

# 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)

N99003

Stan Entertainment Pty Limited ABN 94 168 856 924 (**Stan**)

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

Stan provides a subscription video on demand service to subscribers in Australia (**Stan Service**)

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

24 Artarmon Road, Willoughby NSW 2068

## 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:

- select Xbox gaming products and services (**Xbox Products**) by Microsoft Pty Ltd (ABN 29 002 589 460) (**Microsoft**) and / or participating retailers to customers; and
- the Stan Service by Stan to eligible acquirers of the Xbox Products (**Eligible Xbox Customers**).

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

Stan will provide Eligible Xbox Customers with subscriptions to the Stan Service at a discounted price on the condition that the Eligible Xbox

Customer has acquired or has agreed to acquire certain Xbox Products from Microsoft and / or participating retailers. Stan may refuse to provide the Stan Service to consumers at a discount for the reason that the consumer has not acquired, or agreed to acquire, the relevant Xbox Products from Microsoft and / or participating retailers.

*(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)*

Eligible Xbox Customers

- (b) Number of those persons:

- (i) At present time:

Greater than 100,000

- (ii) Estimated within the next year:

*(Refer to direction 6)*

Greater than 100,000

- (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 benefit the public as follows:

1. by giving Eligible Xbox Customers the option to take up a Stan Service subscription at a discounted price than if they were to subscribe to the Stan Service other than as part of a product bundle with their Xbox Product;
2. by increasing competition in each of the markets described at 5 below by encouraging competitors in each of the relevant markets to provide similar bundled offers.

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

The proposed conduct:

1. benefits Eligible Xbox Customers who choose to take advantage of an offer by enabling them to sign-up for the Stan Service as part of a product bundle with their Xbox Product;
2. does not compel Eligible Xbox Customers to sign-up to the Stan Service; and
3. does not prevent non-Eligible Xbox Customers from subscribing to the Stan Service in the ordinary course of business.

**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 the markets in which the following products and services are supplied:

1. subscription video on demand services; and
2. gaming products and services.

Competition in both of these markets is vigorous.

**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 is no detriment to the public as a result of the proposed conduct. Eligible Xbox Customers are free to choose whether or not to utilise the Stan Service subscription and there is no restriction on non-Xbox customers subscribing to the Stan Service.

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

**7. Further information**

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

Emma German

Legal Counsel

24 Artarmon Road Willoughby NSW 2068

+61 2 9965 2879

Dated.....24 March 2016.....

Signed by/on behalf of the applicant

.....Egerman.....  
(Signature)

.....EMMA GERMAN.....  
(Full Name)

.....STAN ENTERTAINMENT PTY LTD.....  
(Organisation)

.....LEGAL COUNSEL.....  
(Position in Organisation)