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## 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.

AUST. COMPETITION &  
CONSUMER COMMISSION

27 JUN 2013

CANBERRA

### 1. Applicant

(a) **Name of person giving notice:**

Ticketek Pty Ltd ABN 92 010 129 110 (**Ticketek**)

N96820

(b) **Short description of business carried on by that person:**

Ticketek provides ticketing services to venues and promoters across Australia.

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

Ticketek: Level 18, 66-68 Goulburn Street, Sydney

### 2. Notified arrangement

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

At the request of Live Nation Australasia Pty Limited ABN 69 156 286 341 (**the Promoter**), Ticketek will facilitate the provision of an exclusive sale period for individuals that are holders of a Mastercard credit, debit, commercial or pre-paid card (**Mastercard Products**). These cardholders will be able to acquire tickets during a presale period with a nominated start and finish time, to the forthcoming concerts by an internationally renowned artist (**Artist**) scheduled to be held in 2013 in Melbourne, Brisbane, Sydney, Adelaide and Perth (**Events**).

(b) **Description of the conduct or proposed conduct:**

**Background**

The Artist will tour Australia in the latter part of 2013. Tickets for the Events will be made available to the general public via Ticketek's sales channels

being box offices, over the telephone, online and through Ticketek's agencies from 19 July 2013.

***Proposed Conduct***

The Promoter and Mastercard have established a marketing relationship in respect of the Event to jointly market the Event and to provide a benefit to consumers holding Mastercard Products by providing an advance pre-sale window to purchase tickets to the Event.

Under this arrangement, Mastercard will enter into an arrangement with the Promoter whereby holders of Mastercard Products will have 3 days' exclusive access to tickets for the Event prior to tickets going on general public release on 19 July 2013. Holders of Mastercard Products will be able to purchase these pre-sale tickets via a Mastercard hosted website which will click through to the Ticketek website. Purchase of these presale tickets will require use of a Mastercard Product.

There is an argument (not necessarily accepted by Ticketek) that the proposed conduct may amount to a contravention of sections 47(6) and/or 47(7) of the *Competition and Consumer Act 2010 (CCA)*. This is because it may be argued that tickets will only be sold to consumers during the exclusive period if the consumers acquire the credit card services of Mastercard. Out of an abundance of caution, Ticketek wishes to notify the conduct under section 93(1) of the CCA.

After the 3 day exclusive period for the presale, the public will be able to acquire tickets to the Event using cash and other credit cards and charge cards.

- 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:**  
Persons who from time to time are holders of Mastercard Products.
  - (b) **Number of those persons:**
    - (i) At present time:  
Substantially more than 50.
    - (ii) Estimated within the next year:  
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:**

The proposed conduct will benefit the public by promoting competition among providers of credit card products and services and encouraging other credit card product and services suppliers to offer value add services. The proposed exclusive pre-sale will allow holders of Mastercard Products access to tickets during an exclusive nominated time period. Members of the general public who wish to purchase tickets using credit (or debit) cards issued from other financial institutions, or cash, will receive access to tickets via all points of sale across the Ticketek network at the expiry of the exclusive pre-sale window.

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

The proposed conduct offers benefits to holders of Mastercard Products by enabling them to purchase tickets to the Event in advance of the general public.

It does not compel the holders of Mastercard Products to purchase tickets through Ticketek or to buy any tickets at all.

#### **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):**

The relevant markets are those in which:

- tickets to live entertainment and sporting events in are supplied in Australia; and
- payment card products and services are supplied in Australia.

Competition in both these markets is vigorous and there are other competitors in each of these markets that compete for business.

#### **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:**

There is no significant detriment to the public as a result of the proposed conduct. Holders of Mastercard Products are free to choose whether or not to take advantage of the offer to purchase tickets to the Event during the presale window.

**(b) Facts and evidence relevant to these detriments:**

There are no detriments.

The proposed conduct will provide holders of Mastercard Products with a benefit if they choose to take advantage of the offer. They are not obliged to purchase any tickets to the Event. The general public who do not hold a Mastercard Product will have access to tickets to the Event outside of the exclusive presale window.

**7. Further information**

**(a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:**

Ticketek: Kate Cooper  
General Counsel  
Ticketek Pty Limited  
GPO Box 1610, SYDNEY NSW 2001  
Ph: 02 9266 4013

Dated..... 26 June 2013 .....

Signed by/on behalf of the applicant

..... Kate Cooper .....

(Signature)  
..... Kate Cooper .....

(Full Name)  
..... Ticketek Pty Limited .....

(Organisation)  
..... General Counsel .....

(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.