

From: [REDACTED]
To: [Exemptions](#)
Cc: [Jones, Gavin](#); [REDACTED]; [Kolacz, Miriam](#); [REDACTED]
Subject: [REDACTED] Response to TVSN application for exemption.
Date: Monday, 1 February 2021 8:21:43 PM

Dear ACCC

[REDACTED] writes to oppose the application by TVSN for authorisation of potentially anti competitive activities. [REDACTED]
[REDACTED]

The grounds we are conscious of in connection with opposing the application by TVSN include that

- TVSN's applied for restrictions have been prepared in our opinion so precisely that they specifically target and will have the greatest impact on its closest competitor, Openshop. In our respectful opinion, This suggests an anticompetitive motive or "purpose" on the part of TVSN. This is a point made by Open Shops lawyers Ashurst, emphasising the lack of a legitimate commercial objective on the part of TVSN.
- The viability and success of several shopping channels is in the public interest
[REDACTED]
- TVSN's argument that the market is as broad as that contended by TVSN (i.e. the Australian retail market for consumer goods) is inconsistent with the nature of the products sold and the ACCC should be sceptical about this.
- The fact that TVSN thinks it can undertake this conduct is consistent with TVSN having some degree of market power. This could be evidenced by TVSN's ability to prevent suppliers from also supplying competing shopping channels (such as Openshop)
- The notified conduct is likely to create barriers to entry and reduce the ability of competitor shopping channels to compete with TVSN. This, in turn, would cause TVSN to compete less vigorously for customers by TVSN not lowering its prices or increasing the quality of its services.

We hope these submissions are useful. If you need anything further do not hesitate to contact the writer

Yours sincerely

[REDACTED]