholders

(b) Number of those persons:

(i) At present time:

194,000 cardholders hold a VISA Platinum credit card. At present there are no VISA Infinite cards on issue.

(ii) Estimated within the next year:

ICLP does not have access to privileged information for Visa and its members.

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

Not applicable.

4. Public benefit claims

- (a) **Arguments in support of notification:**

The proposed conduct will be of benefit to the public because:

- (i) the proposed Jigsaw Offers will provide VISA Platinum Cardholders and VISA Infinite Cardholders, with discounts on various Jigsaw products.
- (ii) it will promote competition amongst women's fashion clothing & accessories companies and other similar retailers, by encouraging competitors to make similar offers to their customers.

- (b) **Facts and evidence relied upon in support of these claims:**

The Jigsaw Offers are a competitive response to a number of other offers which are currently being made by women's fashion clothing & accessories companies to cardholders of other branded payment cards. These offers will not only result in the benefit of discounted women's fashion clothing & accessories offers being made available to VISA Platinum and VISA Infinite Cardholders, but are also likely to result in further competitive responses by other women's fashion clothing & accessories distributors, through offers to VISA's competitors.

5. Market definition

Description of the market(s) in which the goods or services described at 2(a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

A market in which the services in 2(a) are supplied is the market for the supply of women's fashion clothing & accessories. There is a range of women's fashion clothing & accessories companies, including Cue, Witchery and Sportsgirl.

A market affected by the conduct includes the market for the acquisition of payment card services. The supply of payment card services is highly competitive and this competition will not be negatively impacted by the notified conduct.

6. Public detriments

Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2(a) above and the prices of goods or services in other affected markets:

No public detriment will arise from the notified conduct, for the following reasons:

- (i) The general public not holding VISA Platinum and VISA Infinite Cards will continue to have access to women's fashion clothing & accessories which will be made by Jigsaw to the general public, as well as to offers by Jigsaw's wide array of competitors;
- (ii) Jigsaw experiences strong competition from a range of women's fashion clothing & accessories distributors including for example Cue and Witchery.

For these reasons, there is no significant detriment to the public as a result of the proposed conduct.

(b) Facts and evidence relevant to these detriments

As noted above, the detriments arising from the Jigsaw Offers are expected to be insignificant. The range of competition experienced by Jigsaw is evidenced by a brief review of the following websites of its competitors:

<http://www.cuedesign.com.au/>

<http://www.witchery.com.au/>

7. Further information

Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

c/o –Jessica McIntyre
Partnership Manager
International Customer Loyalty Programs Pty Ltd
62 Alexander St
CROWS NEST, NSW 2065

Telephone: (02) 9463 3302

Facsimile: (02) 9966 4774

Email: Jessica.mcintyre@iclp.com.au

Dated: 27/7/07

Signed by/on behalf of the applicant

.....
(Signature) *JEMcIntyre*

.....
Jessica Elizabeth McIntyre

(Full Name)

.....
International Customer Loyalty Programs Pty Ltd

(Organisation)

.....
Partnership Manager

(Position in Organisation)

FORM G

Commonwealth of Australia
Trade Practice Act 1974 – subsection 93(1)

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

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

1. Applicant

(a) Name of persons giving notice:

(i) MW Holdings Ltd, trading as Marcs N93086
(Marcs)

~~(ii) International Customer Loyalty Programs (ICLP)~~ BB

(b) Short description of business carried on by that person:

(i) Marcs

Marcs sell men's and women's fashion clothing & accessories

(ii) ICLP

ICLP is a full service agency specialising in partnership marketing. Services include planning, partner identification, liaison with partners to obtain the best deals, end-user communication through marketing and customer contact centres, management of partners to ensure deals are fulfilled, renewed and improved, plus reporting.

(c) Address in Australia for service of documents on that person:

c/o –Jessica McIntyre
Partnership Manager
International Customer Loyalty Programs Pty Ltd
62 Alexander St
CROWS NEST, NSW 2065

2. Notified arrangement

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

Supply of men's and women's fashion clothing & accessories

(b) Description of the conduct or proposed conduct:

Marc's will contract with ICLP to make a number of offers to individuals who are holders (**Cardholders**) of a VISA Platinum or VISA Infinite payment card. Cardholders wishing to take advantage of the offers must use their VISA Platinum Card or VISA Infinite Card to purchase the relevant products or services. The offers include:

- (i) Discounts on men's clothing;
- (ii) Discounts on women's clothing;
- (iii) Discounts on selected seasons stock;
- (iv) Discounts on accessories;
- (v) Exclusive bonus gifts for VISA Platinum Cardholders or VISA Infinite Cardholders; and
- (vi) Entry into a free prize draw when purchasing with Marc's.

(For convenience, the offers specified in sub-paragraphs (i) to (v) (inclusive) above are hereafter referred to as the **Marc's offers**.)

Access to the Marc's Offers will usually be via a VISA-hosted website or the Marc's website on condition that the Cardholder pays for the Marc's Offers using his or her VISA Platinum or VISA Infinite Card. The purchase price of the products or services will be debited by the member financial institution that issued the relevant card to the Cardholder's account with that financial institution.

The proposed Marc's Offers may constitute third line forcing pursuant to sections 47(6) and/or 47(7) of the *Trade Practices Act* (Cth). This is because it may be argued that the Marc's Offers will only be available to consumers if the consumers acquire the payment services of a VISA Platinum or VISA Infinite card.

3. Persons, or classes or persons, affected or likely to be affected by the notified conduct

(a) Class or classes of persons to which the conduct relates:

VISA Platinum Cardholders and VISA Infinite Cardholders

(b) Number of those persons:

(i) At present time:

194,000 cardholders hold a VISA Platinum credit card. At present there are no VISA Infinite cards on issue.

(ii) Estimated within the next year:

ICLP does not have access to privileged information for Visa and its members.

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

Not applicable.

4. Public benefit claims

- (a) **Arguments in support of notification:**

The proposed conduct will be of benefit to the public because:

- (i) the proposed Marcs Offers will provide VISA Platinum Cardholders and VISA Infinite Cardholders, with discounts on various Marcs products.
- (ii) it will promote competition amongst men's and women's fashion clothing & accessories companies and other similar retailers, by encouraging competitors to make similar offers to their customers.

- (b) **Facts and evidence relied upon in support of these claims:**

The Marcs Offers are a competitive response to a number of other offers which are currently being made by men's and women's fashion clothing & accessories companies to cardholders of other branded payment cards. These offers will not only result in the benefit of discounted men's and women's fashion clothing & accessories offers being made available to VISA Platinum and VISA Infinite Cardholders, but are also likely to result in further competitive responses by other men's and women's fashion clothing & accessories distributors, through offers to VISA's competitors.

5. Market definition

Description of the market(s) in which the goods or services described at 2(a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

A market in which the services in 2(a) are supplied is the market for the supply of men's and women's fashion clothing & accessories. There is a range of men's and women's fashion clothing & accessories companies, including Country Road, Industrie and Ben Sherman.

A market affected by the conduct includes the market for the acquisition of payment card services. The supply of payment card services is highly competitive and this competition will not be negatively impacted by the notified conduct.

6. Public detriments

Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2(a) above and the prices of goods or services in other affected markets:

No public detriment will arise from the notified conduct, for the following reasons:

- (i) The general public not holding VISA Platinum and VISA Infinite Cards will continue to have access to men's and women's fashion clothing & accessories which will be made by Marcs to the general public, as well as to offers by Marcs' wide array of competitors;
- (ii) Marcs experiences strong competition from a range of men's and women's fashion clothing & accessories distributors including for example Country Road, Industrie and Ben Sherman.

For these reasons, there is no significant detriment to the public as a result of the proposed conduct.

(b) Facts and evidence relevant to these detriments

As noted above, the detriments arising from the Marcs Offers are expected to be insignificant. The range of competition experienced by Marcs is evidenced by a brief review of the following websites of its competitors:

<http://www.countryroad.com.au/>

<http://www.bensherman.com.au/client/index.aspx>

7. Further information

Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

c/o -Jessica McIntyre
Partnership Manager
International Customer Loyalty Programs Pty Ltd
62 Alexander St
CROWS NEST, NSW 2065

Telephone: (02) 9463 3302

Facsimile: (02) 9966 4774

Email: Jessica.mcintyre@iclp.com.au

Dated: 27/7/07

Signed by/on behalf of the applicant

.....
(Signature) *J.E. McIntyre*

Jessica Elizabeth McIntyre

(Full Name)

.....
International Customer Loyalty Programs Pty Ltd

(Organisation)

.....
Partnership Manager

(Position in Organisation)

FORM G

Commonwealth of Australia
Trade Practice Act 1974 – subsection 93(1)

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

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

1. Applicant

(a) **Name of persons giving notice:**

(i) Harvey Norman Holdings Ltd, trading as Domayne ^{N93087}
(Domayne)

~~(ii) International Customer Loyalty Programs (ICLP) ^{BB}~~

(b) **Short description of business carried on by that person:**

(i) **Domayne**

Domayne sells furniture, bedding, home wares, manchester, electrical and computers. They have 15 stores nationally.

(ii) **ICLP**

ICLP is a full service agency specialising in partnership marketing. Services include planning, partner identification, liaison with partners to obtain the best deals, end-user communication through marketing and customer contact centres, management of partners to ensure deals are fulfilled, renewed and improved, plus reporting.

(c) **Address in Australia for service of documents on that person:**

c/o –Jessica McIntyre
Partnership Manager
International Customer Loyalty Programs Pty Ltd
62 Alexander St
CROWS NEST, NSW 2065

2. Notified arrangement

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

Supply of furniture, bedding, home wares, manchester, computers and electrical

(b) Description of the conduct or proposed conduct:

Domayne will contract with ICLP to make a number of offers to individuals who are holders (**Cardholders**) of a VISA Platinum or VISA Infinite payment card. Cardholders wishing to take advantage of the offers must use their VISA Platinum Card or VISA Infinite Card to purchase the relevant products or services. The offers include:

- (i) Discounts on bedding;
- (ii) Discounts on indoor and outdoor furniture;
- (iii) Discounts on selected computers & communications;
- (iv) Discounts on home wares and manchester;
- (v) Exclusive bonus gift packages for VISA Platinum Cardholders or VISA Infinite Cardholders; and
- (vi) Entry into a free prize draw when purchasing with Domayne.

(For convenience, the offers specified in sub-paragraphs (i) to (v) (inclusive) above are hereafter referred to as the **Domayne offers.**)

Access to the Domayne Offers will usually be via a VISA-hosted website or the Domayne website on condition that the Cardholder pays for the Domayne Offers using his or her VISA Platinum or VISA Infinite Card. The purchase price of the products or services will be debited by the member financial institution that issued the relevant card to the Cardholder's account with that financial institution.

The proposed Domayne Offers may constitute third line forcing pursuant to sections 47(6) and/or 47(7) of the *Trade Practices Act* (Cth). This is because it may be argued that the Domayne Offers will only be available to consumers if the consumers acquire the payment services of a VISA Platinum or VISA Infinite card.

3. Persons, or classes or persons, affected or likely to be affected by the notified conduct

(a) Class or classes of persons to which the conduct relates:

VISA Platinum Cardholders and VISA Infinite Cardholders

(b) Number of those persons:

(i) At present time:

194,000 cardholders hold a VISA Platinum credit card. At present there are no VISA Infinite cards on issue.

(ii) Estimated within the next year:

ICLP does not have access to privileged information for Visa and its members.

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

Not applicable.

4. **Public benefit claims**

- (a) **Arguments in support of notification:**

The proposed conduct will be of benefit to the public because:

- (i) the proposed Domayne Offers will provide VISA Platinum Cardholders and VISA Infinite Cardholders, with discounts on various Domayne products.
- (ii) it will promote competition amongst furniture, bedding, home wares, manchester, computer and electrical distribution companies and other similar retailers, by encouraging competitors to make similar offers to their customers.

- (b) **Facts and evidence relied upon in support of these claims:**

The Domayne Offers are a competitive response to a number of other offers which are currently being made by furniture, bedding and electrical companies to cardholders of other branded payment cards. These offers will not only result in the benefit of discounted furniture, bedding and electrical offers being made available to VISA Platinum and VISA Infinite Cardholders, but are also likely to result in further competitive responses by other furniture, bedding and electrical distributors, through offers to VISA's competitors.

5. **Market definition**

Description of the market(s) in which the goods or services described at 2(a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

A market in which the services in 2(a) are supplied is the market for the supply of furniture, bedding and electrical products. There is a range of competitive furniture, bedding and electrical companies, including Freedom, Ikea, The Good Guys and Bing Lee.

A market affected by the conduct includes the market for the acquisition of payment card services. The supply of payment card services is highly competitive and this competition will not be negatively impacted by the notified conduct.

6. Public detriments

Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2(a) above and the prices of goods or services in other affected markets:

No public detriment will arise from the notified conduct, for the following reasons:

- (i) The general public not holding VISA Platinum and VISA Infinite Cards will continue to have access to alternative offers on furniture, bedding and electrical products which will be made by Domayne to the general public, as well as to offers by Domayne's wide array of competitors;
- (ii) Domayne experiences strong competition from a range of furniture, bedding and electrical distributors including for example Freedom, Ikea, The Good Guys and Bing Lee.

For these reasons, there is no significant detriment to the public as a result of the proposed conduct.

(b) Facts and evidence relevant to these detriments

As noted above, the detriments arising from the Domayne Offers are expected to be insignificant. The range of competition experienced by Domayne is evidenced by a brief review of the following websites of its competitors:

<http://www.ikea.com/au/en/preindex.html>

<http://www.thegoodguys.com.au/portal/page/portal/tggweb>

7. Further information

Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

c/o –Jessica McIntyre
Partnership Manager
International Customer Loyalty Programs Pty Ltd
62 Alexander St
CROWS NEST, NSW 2065

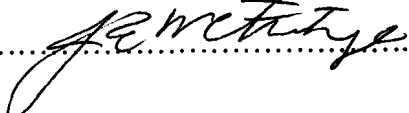
Telephone: (02) 9463 3302

Facsimile: (02) 9966 4774

Email: Jessica.mcintyre@iclp.com.au

Dated:27/7/2007.....

Signed by/on behalf of the applicant

..........
(Signature)

.....
Jessica Elizabeth McIntyre
(Full Name)

.....
International Customer Loyalty Programs Pty Ltd
(Organisation)

.....
Partnership Manager
(Position in Organisation)