



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2009/1586
Contact Officer: Jasmine Tan
Contact Number: (02) 6243 1363

23 October 2009

General Counsel
ninemsn Pty Ltd
Level 7, Tower Building
Australia Square
264 George Street
SYDNEY NSW 2000

Dear Sir or Madam

Third line forcing notification N94104 lodged by ninemsn Pty Limited

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 28 August 2009. The notification has been placed on the ACCC's public register.

ninemsn Pty Limited (ninemsn) proposes to offer to supply advertising and/or promotional services to customers at a discount off the rates at which it would otherwise offer such services on condition that the customer also acquires advertising and/or promotional services from Nine Network Australia Pty Limited (NNA).

Legal immunity conferred by the notification commenced on 11 September 2009.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that ninemsn and NNA will disclose all relevant terms and conditions to prospective clients.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Jasmine Tan on (02) 6243 1363.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written over a horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch