

Notice

INV 049 – Fixture Lists: Investigation being put in abeyance

The Executive Director of the Competition Commission (the “Executive Director”) is hereby notifying all concerned parties and the public in general that the investigation codenamed *INV 049 – Fixture Lists* (‘INV049’) is being put in abeyance until further notice.

In June 2019, the Executive Director opened the investigation INV049 by virtue of the powers conferred upon him under sections 30 and 51 of the Competition Act 2007 (‘the Act’). The investigation follows an enquiry, pursuant to Rule 5(1)(c) of the Competition Commission’s Rules of Procedure 2009 (‘the Rules of procedure’), into the complaint of Value Plus Ltd (‘VPL’) to the effect that Sport Data Feed Ltd (‘SDF’) was refusing to sub-licence its claimed exclusive or proprietary rights on the UK fixture lists and football data (‘football data rights’) to VPL.

Based on the information gathered during the enquiry, the Executive Director concluded there were reasonable grounds to believe that a restrictive business practice, residing in Section 46 of Part III of the Act, was occurring. More specifically, the alleged refusal to sub-licence football data rights by SDF could be hindering VPL’s ability to operate as a licenced bookmaker by the Gambling Regulatory Authority for the offering of fixed odd betting on football matches played outside of Mauritius. Thus, the impugned conduct could be having anticompetitive foreclosure effect and thereby restricting competition in the football betting market.

As prescribed under rule 9 of the Rules of Procedure, the Executive Director drew an administrative timetable setting out the major stages of the investigation. These stages included, notifying the parties of the launch of the investigation, the gathering information process, notifying of provisional findings and possible remedies, and the submission of investigation report to the Commission. Accordingly, the Executive Director notified both VPL and SDF and proceeded with the information gathering process.

During the information gathering process, the Executive Director was made aware of a case between VPL and SDF before the Supreme Court of Mauritius (the “Supreme Court”). VPL is disputing the exclusive intellectual property right on the UK fixture lists and football data claimed by SDF. In this regard, an interlocutory judgment (“judgement”) has been delivered by the Supreme Court in November 2019. The judgement provides for a temporary resolution for VPL to have access to UK fixture lists and football data for offering of the fixed-odd betting.

The judgment of the Supreme Court is of direct relevance to the Competition Commission's INV049 investigation. It somehow addresses the competition issue of refusal to sub-licence UK fixture lists and football data by SDF. VPL can, pending the main case, operate normally in the market.

Depending on the outcome of the main case, that is whether or not there exists exclusive intellectual property right on the UK fixture lists and football data, the Executive Director would decide on the course of action in pursuing the investigation INV 049 – Fixture Lists.

**The Executive Director
Competition Commission
16 December 2020**