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AUST. COMPETITION & CONSUMER COMMISSION SYDNEY
54 FEB 2014

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.

**1. Applicant**

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

N97224 Ticketek Pty Ltd ABN 92 010 129 110 (**Ticketek**)

(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, New South Wales 2000

**2. Notified arrangement**

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

This notice relates to the provision of:

- services provided by Telstra to its customers, including mobile and fixed line communications, internet, IPTV and subscription television services (the **Telstra Products**); and
- Provision of tickets to the A-League All Stars v Juventus soccer fixture staged by the Football Federation Australia Limited ABN 28 106 478 068 (**FFA**) by Ticketek to customers of the Telstra Products (**Telstra Customers**).

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

Telstra has a commercial partnership with the FFA, under which it receives partnership benefits from the FFA.

The FFA has proposed and Telstra has agreed to provide a benefit to Telstra Customers in relation to the A-League All Stars v Juventus football match to be held at ANZ Stadium in Sydney on Sunday 10 August 2014 (**Event**).

Under this arrangement, Telstra and the FFA have agreed to provide Telstra Customers with an exclusive pre-sale window in which they are able to access tickets to the Event prior to tickets going on general public release. The exclusive pre-sale window for Telstra Customers will run from 9.00am until 11.00 pm on Thursday 20 February 2014.

The general public will be able to purchase tickets to this Event from 11.00 am on Friday 21 February 2014.

Telstra Customers will be able to purchase these pre-sale tickets through the Ticketek website. Purchase of tickets to the Event will require Telstra Customers to log in and verify their customer account details on the Telstra website – My Account. Following the verification process the Telstra Customers will be re-directed to a specific Ticketek webpage.

Out of an abundance of caution, Ticketek wishes to notify the conduct under section 93(1) of the CCA.

- 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:**  
Telstra Customers.
  - (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 in the markets in which the Telstra Products are supplied as it will encourage competitors of Telstra to procure similar benefits for their customers. The proposed exclusive pre-sale will allow Telstra Customers access to tickets during an exclusive nominated time period.

Members of the general public who are not Telstra Customers who wish to purchase tickets to the Event are still able to do so without being a Telstra Customer, as tickets to the Event will be available to the general public through Ticketek from 11.00am on 21 February 2014.

Part of attracting wide audiences to live sporting matches, and ensuring the continued viability of these types of events is providing a range of value propositions to consumers. Therefore, this pre-sale is intended to attract more people to attend the Event, contributing to the continued viability of this type of event.

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

The proposed conduct offers benefits to Telstra Customers by enabling them to purchase tickets to the match via a pre-sale.

It does not compel Telstra Customers to purchase tickets through Ticketek or to buy any tickets at all.

Further, the Telstra Customer offer for this Event will be restricted to particular ticket categories and subject to a ticketing allocation. Non-Telstra customers are able to purchase tickets to the Event without acquiring Telstra Products.

## 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
- online content and telecommunications products 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:**

It is submitted that there is no detriment to the public as a result of the proposed conduct. Telstra Customers are free to choose whether or not to take advantage of the offer to purchase tickets to the Event during the relevant purchase window.

Further, the Event offer will be restricted to particular ticket categories and subject to a ticketing allocation. Non-Telstra customers are able to purchase tickets to the Event without acquiring Telstra Products.

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

There are no detriments.

The proposed conduct will provide Telstra Customers 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 are not Telstra Customers will have access to these tickets given that there is a limit imposed in terms of the ticket categories available and on the number of tickets allocated to Telstra Customers as part of this offer.

**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..... 3 February 2014 .....

Signed by/on behalf of the applicant

..... K Cooper .....

(Signature)

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

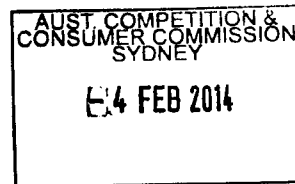
(Full Name)

..... 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.