



**Australian
Competition &
Consumer
Commission**

Our Ref: 61256
Contact Officer: Anna Giannakos
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15 February 2017

Ms Emily Capill
Intellectual Property Lawyer & Trade Marks Attorney
Coulter Roache Lawyers

By email: ecapill@coulterroache.com.au

Dear Ms Capill

Fireplace Products Australia Pty Ltd Notification N99441

I refer to the above notification lodged by Fireplace Products Australia Pty Ltd (FPA) with the Australian Competition and Consumer Commission (the ACCC) on 18 November 2016. The public version of the notification has been placed on the ACCC's public register.

The ACCC has assessed the exclusive dealing conduct notified, which is limited to FPA proposing to supply gas and wood heaters and stoves to retailers on condition that they do not re-supply the products outside a thirty kilometre radius of their business premises without first seeking FPA's consent.

On the basis of the information that you have provided, the ACCC does not object to the notification at this time. This assessment has been made on the basis that FPA will disclose all relevant terms and conditions to the retailers who are its prospective customers.

Protection from legal action provided by the notification commenced the day the notification was validity lodged, being 18 November 2016.

If at any time circumstances change, or the ACCC receives further information, such that it is satisfied that the notified conduct has resulted or is likely to result in a substantial lessening of competition, the ACCC may remove the protection provided by the notification.

The notification does not extend to other conduct, or protect FPA from other provisions of the *Competition and Consumer Act 2010* (CCA), such as those relating to resale price maintenance. The ACCC will separately contact FPA should it have concerns under other provisions of the CCA.

This letter has been placed on the ACCC's public register.

If you wish to discuss any aspect of this notification, please contact Anna Giannakos on (03) 9290 6920.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Jones', with a stylized flourish at the end.

David Jones
General Manager
Adjudication