



National Sports Campus, Abbotstown, Dublin 15
T: +353 1 899 9500 F: +353 1 899 9501
info@fai.ie www.fai.ie

Department of Jobs, Enterprise & Innovation

Earlsfort Centre
Lower Hatch Street
Dublin 2

31st March 2017

Re: Consultation regarding the resale of tickets for Entertainment and Sporting Events

Dear Sirs

Thank you for your request for feedback on this matter.

The FAI believe that it would be helpful for legislation to be introduced in this area in order to combat the sale of tickets by persons who purchase tickets with no intention of ever attending the event but who resell the tickets at a significant profit. In essence the last category of reseller outlined in your consultation paper.

The introduction of such legislation also forms part of the commitments given by government in our bid to UEFA to host matches in EURO 2020.

The FAI has genuine, dedicated and loyal supporters and as an organisation we are committed to ensuring that such supporters are able to purchase tickets at their face value and do not have to pay inflated prices. It is for this very reason that we have introduced pre-sales for our season ticketholders and supporters clubs. In addition we also offer our Football Family, which is comprised of Clubs/Leagues around the country, a presale facility which is processed directly through our ticket office. For high profile fixtures we are sometimes required to impose limits in order to distribute the tickets as fairly as possible. These limits can range anywhere from 60-100.

For away matches we are extremely conscious that we only get a very limited allocation of tickets and we implement a points based system for our fans to purchase such tickets which ensures that only genuine supporters get tickets as opposed to those who only want to purchase the tickets in order to sell them at a profit on the secondary market.

We have reviewed your submission paper in detail and welcome the opportunity given to contribute to this process. Please find our responses to the queries raised below. For ease of reference we have listed the question in green and answered underneath.



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Q1. What proportion of primary ticket sales are accounted for respectively by-

- a) Online sales
- b) Telephone sales
- c) Sales through agents in retail outlets
- d) Box office sales – Directly from FAI

A1. We make a number of pre-sale offerings through Ticketmaster before tickets go on general sale to:

- season ticketholders,
- supporters clubs,
- commercial partners
- Club Ireland members

We also make a pre-sale offering to our Football Family directly from our FAI ticket office.

Q2. Approximately how many entertainment and sporting events each year in which you are involved or about which you have information give rise to a significant level of secondary ticket sales? What characteristics, if any, do these events have in common? Do they wholly or mainly involve large-scale events in major venues?

A2. In our experience it is high profile competitive fixtures such as our qualifying matches for the FIFA World Cup or the European Championship Finals that give rise to a significant level of secondary ticket sales. Recent examples of such games include ROI v Wales, ROI v Poland and ROI v Scotland. There are approximately 4-5 such fixtures per year. However, this does vary depending on whether the finals of a major tournament are on that year.

The demand on secondary ticket sales fluctuate but they tend to be fixtures in which a large volume of away supporters will travel to Ireland for the game resulting in increased demand for tickets. The common factor is either that the match is a competitive fixture or a match with a country that has close ties to Ireland or is within an easy flight or sailing distance.

Q3. What proportion of tickets offered for sale on secondary marketplaces and platforms are sold-

- a) For a price above the face value of the ticket (plus any applicable service charges or booking fees),
- b) At the face value of the ticket
- c) For a price below the face value of the ticket



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d) Fail to sell

- A3. For high profile matches we find that most tickets that are sold on the secondary market are sold above face value. However, for a match that is less high profile and not as much in demand they may be sold at face value on websites such as toutless.com which only allows people to re-sell tickets at their face value.

We are not aware of tickets being sold below face value or failing to sell.

Information on the size of the mark-ups above, or discounts below, face value prices would also be welcome.

- A3.a In our most recent competitive fixture we found the mark up on tickets was 4 times in excess of the face value of the tickets. Category B tickets which we priced at €50 were sold on the secondary ticket market for €200.

Q4. How common is ticket fraud involving the supply of fake tickets or the non-delivery of tickets? How frequently, and in what numbers, are persons producing fake tickets denied access to entertainment and sporting events? Low level incidents

- A4. Ticket fraud is not a large issue for us. Incidents are minimal and we have procedures in place to try and prevent same particularly for high profile games.

Some recent examples include a fan presenting a “ticketfast” ticket which is a ticket you can print at home for a match for which no such tickets were issued. They had paid €500 for 2 tickets. In addition we find that secondary sellers are purchasing “child” tickets and covering the “child” part of the ticket when they are selling them on the secondary market.

Q5. What proportion of tickets for high-demand entertainment events are typically allocated for pre-sale or other allocation prior to going on general sale to the public? What parties or groups are the main recipients of such pre-sales and pre-allocations?

- A5. To facilitate and recognise our most loyal supporters we offer pre-sale facilities to our Season Ticket Holders, Club Ireland members, Supporters Clubs, Commercial Partners and Football Family. The balance which varies from 20-30% go on general sale through our ticketing partner.

Q6. Are you aware of tickets being supplied to secondary sellers or marketplaces by persons involved in the primary market for entertainment or sporting events such as artists and their representatives, promoters or primary tickets sellers? If so, how prevalent is the practice and what is its scale? No

- A6. No we are not aware of this and would not encourage it.



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- Q7. Are parties who engage in ticket resale on a systematic basis and on a significant scale a feature of the secondary ticket market in Ireland? What proportion of secondary sales for high-demand events are accounted for by such sellers? Do such sellers receive more preferential terms, such as early payment, from secondary marketplaces?
- A7. We do not have this information.
- Q8. Is there evidence of the use of software (Bots) to source multiple tickets for high-demand events on the primary market in Ireland and to circumvent security measures? How common or extensive is the use of such software for this purpose?
- A8. We do not have this information as any tickets we sell directly are done on a manual basis. We understand that our ticketing partner will provide this information.
- Q9. What means other than bots are used to obtain large numbers of tickets on the primary market for the purpose of resale? Ticketmaster
- A9. We are unaware.
- Q10. What proportion of tickets offered for resale for major entertainment and sporting events in Ireland are listed by sellers from outside Ireland?
- A10. From experience for our fixtures it is very rare.
- Q11. What actions are currently taken by primary ticket sellers and ticketing service providers to prevent purchases in excess of the contractually permitted number of tickets or resales in breach of the terms of the primary ticket contract? What is the level of ticket cancellations for the breach of such terms? What is the level of denial of access to venues and stadia for breach of such terms?
- A11. We impose limits on the number of tickets an account holder can purchase and sometimes we also impose conditions surrounding delivery addresses outside of the Republic of Ireland. As outlined in more detail below our paper and card tickets are also personalised which makes it easier to track who is selling them on in the secondary market place.
- Q12. Do secondary marketplaces consider themselves to be under an obligation to assist event organisers who wish to identify ticket resellers acting in breach of their contract with the primary seller? Should they do so? Should they be required to do so?
- A12. We do not know if they feel obliged to assist however, we would welcome such assistance.



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- Q13. Should websites which sell tickets for an event on the primary market redirect purchasers to secondary platforms selling tickets to the same event? Should any such redirection be subject to a requirement that the consumer be informed of the status of the secondary site and that ticket prices are likely higher?
- A13. No we do not believe that purchasers should be redirected to secondary platforms.
- Q14. How many events in Ireland, and what proportion of their tickets, have featured “Platinum tickets” or other dynamic-pricing approaches to ticket pricing? What was the average price of such tickets? Did they sell out?
- A14. As far as we are aware concerts offer platinum packages. For our fixtures Compass Catering offer Corporate Hospitality packages. Prices range from €180-€280. There is generally good uptake in sales for such packages for high profile fixtures. However, the package is not always available for medium profile games.
- Q15. Is a dynamic pricing approach to event tickets likely to be adopted on a significant scale? If so, when and for what type of event is this likely to occur? If not, what are the main reasons why it will not be pursued?
- A15. No
- Q16. What additional steps, if any, could performers and their managements, sporting bodies and event promoters take to minimise secondary ticket selling at inflated prices and ensure fairer access to tickets for fans?
- A16. The FAI have introduced a number of measures to minimise secondary ticket selling at inflated prices including:
- Presale for Supporters Clubs, Season Ticketholders, Club Ireland Members, Football Family and Commercial Partners
 - Introducing Personalised Tickets
 - Introducing T&C’s to help prevent such reselling
 - Following up on such ticket sales and stopping accounts where such sales are proven
- Q17. What additional technical measures, if any, are primary ticket sellers planning to implement or develop to prevent purchases made with the aid of bots?
- A17. All tickets sold directly by the FAI are done manually which prevents the use of bots. We understand our ticketing partner will be putting forward their proposals directly to you in this regard.



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Q18. Are personalised or paperless tickets an effective method of curbing ticket resale? What drawbacks, if any, are associated with such approaches? Has experience with these methods in Ireland been positive, negative or mixed?

A18. All our paper tickets in addition to our season ticket swipe cards are personalised as are tickets purchased directly from Ticketmaster. Experience using this method has been positive for a number of reasons with the main one being traceability. We have successfully identified a number of secondary resellers and stopped their tickets and their pre-sale privileges due to tickets being personalised.

Q19. Do primary sellers or venues offer a facility for the return and refund of tickets that purchasers are unable to use? If so, what conditions apply to this facility? If not, what are the reasons why primary sellers do not offer this facility? Would they consider the introduction of such a facility and if so, under what conditions?

A19. Ticketmaster do not offer a refund on tickets. We review such requests made directly to our ticket office on a case by case basis.

Q20. Do secondary ticketing websites consider themselves under an obligation to ensure that resellers who qualify as traders under relevant consumer protection legislation inform consumers of their status as traders and of the rights that consumers buying from such sellers have under that legislation?

A20. We are not aware whether or not they do consider themselves under such an obligation but our opinion is that they should.

Q21. Should legislation be introduced to regulate ticket resale and the secondary ticketing market? If so, what form should such legislation take and what penalties should apply to breaches of its provisions? If not, what are the reasons why legislative measures should not be pursued?

A21. Yes we believe that legislation should be introduced to address the lack of an effective deterrent to people who purchase tickets on a mass level in order to generate profits and prevent true fans or supporters from purchasing tickets at their face value. If legislation was introduced to tackle resale at inflated prices the beneficiaries would be genuine fans.

The introduction of such legislation would allow fair access to tickets for all at non inflated prices.

Such legislation should ensure to prevent:

- (a) the sale of tickets by persons at inflated prices. The FAI are not seeking to stop the resale of tickets at their face value.



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- (b) any advertisements or promotions that use the event organiser's IP Rights in any way without the event organisers consent;

We trust this answers your questions and if we can be of any further assistance please do not hesitate to contact us.

Yours sincerely

A handwritten signature in black ink that reads 'Rea Walshe'. The signature is fluid and cursive, written in a professional style.

Rea Walshe
Head of Legal