

COMMONWEALTH OF AUSTRALIA
Copyright Act 1968

IN THE COPYRIGHT TRIBUNAL OF AUSTRALIA
FILE NO. CT1 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 AMCOS**)

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

ORDER

TRIBUNAL: **PERRAM J (President)**

DATE: **30 OCTOBER 2024**

WHERE MADE: **SYDNEY**



BY CONSENT, THE TRIBUNAL ORDERS THAT:

1. Order 1 of the orders dated 9 August 2024 be vacated.
2. The matter be set down for the cross-examination of the lay witnesses, and any non-financial/valuation experts for an estimate of 10 days from 17 to 28 February 2025.

Lay witness evidence scheduling and objections

3. By 12 December 2024 the parties are to have conferred to determine the scope of cross-examination of the lay witnesses and the scheduling of those witnesses.
4. By 3 February 2025, the parties are to notify each other as to any objections to lay evidence.
5. If the parties are unable to resolve objections to evidence between themselves, the parties are to send a list of the unresolved objections to evidence to the associate to Justice Perram by 4pm on 5 February 2025 for determination.

Hearing book

6. By 10 February 2025, APRA AMCOS to provide the Tribunal and each of the parties with an electronic hearing book consisting of:



- a. Documents relating to the lay witness evidence;
- b. Lay witness statements marked up with rulings; and
- c. Formal documents such as applications.

Summons to Netflix

7. By 30 October 2024, Netflix is to notify APRA AMCOS of any objection to production to the list of documents sought by APRA AMCOS served on 9 October 2024.
8. By 4 November 2024, APRA AMCOS is to email the Associate to the President of the Tribunal:
 - a. a summons for any categories of production that are agreed to;
 - b. any request that the Tribunal issue a summons to Netflix, which shall reflect the production that is pressed by APRA AMCOS notwithstanding objection.
9. By 11 November 2024, Netflix is to file and serve any affidavit evidence and submissions of no more than 5 pages setting out its objections to any summons sought by APRA AMCOS.
10. By 25 November 2024, APRA AMCOS is to file and serve any affidavit evidence and submissions of no more than 5 pages responding to any submissions filed pursuant to Order 9 in respect of the summons requested.
11. Unless the Tribunal accedes to any request made in submissions filed in accordance with Orders 9 and 10 above for an oral hearing, the Tribunal will deal with any request for a summons made pursuant to Order 4 above on the papers.

Evidence and submissions

12. Order 10 of the 9 August 2024 orders be varied as follows:
 - a. By 6 November 2024, APRA AMCOS file and serve lay evidence and non-financial/valuation expert evidence in reply in so far as the APRA AMCOS scheme is concerned and in response in respect of any further schemes advanced by any other party;
 - b. By 20 November 2024, APRA AMCOS file and serve any financial/valuation expert evidence and any further lay or non-financial/valuation expert evidence necessary for assumptions provided after 6 November 2024 to the financial/valuation expert retained by APRA AMCOS; and

- c. By 27 November 2024, APRA AMCOS file and serve submissions contemplated by order 10.
13. Order 12 of the 9 August 2024 orders be varied as follows:
- a. By 28 January 2025, Netflix and Stan file and serve any lay evidence and any non-financial/valuation expert evidence in reply to the evidence filed by APRA AMCOS or any other respondent in response in respect of the alternative schemes they respectively advance ;
 - b. By 7 February 2025, Netflix and Stan file and serve:
 - i. any expert financial/valuation evidence, and any further lay or non-financial/valuation expert evidence necessary for assumptions provided after 28 January 2025 to the financial/valuation experts retained by Netflix and Stan respectively, in reply to the evidence filed by APRA AMCOS or any other respondent in response in respect of the alternative schemes they respectively advance; and
 - ii. submissions in reply in respect of the alternative schemes they respectively advance (including in reply to the submissions filed by any other respondent in relation to those alternative schemes).
14. The Respondents comply with Order 7 of the Orders dated 9 August 2024, which concerns filing a consolidated response regarding the APRA AMCOS findings sought, by 30 October 2024.
15. Order 11 of the Orders dated 9 August 2024 be varied so that Paramount file and serve any submissions contemplated by that order by 6 November 2024.

Date that entry is stamped: 30 October 2024



Nye Perram

The Hon Justice Nye Perram, President