

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)

N99880

SKY VISTA INTERNATIONAL TRADES PTY LTD
(ABN 43 604 856 199)

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

Tea Journal, located in Chatswood, is supplying tea dessert and all other tea related products to the general public.

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

2A Dargan St, Naremburn NSW 2065

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 supply of Loose Tea Leaves

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

Tea Journal proposes to supply its goods and services as franchisor to Tea Journal franchisees on the condition that the franchisees must purchase Tea Products and Tea Related Tea Ware from Approved Suppliers, which is at this stage Lincang Fortune Commerce Limited Liability Company Fortune Tea Factory.

The Third-party supplier, which is Lincang Fortune Commerce Limited Liability Company Fortune Tea Factory, intends to supply exclusive to Tea Journal's Franchisee Tea Products and Tea Related Tea Ware at a discount so they can proceed to sell the products to consumers. The details of the Third-party supplier are described below.

The address of registered office is Lincang City, Yunnan Province Linxiang District Wanlong District tea market.

The Business number is QS533514010112.

The principle Place of Business is Lincang City, Yunnan, China.

This conduct falls within the definition of exclusive dealing in sections 47(6) and 47(7) of the *Competition and Consumer ACT 2010 (Cth)* as Tea Journal intends to:

1. Supply its goods and services as franchisor on the condition that franchisees must acquire relevant goods and services from Approved Suppliers. (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)

Retail and potential retail customers of Tea Journal who wish to purchase tea from Tea Journal franchised stores.

- (b) Number of those persons:

- (i) At present time:

A maximum of 2 Tea Journal stores will participate in the proposed conduct in NSW. The number of customers are unknown.

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

Unknown.

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

N/A

4. Public benefit claims

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

The proposed conduct is likely to be of public benefit because of

*low retail pricing

*consistent quality of tea

*consistent supply of tea to prevent product shortage.

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

Consistent supply of tea to our franchisees will allow all the products across all stores to be consistent in quality and price competitive.

All similar franchising business and cafes also adopt this system.

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 goods are the tea market in NSW, there are over 100 speciality tea stores in NSW, so our supply of tea will have minimal impact on the industry.

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)

The applicant is unable to identify any public detriment.

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

See discussions 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:

Mr TianYu Huang

Director


SKY VISTA INTERNATIONAL TRADES PTY LTD

2A Dargan St, Naremburn NSW 2065

Mobile 0420 713 382

Dated 21/09/2017

Signed by/on behalf of the applicant

A handwritten signature in black ink, appearing to read 'TIANYU HUANG', is written over a light grey rectangular background.

TIANYU HUANG

Director

2A Dargan St, Naremburn NSW 2065

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.