

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) **Name of person giving notice:**
(Refer to direction 2)

N96704 Ticketmaster Australasia Pty Limited ACN 089 258 837

- (b) **Short description of business carried on by that person:**
(Refer to direction 3)

Ticketmaster provides ticketing services to venues and promoters across Australia.

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

Level 5, 364 Lonsdale Street, Melbourne, Vic 3000

2. Notified arrangement

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

Tickets to events such as stage shows, concerts, musicals, theatre, sporting events and other performances

- (b) **Description of the conduct or proposed conduct:**
(Refer to direction 4)

Ticketmaster proposes to;

- (a) give or allow, or offer to give or allow, exclusive sales periods for VISA cardholders to purchase tickets for certain events from Ticketmaster between a nominated start and finish date, on condition that the customer pays for the tickets and associated ticketing services with a VISA credit or debit card;
- (b) refuse to give or allow, or offer to give or allow, a customer to purchase tickets for certain events from Ticketmaster between a nominated start and finish date, because the customer is not paying for the tickets and associated ticketing services with an VISA credit or debit card.

The following restrictions will apply in relation to each presale offer by Ticketmaster to VISA cardholders;

- where Ticketmaster is selling 25-100% of the total saleable inventory for a single event or, where the performance or event is to take place more than once in the same city, a series of event, no more than 50% of the tickets will be made available to VISA cardholders in a pre-sale offer; and
- where Ticketmaster is selling less than 25% of the total saleable inventory for a single event or, where the performance or event is to take place more than once in the same city, a series of events, all Ticketmaster's tickets allocation maybe offered to VISA cardholders during the presale offer.

These restrictions will not apply to events that are promoted or specially arranged by VISA. For such events, Ticketmaster may offer all tickets to the event to VISA cardholders.

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:
(Refer to direction 5)**

Persons who are or who become VISA credit or debit card holders

(b) Number of those persons:

(i) At present time:

Substantially more than 50

**(ii) Estimated within the next year:
(Refer to direction 6)**

Substantially more than 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:
(Refer to direction 7)**

The proposed exclusive pre-sale periods allow VISA members access to the tickets between a nominated start and finish date. In almost all cases the number of tickets sold to VISA cardholders during the pre-sale will represent only a small percentage of total saleable tickets, and members of the general public will have access to the tickets to these events via the Ticketmaster network after the per-sale

period ends. The restrictions on the percentage of tickets made available during the pre-sale period ensure access to tickets by the general public

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

The proposed conduct benefits VISA cardholders who choose to take advantage of an offer, by enabling them to purchase tickets to a particular event and to take advantage of exclusive sale offers by Ticketmaster to VISA cardholders. The proposed conduct does not compel VISA members to purchase tickets.

The proposed conduct also benefits the general public because it will generate interest in events and increase the commercial viability of events taking place, while at the same time ensuring access by the general public to tickets to these events.

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):
(Refer to direction 8)

The relevant markets are the markets for the provision of entertainment ticketing services and for the issue of credit and debit card services in Australia.

Ticketmaster is a supplier of ticketing services to venues and promoters throughout Australia. It competes with a number of other ticketing service providers such as Ticketek, Foxtix, Moshtix, BOCS ticketing, Bass, Venue*Tix , Qtix, Tickets.com.au and Ticket Direct.

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:
(Refer to direction 9)

There is no known detriment to the public as a result of the proposed conduct, given the restrictions which will apply to the number of tickets made available to VISA cardholders under a discounted sale offer which will ensure access by the general public to tickets to all events.

(b) Facts and evidence relevant to these detriments:

See 6(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:

Jim Kotsonis

Director


Level 5, 364 Lonsdale Street, Melbourne, 3000

VIC Australia

+61 (0)3 8632 2300

Dated..... 15/4/13

Signed by/on behalf of the applicant


.....
(Signature)

Jim Kotsonis
.....
(Full Name)

TICKETMASTER AUSTRALASIA P/L
.....
(Organisation)

DIRECTOR
.....
(Position in Organisation)

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.