



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: 53005  
Contact Officer: Tess Macrae  
Contact Number: (03) 9290 1835

GPO Box 3131  
Canberra ACT 2601

20 November 2013

23 Marcus Clarke Street  
Canberra ACT 2601

Ms Elizabeth Avery  
Partner  
Gilbert & Tobin Lawyers

tel: (02) 6243 1111  
fax: (02) 6243 1199

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

By email: [eavery@gtlaw.com.au](mailto:eavery@gtlaw.com.au)

Dear Ms Avery

**Third line forcing notification N97100 lodged by Kogan Australia Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 20 November 2013. The notification has been placed on the ACCC's public register.

Kogan Australia Pty Ltd proposes to offer consumers a 2for1 Movie Pass on condition customers buy any product from Kogan.com using PayPal between 13 November 2013 and 24 December 2013. The 2for1 Movie Pass entitles the holder to purchase two full priced tickets for the price of one, once a day, every day, for 12 months (valid at Event Cinemas, Greater Union, Birch Carroll & Coyle Cinemas, Village Cinemas and certain independent cinemas).

Legal protection conferred by the notification will commence on 4 December 2013.

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 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 Kogan Australia Pty Ltd 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 Tess Macrae on (03) 9290 1835.

Yours sincerely

Baethan Mullen  
Acting General Manager  
Adjudication Branch