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 **22 October, 2016**

**Computicket is unsuccessful in bid to have complaint for anticompetitive behaviour set aside**

Computicket’s application to have a complaint brought against it by the Competition Commission for anti-competitive behaviour reviewed and set aside was dismissed on Friday, 21 October, by the Competition Tribunal.

In 2008 the Commission received complaints from rival companies Strictly Tickets, Artslink, Going Places, TicketSpace and Ezimidlalo Technologies alleging that Computicket was engaged in anticompetitive practices by securing exclusive agreements with entertainment providers. The complaints were consolidated into a single case. The case was referred to the Tribunal in April 2010.

The review application follows a lengthy history of prior litigation between Computicket and the Commission relating to whether Computicket was entitled to certain documents in the Commission’s possession. The litigation was settled, with Computicket receiving the documents it required.

The review application was based on two main arguments: whether the complaint should have been brought by the Commissioner or the Commission and whether the decision-makers applied their minds to the matter of referral. Computicket said the decision-makers based their decision on the investigation report, rather than all the documents at their disposal.

Both grounds for review were dismissed by the Tribunal. (See arguments given in the attached document.)

In its conclusion the Tribunal said parties were too eager to use reviews instead of “availing themselves of an opportunity to defend themselves at trial”. “A review is decided on papers. A hearing is not; it involves inter alia, the hearing of …testimony, cross examination and full discovery. The hearing is therefore the superior process for resolving disputes of fact, and conclusions that inevitably arise in Competition matters.”

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