

# 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 in 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:

Pinpoint Pty Limited trading as Cinema Savers ABN: 49 002 693 656

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

The supply of cinema ticket vouchers.

(c) Address in Australia for service of documents on that person in relation to this matter:

c/- Rose Owen

General Counsel

News Limited

2 Holt Street

Surry Hills NSW 2010

Phone: 61 2 9288 3107

email: [rose.owen@news.com.au](mailto:rose.owen@news.com.au)

### 2. Notified Arrangement

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

Provision of cinema ticket vouchers to News Corp Australia digital news service subscribers.

(b) Description of the conduct or proposed conduct:

Certain News Corp Australia digital news service subscribers will be offered free or discounted cinema ticket vouchers via the Cinema Saver online service.

Pinpoint trading as Cinema Savers will be able to refuse to offer free or discounted cinema ticket vouchers via the Cinema Saver online service unless the offeree has acquired News Corp Australia digital news services.

The relevant offers will be made in the period ending 31 December 2014,.

**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:  
News Corp Australia digital news service subscribers
- (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**

There are a number of significant public benefits which result from the proposed conduct:

- (a) Certain News Corp Australia digital news service subscribers can obtain free or discounted cinema ticket vouchers;
- (b) The offer may encourage competitors of News Corp Australia, including other newspapers, magazines and online media, to offer their customers and subscribers similar promotions; and
- (c) other competitors of Pinpoint trading as Cinema Savers may be encouraged to offer customers discounts through various newspapers, magazines or in store.

**5. Market definition**

It is not necessary to precisely define the applicable relevant markets affected as even in the narrowest potential market the notified conduct will not result in any lessening of competition.

**(i) The supply of digital news service subscriptions**

- (a) Even if the market is narrowly defined as the market for digital news service subscriptions, the Applicant submits that the offer would not lessen competition in the narrower market.

**(ii) The supply of cinema ticket vouchers**

Even if the market is narrowly defined as the market for cinema ticket vouchers, the Applicant submits that the offer would not lessen competition in that market.

**6. Public detriments**

The notified conduct would not result in public detriment, anti-competitive or otherwise, for the following reasons.

- News Corp Australia subscriptions would be under no obligation to accept the offer from Pinpoint trading as Cinema Savers;
- The general public would be free to acquire services from Pinpoint trading as Cinema Savers without any obligation to acquire an News Corp Australia news service subscriptions.

Many advertisers promote their products through coupons or promotions offered in newspapers, magazine and online media, or through customer loyalty programmes to increase awareness of new products or encourage general brand awareness and loyalty.

Many printed newspapers, magazines and online media services in Australia offer discount coupons or promotions to third parties' goods and services. This is to encourage loyalty to the publication or online service by customers and advertisers and increases competition between newspapers, media and online media services. The notified conduct would have no appreciable effect on competition between providers of news and information services.

The notified conduct would have no appreciable effect on competition between sellers of newspapers, whether supermarkets or otherwise.

**7. Further information**

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

c/- Rose Owen  
 General Counsel  
 News Limited  
 2 Holt Street  
 Surry Hills NSW 2010  
 Phone: 61 2 9288 3701  
 email: [rose.owen@news.com.au](mailto:rose.owen@news.com.au)

Dated 9.4.2014

Signed by/on behalf of the applicant

.....*Owen*.....

(Signature)

.....ROSE ANNE OWEN.....

(Full Name)

.....NEWS LIMITED.....

(Organisation)

.....GENERAL COUNSEL.....

(Position in Organisation)

## DIRECTIONS

8. 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.
9. 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.
10. Describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
11. 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.
12. Describe the business or consumers likely to be affected by the conduct.
13. 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.
14. 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.
15. Provide details of the market(s) likely to be effected 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.
16. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.