

FILE No.
DOC:
MARS/PRISM:

23 December 2013

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Australian Competition and Consumer Commission  
Level 35, The Tower  
360 Elizabeth Street  
Melbourne VIC 3000

Dear Sir/Madam

**Symantec Asia Pacific Pte. Ltd. – Notification of third line forcing exclusive dealing**

We enclose for lodgement an exclusive dealing notification that Telstra Corporation Limited is lodging on behalf of Symantec Asia Pacific Pte. Ltd. ("**Symantec**") together with a cheque for the applicable lodgement fee of \$100.00.

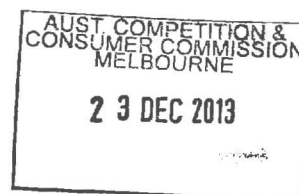
We also enclose an authority from Symantec authorising Telstra Corporation Limited to lodge the exclusive dealing notification on behalf of Symantec.

Please contact Alysia Abeyratne on (03) 9643 4051 if you have any queries or comments.

Yours sincerely

*King & Wood Mallesons.*

King & Wood Mallesons



**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)

N97174 Symantec Asia Pacific Pte. Ltd. (Co. Registration No.:20030423IM), a Singaporean corporation, having offices at 6 Temasek Boulevard, 11-01, Suntec City Tower 4, Singapore 038986.

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

Symantec is a company that provides security, storage and systems management solutions to help customers secure and manage their information against risks. Symantec supplies a range of consumer products including antivirus products, computer imaging software, information archiving, cloud solutions, server backup software and data recovery services.

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

Caroline Coops  
King & Wood Mallesons  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000  
Tel: 9643 4097

**2 Notified arrangement**

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

Symantec will offer a complimentary 24 month Norton Internet Security product licence (without backup) ("**Symantec Product**") to customers who acquire a DOT (Digital Office Technology)<sup>TM</sup> plan from Telstra.

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

Symantec proposes to:

- (i) supply or offer to supply the Symantec Product to customers on the condition that the customer acquires or agrees to acquire a DOT (Digital Office Technology)<sup>TM</sup> plan from Telstra;
- (ii) refuse to supply or refuse to offer to supply the Symantec Product to customers for the reason that the customer has not acquired or has not agreed to acquire a DOT (Digital Office Technology)<sup>TM</sup> telecommunications plan from Telstra; and
- (iii) give or allow or offer to give or allow a discount or allowance in relation to the Symantec Product to customers on the condition that the customer acquires or agrees to acquire a DOT (Digital Office Technology)<sup>TM</sup> plan from Telstra.

*(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 (small business and government customers).

- (b) Number of those persons:

- (i) At present time:

Greater than 50.

- (ii) Estimated within the next year:

*(Refer to direction 6)*

Greater 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 conduct will be of benefit to the public because it will allow customers to acquire the Symantec Product at no cost.

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

The Symantec Product is valuable to many consumers as it provides the following features, including:

- keeping a customer's computer safe when they surf, shop and bank online;
- warning a customer about social media scams and suspicious content;
- the potential to stop both today's and tomorrow's threats;
- blocking infected and dangerous downloads; and
- reducing PC start-up time and boosts performance.

With these features, the ability to acquire this Product at no cost may be a benefit to the individual consumer.

## 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)*

There are a number of markets that may be relevant including the markets for the supply to consumers of antivirus protection, security software, fixed and mobile services, broadband services and other similar telecommunications services.

These markets are characterised by strong competition. There are several leading suppliers of these products as well as many smaller competitors.

## 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 public detriments likely to result from the proposed conduct.

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

The proposed conduct will not lessen competition because the retail markets for the Symantec Product and telecommunications services are characterised by large numbers of competitors and very intense competition.

The benefits from the proposed conduct will outweigh any possible detriment considered to arise from the proposed conduct.

## 7 Further information

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

Caroline Coops  
King & Wood Malleons  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000  
Tel: 9643 4097

Dated 23 December 2013

Signed by/on behalf of the applicant



(Signature)

Caroline Coops  
(Full Name)

King & Wood Malleons  
(Organisation)

Partner  
(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.



13 December 2013

Attention: Vivian Tan

Symantec Asia Pacific Pte. Ltd.  
6 Temasek Boulevard  
11-01, Suntec City Tower 4  
Singapore 038986

**By Email: [vivian\\_tan@symantec.com](mailto:vivian_tan@symantec.com)**

Dear Michelle

**Third line forcing notification to Australian Competition & Consumer Commission ("ACCC")**

I refer to the proposed agreement between Symantec Asia Pacific Pte. Ltd. (Co. Registration No.:20030423IM) ("**Symantec**") and Telstra in relation to engage in a download site linking arrangement and other joint marketing opportunities.

As you are aware, Symantec will supply or offer to supply free antivirus software licences to customers on condition that the customer acquires or agrees to acquire DOT (Digital Office Technology)™ telecommunications services, products or services plans from Telstra.

There is a risk that the program constitutes "third line forcing" under the *Competition and Consumer Act 2010* (Cth) (being an offer by Symantec to supply free antivirus software licences to customers on condition that they acquire Digital Office Technology telecommunications services, products or services plans from Telstra), unless the ACCC is notified of the program in accordance with sub-section 93(1) of that Act.

Accordingly, attached to this letter is a draft third line forcing notification that Telstra proposes to lodge with the ACCC on behalf of Symantec ("**Form G**") for your consideration and comment.

**Please review the notification and indicate your consent by signing below for Telstra to arrange for its solicitors to lodge the notice on your behalf with the ACCC.** Telstra has agreed to pay the requisite lodgement fees.

Please sign the consent below and return it to Telstra as soon as possible.

If you have any questions relation to this letter, please contact Rosemary Collins of Telstra (+61 7 3455 3156) or Alysia Abeyratne of King & Wood Malletsons (+61 3 9643 4051).

Yours sincerely,

Rosemary Collins

Legal Counsel

For and on behalf of Telstra Corporation Limited

**CC: Michelle Thompson, Norton Business Development, [mthompson2@symantec.com](mailto:mthompson2@symantec.com)**

IT'S HOW  
WE CONNECT



We authorise King & Wood Mallesons to give the Australian Competition and Consumer Commission notice of conduct set out in the attached draft Form G.

Signature:

A handwritten signature in black ink, appearing to read 'Joseph Foggia', written over a dotted line.

Name:

.....

**JOSEPH FOGGIATO**

Senior Director, Sales Operations

Position:

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