

COMMONWEALTH OF AUSTRALIA

Copyright Act 1968

IN THE COPYRIGHT TRIBUNAL

FILE NO. CT 1 of 2021

REFERENCE BY: Australasian Performing Right Association Limited
ABN 42 000 016 099

Australasian Mechanical Copyright Owners' Society Limited ABN 78
001 678 851 (**APRA AM COS**)

under Section 154 of the *Copyright Act 1968 (Cth)*

ORDER

TRIBUNAL: PERRAM J (Deputy President)

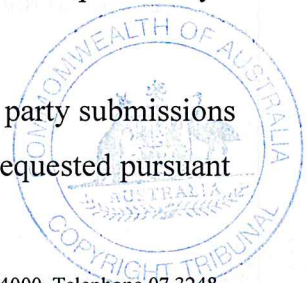
DATE: 9 SEPTEMBER 2021

WHERE MADE: SYDNEY

BY CONSENT, THE TRIBUNAL ORDERS THAT:

Preliminary document production

1. On or before 20 September 2021, the respondents serve on the applicants a joint list of documents for production.
2. On or before 20 September 2021, the applicants serve on each respondent a list of documents for production.
3. On or before 4 October 2021, the parties notify each other of any objections to the proposed lists of documents for production (including due to any potential third party confidentiality claims).
4. On or before 11 October 2021, the parties email to the associate to Perram J any request that the Tribunal issue a summons, which shall reflect the production that is pressed by a party notwithstanding objection.
5. On or before 18 October 2021, each party file and serve on each other party submissions of no more than five pages setting out its objections to any summons requested pursuant to order 4.



6. On or before 25 October 2021, each party file and serve on each other party submissions of no more than five pages responding to any submissions filed pursuant to order 5.
7. Unless the Tribunal accedes to any request made in submissions filed in accordance with orders 5 or 6 for an oral hearing, the Tribunal will deal with any request for a summons made pursuant to order 4 on the papers, in light of any submissions filed pursuant to orders 5 and 6.
8. On or before 18 October 2021, each party produce to each other party any agreed documents from the lists served under orders 1 and 2 above, subject to the confidentiality regime and any third party confidentiality claims which require a summons.

Particulars

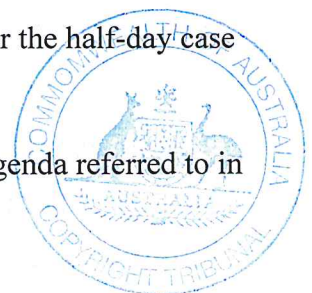
9. By 13 September 2021, the applicants provide the respondents particulars of:
 - a. each licensee that they rely on for the purposes of paragraph 47 of their position paper; and
 - b. each international collecting society and corresponding 'substantially similar services' they rely on for the purpose of paragraph 52 of their position paper.

Consolidation of issues

10. By 18 October 2021, the parties confer with a view to preparing a single document that identifies the key issues that the parties see as arising in the proceedings, together with a brief articulation of each party's position.
11. By 29 October 2021, the parties are to provide to the Tribunal a copy of the document prepared following the conferral provided for in order 10.

Case management conference

12. The matter be listed for a half-day case management conference at 9.30 am on 19 November 2021.
13. On or before 5 November 2021, the parties confer as to an agenda for the half-day case management conference.
14. On or before 12 November 2021, the parties forward the proposed agenda referred to in order 13 to the Associate to Perram J.



Confidentiality

15. Subject to further order, pursuant to section 163(2)(b) of the *Copyright Act 1968* (Cth), disclosure, by way of publication or otherwise, of the information contained in Confidential Documents pursuant to the Confidentiality Regime ordered by the Tribunal on 4 August 2021 is restricted to those persons, and the Tribunal, entitled to access under that Confidentiality Regime.

THE TRIBUNAL NOTES THAT:

1. Orders 1 to 8 are intended to facilitate early production of key documents that can be identified with reasonable specificity and produced without undue burden.

Date stamped: 9 September 2021



