

FILE No:
DOC:
MARS/PRISM

**Form G**

Commonwealth of Australia  
*Trade Practices 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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

**1. Applicant**

(a) Name of person giving notice:  
*(Refer to direction 2)*

N93636 Virginia Surety Company, Inc

(b) Short description of business carried on by that person:  
*(Refer to direction 3)*  
 Underwriting of Insurance Products

(c) Address in Australia for service of documents on that person:  
 Level 2, 74 Doncaster Road, Balwyn VIC 3103

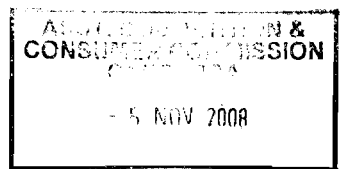
**2. Notified arrangement**

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

Insurance policy which provides coverage to the customer in the event of accidental damage or theft of a laptop or computer.

(b) Description of the conduct or proposed conduct:

If a certain type (top of the line) laptop or computer is purchased from Dell a free Accidental Damage and Theft policy is provided to the customer at no cost. The policy can be cancelled by the insured at any time however, as the customer will not have paid any premium for the insurance no refund will be available.



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

- (a) Class or classes of persons to which the conduct relates:  
(Refer to direction 5)

Other consumer who do not purchase their computer or laptop through Dell. However, VSC does not sell insurance direct to the public as all policies are sold through intermediaries.

- (b) Number of those persons:

- (i) At present time:

Nil

- (ii) Estimated within the next year:  
(Refer to direction 6)

New product – would estimate 100

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

As product has not yet been sold – we cannot ascertain this information.

**4. Public benefit claims**

- (a) Arguments in support of notification:  
(Refer to direction 7)

- The proposed duration of the warranty is two or three years, which is fairly short.
- Dell is providing the insured computer as a bundled product, although we understand that a customer would in effect be entering into a separate contract with VSC if they wished to take advantage of the insurance offer because of the insurance licensing requirements.
- Any refusal to supply would not be for the reason that the person has not acquired a Dell computer, but rather on that basis that TWG does not sell directly to the public at all but only through distributors.
- Extended warranties expire at different times depending upon when they were purchased, which means that there is not a 'block' of laptop's or computer's all tied to VSC at the same time.

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

- Terms and conditions of the product.
- Sales channel

**5. Market definition**

Provide a 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):

*(Refer to direction 8)*

The market affected will be the general insurance market for accidental damage and theft policies on laptop's and computers.

**6. Public detriments**

(a) 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:

*(Refer to direction 9)*

We do not believe that there will be any effect on the price of goods or services covered under this insurance.

(b) Facts and evidence relevant to these detriments:

N/A

**7. Further information**

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

Allison Davis

Group Risk Manager (The Warranty Group)

PO Box 246, Balwyn VIC 3103

Tel: (03) 9862 3227

Dated..... 31/08/08 .....

Signed by/on behalf of the applicant

*R. Mulcahy*

.....  
(Signature)

Robert Mulcahy  
(Full Name)

Virginia Surety Company, Inc  
(Organisation)

Managing Director  
(Position in Organisation)