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Adjudication Branch
Australian Competition and Consumer Commission
Level 17 Casselden
2 Lonsdale Street, Melbourne 3000

By email adjudication@accg.gov.au

Dear ACCC,

TVSN Channel Pty Ltd – clarification re notification of exclusive dealing

We refer to previous correspondence in relation to the Notification of Exclusive Dealing (**Notification**) which was filed on behalf of TVSN Channel Pty Ltd (**TVSN**) in respect of its proposed arrangements with suppliers.

It is noted that clause 3.1 of the Notification describes the notified conduct as follows:

TVSN proposes to engage suppliers on the condition that if the supplier, distributor or manufacturer wish to market, promote and sell specific products via TVSN, then that supplier, distributor or manufacturer must not market, promote or sell products on another television shopping channel or direct selling medium involving video footage or live streaming in the presentation and promotion of goods, and which utilise the presentation and / or demonstration of goods as an integral part of the marketing and sales process (**Competitor Shopping Channels**).

As recently discussed with the Adjudication Brand team members, TVSN wishes to clarify what is intended by the term Competitor Shopping Channels. Here, TVSN notes that the term Competitor Shopping Channels, as used to describe the notified conduct, means:

A dedicated shopping channel which utilises the live presentation and / or live demonstration of goods as an integral part of the marketing and sales process. A dedicated shopping channel is generally broadcast on free-to-air television or subscription television, and supplemented through other online platforms. A dedicated shopping channel would generally operate 24 hours per day, 7 days per week, with features such as an advertised schedule featuring times of live shopping shows or repeat shopping shows, presenters trained to deliver specific shopping shows, a call centre to place sales orders and a customer service centre (the Shopping Channel Features). A dedicated shopping show is distinguishable from a website or direct selling medium utilising video or live streaming in the presentation and promotion of goods, as may be used by various retailers or suppliers, since such websites or direct selling mediums are not broadcast via free-to-air or subscription television and generally do not contain the Shopping Channel Features.

We trust the above clarifies the intended scope of the notified conduct.

Yours sincerely



Shaun Creighton
Partner Director

