

IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA
(HELD IN PRETORIA)

CT Case No. CR008Apr10/DSC198Apr11

In the matter between

COMPETITION COMMISSION

Applicant

and

COMPUTICKET (PTY) LIMITED

Respondent

ORDER - DISCOVERY APPLICATION

With the consent of both parties in this matter the Tribunal makes the following order in respect of the Applicant's discovery application dated 4 April 2011:

1. The Respondent is ordered to discover and produce the documents attached hereto as Annexure "A" on or before 5 May 2017.
2. There is no order as to costs.



Presiding Member
Mr Norman Manoim

06 April 2017

Date:

Concurring: Mr Enver Daniels and Mr Andreas Wessels

Annexure A

Schedule of outstanding documents in the Commission's discovery application

The requested additional documents is for the period between January 2000 and December 2010, unless otherwise stated

Contracts

Item in Commission's request for further and better discovery dated 18 February 2011	Description of document
2	All internal Computicket correspondence and communications (including emails) in relation to the contractual terms contained and/or proposed in contracts with its clients. The contractual terms to be covered under this correspondence include the following: exclusivity provisions; commission fees; booking/service fees; rebates; and contract length.
3	All documents (including presentations, papers, strategy documents, minutes of meetings and board minutes) discussing Computicket's strategy, policy and views in relation to the presence and duration of exclusivity clauses with its clients.
4	All documents (including presentations, papers, strategy documents, minutes of meetings and board minutes) discussing Computicket's strategy, policy and views in relation to the level and evolution of commissions charged to its clients.
5	All documents (including presentations, papers, strategy documents, minutes of meetings and board minutes) discussing Computicket's strategy, policy and views in relation to the level and evolution of booking and service fees charged to consumers.
6	All correspondence and communications (including emails) between Computicket and its clients on the terms to be included in the contracts between the parties.

7	All correspondence and communications (including emails) between Computicket and its clients on contract renewal negotiations.
8	All correspondence and communications (including emails) between Computicket and its clients on actual or potential breaches of exclusivity clauses, and Computicket's response to such breaches.
9	All internal documents on Computicket's policy and response towards breaches of exclusivity clauses.

Business Plans, Strategy Documents and Studies

Item in Commission's request for further and better discovery dated 18 February 2011	Description of document
10	All Computicket's business and marketing plans.
11	All Computicket's presentations, papers, strategy documents, internal communications, minutes of meetings and board minutes discussing the South African market for outsourced ticketing services and Computicket's position therein. Examples of the issues discussed in these documents include: <ul style="list-style-type: none"> (a) Actual or potential entry of new competitors (b) The competitive impact of greater access to the internet (c) The threat of self-supply by clients (d) Barriers to entry (e) Importance of different distribution channels (e.g. retail outlets, call-centres, on-line distribution) (f) The importance of Computicket's brand in the market
12	All market studies available to Computicket on the South African ticketing market.
13	All client and consumer surveys available to Computicket, in the market for outsourced ticketing services.

Sales data

Item in Commission's request for further and better discovery dated 18 February 2011	Description of document
14	All annual or monthly data on sales made through Computicket by each client, for each year of the relevant period, distinguishing between (a) gross ticket sales, (b) Computicket commissions, (c) Computicket booking/service fees, and (d) total Computicket revenues (net of any rebates)
15	All annual or monthly data on sales made through Computicket by booking modality (supermarket outlets, kiosks, internet, call-centre), for each year of the relevant period and for each market segment (e.g. sports, transport, theatre, festivals, live-events, cinema).
16	All internal analysis, documents and presentations relating to the data listed in items 14 and 15 above.

Financial data and financial analysis

Item in Commission's request for further and better discovery dated 18 February 2011	Description of document
19	All documents discussing Computicket's assessment of its profitability.

20	All internal analysis, documents, and papers discussing the cost structure of Computicket.
21	All internal analysis, documents, papers and business plans describing investments and significant capital outlays undertaken by Computicket.

Additional documents

Item in Commission's request for further and better discovery dated 18 February 2011	Description of document
22	All internal documents discussing Computicket's views on the adequacy of its technology and on the need for additional innovation and upgrades.
23	All internal analysis, documents, papers, and business plans describing innovations introduced by Computicket.
24	All documents discussing the feasibility and difficulties associated with sharing inventory with other ticketing agents for the same event.
25	All correspondence with clients in relation to the adequacy of Computicket's technology and quality of service.
26	All internal documents discussing the benefits to Shoprite for locating Computicket's outlets within supermarket stores.
27	All documents prepared by Shoprite in connection with its acquisition of Computicket in 2005, including due diligence documents.