

MERGER DECISION NO 30: 2022**MERGER DECISION ON THE ASSESSMENT OF THE PROPOSED ACQUISITION OF CERTAIN BUSINESS ASSETS OF BOOKBINDER BUSINESS LAW BY A PARTNERSHIP COMPRISING OF JEFFREY SAMUEL BOOKBINDER, ANDRE BELL, MSIYA KINDIANO, TEFO GAONGALELWE, KELEBILEONE MALEFO, OLEBILE DAPHNEY MUZILA, TEBOGO MAPITSE, AND OBAKENG LEBOTSE.****Introduction of the Merging Parties**

- i. Pursuant to Section 53(4)(a)(ii) of the Competition Act, 2018 ("the Act"), notice is hereby given on the decision made by the Competition and Consumer Authority ("the Authority") in respect of the proposed acquisition of certain business assets of Bookbinder Business Law ("the Target Enterprise") by a partnership comprising of Jeffrey Samuel Bookbinder, Andre Bell, Msiya Kindiano, Tefo Gaongalelwe, Kelebileone Malefo, Olebile Daphney Muzila, Tebogo Mapitse, and Obakeng Lebotse ("the Acquiring Enterprise"). The transaction was notified to the Authority on 16th September 2022 and the merger assessment was completed on 11th October 2022.
- ii. The Acquiring Enterprise comprises a partnership of legal practitioners who, with the exception of Jeffrey Samuel Bookbinder, are employees of Bookbinder Business Law. The partnership is a special purpose vehicle that has been formed for the purpose of acquiring certain assets (being primarily intellectual property, business records and office equipment) of Jeffrey Samuel Bookbinder operating a sole proprietorship under the name and style Bookbinder Business Law. None of the individuals in the partnership have interests in any other legal services practice other than Bookbinder Business Law.
- iii. The Target Enterprise, being certain assets of the business of Bookbinder Business Law, is a sole proprietorship of Jeffrey Samuel Bookbinder and carries on business as a legal services practice in Botswana.

Relevant Markets

- iv. Based on the activities of Bookbinder Business Law, the Authority defined the relevant market as the market for provision of legal services in Botswana.

Competitive Analysis and Public Interest

- v. The Authority has not established any substantial lessening of competition concerns arising from the merger because this is an internal restructuring in terms of ownership where there is change of control. Furthermore, there is no acquisition of market dominance post-merger; nor any negative effect on public interest that was identified as per the provisions of section 52(2) of the Competition Act 2018.

The Determination

- vi. Pursuant to the provision of Section 53 of the Competition Act, the Authority has decided to unconditionally approve the proposed acquisition of certain business assets of Bookbinder Business Law by a partnership comprising Jeffrey Samuel Bookbinder, Andre Bell, Msiya Kindiano, Tefo Gaongalelwe, Kelebileone Malefo, Olebile Daphney Muzila, Tebogo Mapitse, and Obakeng Lebotse.
- vii. However, as stated under Section 61 of the Act, this approval does not override or negate any other mandatory statutory approvals or processes that any of the parties to this merger must comply with under the Laws of Botswana.

Dated at Gaborone on this 11th day of October 2022.

Tebelelo Pule, Chief Executive Officer, Competition and Consumer Authority, P/Bag 00101, Gaborone, Plot 28, Matsitama Road, Tel: 3934278 Fax: 3121013