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Our ref: RPN10000456  
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By email

Dear Madam or Sir

### **Resale Price Maintenance notification RPN10000456 submitted by HP PPS Australia Pty Limited – Statement of Reasons**

The Australian Competition and Consumer Commission (the ACCC) has decided not to take further action at this time in respect of the resale price maintenance (RPM) notification lodged by HP PPS Australia Pty Limited (HP) on 20 July 2020 in relation to HP Online Marketplace Stores.

HP currently directly manages all aspects of its stores on online marketplaces (such as eBay). Under the new model HP proposes to supply HP products to a third party, which will on-sell direct to customers and receive payments from customers through HP's eCommerce platform. The third party will also be responsible for the physical supply of HP products to customers. Under this arrangement, HP will specify the prices for which the third party will sell the goods (the RPM conduct). The proposed RPM conduct will only apply to products sold through HP online marketplace stores.

Once a notification has been validly lodged with the ACCC, immunity from legal action in respect of the notified conduct commences automatically 14 days after the notification was lodged, unless the ACCC issues a draft objection notice proposing to prevent the immunity coming into effect.

In this case, immunity from legal action commenced on 3 August 2020. However, HP's notification states that the proposed conduct will commence if and when the ACCC allows the notification to stand and will thereafter be ongoing. That is, HP will not engage in the proposed RPM conduct until the ACCC makes a decision about the notification.

A full copy of the RPM notification is available on the ACCC's [public register](#).

#### **Decision**

The ACCC can revoke an RPM notification if it is satisfied that the likely benefit to the public from the notified conduct will not outweigh the likely public detriment from the conduct.

Based on the information before it, on balance, the ACCC is not satisfied that the legal test to revoke the notification is met at this time.

A Statement of Reasons explaining the ACCC's decision is enclosed.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Robert Janissen on 02 6243 1387.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', with a long horizontal flourish extending to the right.

Gavin Jones  
Director  
Adjudication