

Computicket fails to get anti-competitive behaviour complaint dismissed

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Shoprite subsidiary Computicket's attempt to have anti-competitive behaviour complaints against it dismissed "because it was made by the commission not the commissioner" was dismissed by the Competition Tribunal on Friday, 21 October 2016.



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The tribunal also dismissed Computicket's argument that even if the referral was made by the correct party, it "offends against the principle of legality".

The tribunal said its dismissal followed "a lengthy history of prior litigation" dating back to 2008 when five ticketing companies - Strictly Tickets, Artslink, Going Places, TicketSpace and Ezimidlalo Technologies - separately complained Computicket was unfairly securing exclusive deals with concert organisers.

The case, which was supposed to be heard in July 2011, has subsequently been dragged out for five years "by a skirmish over discovery".

"Parties are too eager to use reviews instead of availing themselves of an opportunity to defend themselves at trial," the tribunal complained in its ruling.

"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."

Shoprite said in its results released on 28 August that Computicket was struggling because of the weak rand. "The devalued rand placed leading international artists for local concert tours beyond the reach of South African impresarios."

Source: BDpro

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