

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

N99724

- (a) Name of person giving notice:
Agoda Company Pte. Ltd., ABN: 41 142 356 698
- (b) Short description of business carried on by that person:
Hotel bookings
- (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: 02 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 of which this notice relates:
Applicant will offer to supply **hotel bookings** on a free or discounted basis to people who have acquired certain digital news services and/or newspapers of News Limited and/or its related bodies corporate (together, News Corp Australia).
- (b) Description of the conduct or proposed conduct:
Applicant will offer to supply free or discounted **hotel bookings** to people who have acquired certain News Corp Australia digital news services and/or newspapers.
Applicant will be able to refuse to supply to a person the free or discounted **hotel bookings** unless the person has acquired certain News Corp Australia digital news services and/or newspapers.

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 and/or newspaper purchasers/subscribers and purchasers of *hotel bookings* from Applicant.
- (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 subscribers and newspaper purchasers/subscribers can obtain free or discounted goods and services from Applicant;
- (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 Applicant may be encouraged to offer customer discounts through various newspapers, magazines or other platforms.

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.

6. Public detriments

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

- News Corp Australia digital news subscribers and subscribers/purchasers of newspapers would be under no obligation to accept the offers from Applicant;
- The general public would be free to acquire relevant goods or services from Applicant without any obligation to acquire a News Corp Australia news service/product.

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 **hotel booking providers**.

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: 02 9288 3107
email: rose.owen@news.com.au

Dated: 20.6.17

Signed by/on behalf of the Applicant


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Rose Anne Owen

News Limited

General Counsel