

Form G

Commonwealth of Australia

Competition and Consumer Act 2010 (Cth) — 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 *Competition and Consumer Act 2010*, 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.

1. Applicant

(a) Name of person giving notice:

N95330

DealMe Pty Limited (**DealMe**), trading as 'DealMe'.

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

DealMe is an online supplier of vouchers for goods or services supplied by third party providers. The vouchers are redeemable by customers by presenting the vouchers to the relevant supplier of the goods or services to which the relevant voucher relates. The vouchers supplied or offered for supply by DealMe relate to a wide variety of consumer goods and services. Customers pay for the vouchers at fixed prices and have a choice of paying using the following accepted payment methods: Visa, Mastercard, American Express (provided these credit cards are issued by banks within Australia), PayPal and BPAY.

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

DealMe Pty Limited
PO Box 1012
INGLEBURN NSW 1890

2. Notified arrangement

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

Vouchers for consumer goods and services within Australia.

(b) Description of the conduct or proposed conduct:

See Attachment A.

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:

The persons or classes of persons affected or likely to be affected by the notified conduct are Australian consumers that purchase vouchers for consumer goods or services from DealMe.

- (b) Number of those persons:

- (i) At present time:

Substantially in excess of 50.

- (ii) Estimated within the next year:

Substantially in excess of 50.

- (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:

See Attachment A.

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

See Attachment A.

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):

See Attachment A.

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:

See Attachment A.

- (b) Facts and evidence relevant to these detriments:

See Attachment 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:

David James

DealMe Pty Limited

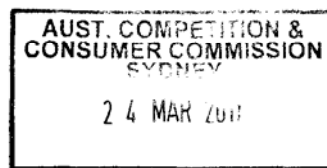
PO Box 1012

INGLEBURN NSW 1890

Phone: **02 9641 2222**

Dated. 24 March 2011

Signed by/on behalf of the applicant



(Signature)

David James

(Full Name)

DealMe Pty Limited trading as "DealMe"

(Organisation)

Chief Financial Officer

(Position in Organisation)

Attachment A

Description of the proposed conduct

DealMe is an online supplier of vouchers for goods or services supplied by third party providers. The vouchers are redeemable by customers by presenting the vouchers to the relevant supplier of the goods or services to which the relevant voucher relates. The vouchers supplied or offered for supply by DealMe relate to a wide variety of consumer goods and services. Customers pay for the vouchers at fixed prices and have a choice of paying using the following accepted payment methods: Visa, Mastercard, American Express (provided these credit cards are issued by banks within Australia), PayPal and BPAY.

DealMe proposes to make specific promotional offers from time to time to its customers in relation to selected vouchers sold on its online platform. These offers will be made to customers who pay for the vouchers using an accepted payment service provider specified by DealMe at the time of the relevant promotion. The initial proposal is that DealMe will offer a promotion for customers who pay using PayPal, but other accepted payment service providers may be specified from time to time in future promotions.

It is possible that these arrangements may technically fall within sections 47(6) and 47(7) of the *Competition and Consumer Act 2010* (Cth), on the basis that DealMe is offering to supply a voucher service with certain promotional incentives from time to time on the condition that customers pay for a voucher using an accepted payment services provider specified at the time of the relevant promotion. (None of the accepted payment service providers are related bodies corporate of DealMe.)

Public benefits

Under the DealMe proposed promotional arrangements, there would be no obligation on customers to pay for vouchers or any other product using the accepted payment services provider specified by DealMe at the time of the relevant promotion.

However, those customers who take advantage of the proposed promotional arrangements will enjoy various promotional benefits offered by DealMe from time to time, such as pricing discounts, rebates or coupons redeemable for other vouchers offered by DealMe.

DealMe also believes that its proposed promotional arrangements may encourage its competitors to implement similar promotions for the benefit of their customers.

Impact in the market

The relevant markets are the Australian markets for each of the many and various goods and services in relation to which vouchers will be offered by DealMe. These product markets include the ancillary product of vouchers that are redeemable for the consumer goods or services to which the relevant vouchers relate; there is no separate voucher market or separate voucher markets.

The proposed arrangements are pro-competitive because they are intended to offer and will in fact offer consumers immediate financial or other material benefits.

DealMe faces strong competition from other providers of similar voucher services. There is no prospect of the proposed conduct substantially lessening competition in any market in any way.

No public detriment

DealMe submits that there would be no public detriment as a result of the proposed promotional arrangements to be implemented from time to time.

There is no foreclosure of conduct by competitors or potential competitors in any market. Existing or potential competitors are entirely free to implement similar promotions with any payment service provider for the benefit of their customers. The proposed conduct by DealMe is likely to foster competition by DealMe's competitors.

Customers that choose to pay for vouchers offered by DealMe under the promotional arrangements specified in this notification will not pay more than customers who use other accepted payment service providers to pay for vouchers relating to the same consumer goods or services.