

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:

N97503 Pinpoint Pty Ltd trading as Preferred Seating ABN: 49 002 693 656 (*Pinpoint*)

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

Preferred Seating is a premium ticketing onseller selling tickets to events.

(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

2. Notified Arrangement

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

Pinpoint's provision of a free or discounted voucher to be used for purchase of tickets to events sold on Preferred Seating to certain 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 vouchers to be used towards payment of purchase of tickets to events on sale via the Preferred Seating online service.

Pinpoint will be able to refuse to offer free or discounted vouchers to be used towards payment of purchase of tickets to events via the Preferred Seating online service unless the offeree has acquired News Corp Australia digital news services.

The relevant offer will be valid from 1 July 2014 and ends 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 vouchers to be used towards payment of purchase of tickets to events on sale via the Preferred Seating online service.
- (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 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

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 tickets to events and concerts

Even if the market is narrowly defined as the market for tickets to events, 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;
- The general public would be free to acquire services from Pinpoint 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 3107
 email: rose.owen@news.com.au

Dated

Signed by/on behalf of the applicant



(Signature)

TINA GENNA

(Full Name)

Pinpoint

(Organisation)

marketing manager ✓

(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.



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pinpoint
Pty Ltd

MARKETING CONSULTANTS

ACN 002 693 656 ABN 49 002 693 656

Confidential


**Attention: Gareth McCarthy
Marketing Manager CRM Communications
News Corp Australia
2 Holt Street Surry Hills, NSW 2010**

In relation to our confirmation to participate in a joint promotion in relation providing eligible members of selected News Corp Australia subscriptions free vouchers to be used towards payment of any purchase of tickets to events on Preferred Seating by us, we understand that News Corp Australia will be notifying the Australian Competition and Consumer Commission (ACCC) on behalf of Preferred Seating to seek immunity in relation to potential third line forcing conduct.

We further acknowledge and agree that the proposed campaign and Preferred Seating's participation in it is subject to gaining immunity from prosecution for third line forcing.

As part of the submission to the ACCC for this purpose, please confirm the details set out in the attached draft submission.

Preferred Seating authorises News Corp Australia to lodge a notification with the ACCC on behalf of Preferred Seating in respect of the promotional campaign described above and authorises News Corp Australia to deal with any queries from the ACCC on its behalf.

Signature 
As an authorised representative for and on behalf of Pinpoint trading as Preferred Seating

Name TINA GENUA

Title MARKETING MANAGER

Date 11/06/2014

The content of this document is confidential and legally privileged.