



**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: TRACKIT 52181
Contact Officer: Gina D'Ettorre
Contact Number: 03 9290 1483

9 September 2013

Mr Fumiaki Inoue
Managing Director
JCB International (Oceania) Pty Limited
PO Box Q925
QVB Post Office NSW 1230

Dear Mr Inoue

Third line forcing notification N96953 lodged by JCB International (Oceania) Pty Ltd on behalf of JTB Australia Pty Ltd.

I refer to the above third line forcing notification lodged by JCB International (Oceania) Pty Ltd (JCB Australia) on behalf of JTB Australia Pty Ltd (JTB Australia) with the Australian Competition and Consumer Commission (the ACCC) on 5 September 2013.

The notification has been placed on the ACCC's public register.

You advise that JCB Australia is a subsidiary of a Japanese credit card company - JCB International Co. Ltd, and JTB Australia Pty Ltd is a Japanese tourist agency company. You advise that JCB Australia and JTB Australia are unrelated.

JCB Australia and JTB Australia have entered into a joint promotional activity whereby JTB Australia will offer customers a 10 % discount on its products on condition that the customer pays for the product with a JCB Card.

In this characterisation of the conduct, I note that it is JTB Australia that appears to be engaging in the conduct. Given that only the party proposing to engage in the third line forcing conduct can notify (or someone on their behalf), and that the notification was accompanied by a cheque for \$100 which is the fee for one legal entity to lodge a notification, the ACCC has taken the notification to be lodged by JCB Australia on behalf of JTB Australia.

Legal protection conferred by the notification will commence on 19 September 2013.

On the basis of the information 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 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 JTB Australia and JCB Australia 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 Gina D'Ettorre on 03 9290 1483.

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication Branch