



**Australian
Competition &
Consumer
Commission**

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Our Ref: 45603
Contact Officer: Ian Lawrence
Contact Number: 02 6243 1058

4 May 2011

Bruce Lloyd
Partner
Clayton Utz
PO Box H3, Australia Square
SYDNEY NSW 1215

Dear Mr Lloyd

Third line forcing notification N95351 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 4 April 2011. The notification has been placed on the ACCC's public register.

I understand Apple Pty Limited (Apple) proposes to require certain (non-Apple owned) Apple Premium Resellers to acquire the goods and services of third party vendors nominated by Apple to fitout retail stores. Further, Apple will pay an allowance to Apple Premium Resellers who acquire the goods and services of the specified third party vendor up to a specified amount.

Legal immunity conferred by the notification commenced on 18 April 2011.

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 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 Mr Ian Lawrence on (02) 6243 1058.

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