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Update Summary

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TRADE PRACTICES LAW

Competition and Consumer Law

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General Prohibition of Deceptive and Misleading Conduct: Section 18 of the Australian Consumer Law

The Full Federal Court has recently confirmed that, to establish a contravention of s 18, it is not *necessary* for an applicant to prove that a “not insignificant number” of members of the relevant class were likely to be misled by the conduct. See [160.730].

Competition, Markets and Exemptions

Preference for numerous small producers

The theme has most recently found articulation in a focus, in Australia and internationally, on digital platforms, and their effects on competition, particularly in media and advertising services markets. See [30.105].

Time factors

As Smith and Trindade have observed, time informs the analysis of markets along various vectors:

...of the four dimensions of market, the fourth, time, has received scant attention, especially relative to the product and geographic dimensions.

See [30.250].

Unconscionable Conduct: Part 2-2 (sections 20–22) of the Australian Consumer Law

Extension beyond equity

Following *Kobelt*, various intermediate courts have considered the propositions for which the decision stands. See [170.220].