



**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](http://www.accc.gov.au)

Our Ref: N94338  
Contact Officer: Jessica Buik  
Contact Number: 02 6243 4940

11 January 2010

Mr Bruce Lloyd  
Clayton Utz  
Level 19, 1 O'Connell Street  
SYDNEY NSW 2000

Dear Mr Lloyd

**Third line forcing notification N94338 lodged by Apple Pty Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 15 December 2009. The notification has been placed on the ACCC's public register.

Pursuant to a previous notification N93485, Apple Pty Ltd (Apple) proposed to supply the iPhone 3G smartphone including the associated SIMcard (the Product) on the condition, which will be specified and fully disclosed, to customers who purchased the Product from Apple's online store or retail stores, who agree to enter into contracts for the supply of telecommunication services from one of three mobile telecommunications carriers operating in Australia, namely Vodafone Australia, SingTel Optus, and Telstra Corporation (or a related body corporate of any of those entities) (Existing Arrangements).

Apple now proposes to add Vodafone Hutchison Australia Pty Limited, operating under the "3 Mobile" brand, as a fourth carrier to the Existing Arrangements.

Legal immunity conferred by the notification commenced on 29 December 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 Apple will disclose all relevant terms and conditions to prospective customers.

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 Jessica Buik on (02) 6243 4940.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick  
General Manager  
Adjudication Branch