

THE ICONIC

FOR THE NEW ICONS OF FASHION.

The Australian Consumer &
Competition Commission
Level 20, 175 Pitt Street
Sydney NSW 2010

Attn: Adjudications
adjudications@accc.gov.au

By Email

4 August 2014

Dear Sirs

Lodgment of Schedule 4 Form G Notification – Internet Services Australia 1 Pty Limited (“THE ICONIC”)

We enclose by way of lodgment a Schedule 4 Form G Notification in relation to some upcoming promotional activity THE ICONIC seeks to engage in which will see THE ICONIC temporarily partnering with PayPal Australia.

The applicable lodgment fee of \$100 will be paid by way of direct electronic transfer of funds to the following account:

Account Name: ACCC Administered Receipts Account
Bank: Westpac Banking Corporation
BSB: 032-730
Account Number: 146550

Payment Narrative: THE ICONIC Authorisation Fees

If you have any queries regarding the attached form or the associated payment of fees, please do not hesitate in contacting me by way of the details below.

Best regards



Matthew Horn
Head of Business Development & Legal
M +61 0408 470 907 | E matthew.horn@theiconic.com.au

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)

N97655 Internet Services Australia 1 Pty Limited (trading as “THE ICONIC”)

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

THE ICONIC is one of Australia’s leading online fashion and footwear retailers. The company sources the best that Australian fashion has to offer, as well as bringing consumers Australia’s favourite international brands.

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

THE ICONIC
Level 2, 84-86 Mary Street
Surry Hills NSW 2010
Attn: Legal Department

2. Notified arrangement

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

The proposed arrangement relates to use of ‘PayPal’ as a method of payment on THE ICONIC’s website (www.theiconic.com.au).

For more information on PayPal, see: www.paypal-media.com/au/about

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

The proposed arrangement relates to a discount which will be offered to customers only when they elect to pay for purchases on THE ICONIC with PayPal – as a part of a broader joint promotion being executed by THE ICONIC and PayPal.

If customers of THE ICONIC are checking out with a basket of at least \$99.00 worth of goods (as measured by the listed retail price), and they elected to pay with PayPal, they will receive a \$30.00 discount on their purchase.

The joint promotion is scheduled to commence on the 10th of August, 2014, and will conclude on the 20th of September, 2014.

(The joint promotion described in the paragraphs above is hereafter referred to as the “**Promotion**” in this notification.)

(Refer to direction 4)

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)

Customers purchasing from THE ICONIC over the four week period the Promotion will be run.

- (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 market for online fashion retailers – and the market for methods of payment that are used to facilitate purchases with such retailer – is vibrant and highly competitive, with consumers having a wide range of retailers and methods of payment.

Competition within these two markets is vigorous. As a result, consumers in these markets are frequently offered promotions and packages of products and services, featuring a variety of benefits from a range of different suppliers. These arrangements provide additional value to customers and facilitate competition in the relevant markets.

The proposed conduct will provide a benefit to consumers who elect to use their PayPal accounts as the method of payment chosen to facilitate their transactions with THE ICONIC during the Promotion period.

Consumers can choose not to take advantage of the proposed offers. That is, using PayPal as a method of payment during the Promotion period is optional to consumers.

Members of the general public will continue to benefit from other offers from THE ICONIC, with the proposed conduct not affecting other promotions THE ICONIC plans to run over the course of the Promotion period.

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

The proposed conduct will not have any negative impact on competition in relation to either the supply of online fashion outlets or the supply of methods of payment available to consumers.

Making available the Promotion to consumers will increase competition between online retailers and providers of methods of payment in Australia.

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 proposed conduct relates to the market for online fashion and the market for methods of payment.

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 are no known detriments, and considerable public benefits, as outlined above. Consumers can choose not to take advantage of the Promotion. That is, the use of PayPal as a method of payment on THE ICONIC during the Promotion will be optional.

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

The proposed conduct will not give rise to any detriments. The proposed conduct will allow certain consumers who use PayPal to benefit from having signed up for PayPal as an additional method of payment.

7. Further information

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

Matthew Horn
Head of Business Development & Legal
Level 2, 84-86 Mary Street
Surry Hills NSW 2010

Dated 4 August 2014

Signed by/on behalf of the applicant



(Signature)

Adam Samuel Jacobs
(Full Name)

For and on behalf of:
Internet Services Australia 1 Pty Limited
(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.