



**Australian
Competition &
Consumer
Commission**

Our Ref: 50421
Contact Officer: David Hatfield
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18 December 2012

Mr Richard Westmoreland
Partner
HWL Ebsworth
GPO Box 5408
Sydney NSW 2001

Dear Mr Westmoreland

Third line forcing notifications N96477-80 lodged by FBHS (Aust), Morinda Australia and FBSOL

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 12 December 2012. The notifications have been placed on the ACCC's public register.

FHBS (Aust) proposes to license distributors to sell pre-fabricated steel structures such as sheds and carports on condition that, when required, the distributor will acquire engineering services from a nominated third party or class of third parties.

FBHS (Aust) proposes to license distributors to provide rights under the Fair Dinkum Sheds name and other rights under a Distribution Agreement on condition that the distributor will acquire and maintain financial membership of the Steel Shed Group (a subsidiary of the Australian Steel Institute) for the duration of the Distribution Agreement.

Morinda Australia proposes to provide rights to trade under the ShedBoss name and other rights under a Licence Agreement on condition that the licensee will acquire and maintain financial membership of the Steel Shed Group for the duration of the Licence Agreement.

FBSOL proposes to license distributors to sell pre-fabricated steel based structures on condition that, when required, the distributor will acquire engineering services from a nominated third party or class of third parties.

Legal protection conferred by the notifications will commence on 26 December 2012.

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 legal protection provided by the notifications 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 FBHS (Aust), Morinda Australia and FBSOL 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 David Hatfield on (02) 6243 1266

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch