

# 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)*

N97957 HotelClub Pty Ltd ("HotelClub")

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

HotelClub owns and operates an online hotel accommodation booking services website at [www.hotelclub.com](http://www.hotelclub.com) (the "Website").

- (c) Address in Australia for service of documents on that person:  
Level 10, 201 Elizabeth St Sydney NSW 2000

## 2. Notified arrangement

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

Online hotel accommodation bookings, and online payment services.

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

HotelClub will offer a discount on the value of hotel accommodation booked on the Website on condition that the consumer pays for the booking in Australian dollars using the Visa Checkout payment service.

*(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)*

The class of persons to which the notified conduct relates is Australian consumers who have an account to use the Visa Checkout payment service.

- (b) Number of those persons:

- (i) At present time:

115,000.

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

2 million.

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

**4. Public benefit claims**

- (a) Arguments in support of notification:  
*(Refer to direction 7)*

HotelClub submits that there will be no lessening of competition as the notified conduct is presented as an option to consumers. Consumers are free to obtain hotel accommodation booking services from a broad range of competitors in the market, and use numerous online payment services. Discount offers are also easily and often replicated by competitors in either market.

The notified conduct is pro-competitive in that it will allow HotelClub to continue to offer competitive prices to consumers in an already-competitive market.

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

Not applicable.

**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:

- (i) the Australian market for the retail supply of online hotel accommodation booking services; and
- (ii) the Australian market for online payment services.

**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)*

HotelClub submits that the notified conduct will result in no detriment to the public.

- (b) Facts and evidence relevant to these detriments:  
Not applicable.

**7. Further information**

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

Elsa van Wijk – Legal Counsel  
Level 10, 201 Elizabeth St Sydney NSW 2000  
ph: (02) 9391 4951

Dated..... 30 October 2014 .....

Signed by/on behalf of the applicant

.....  
(Signature)

.....  
(Full Name)

Hotel Club Pty Ltd  
(Organisation)

VP - Commercial  
(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.