

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 P

DATE: 26 May 2025

WHERE MADE: SYDNEY



THE TRIBUNAL ORDERS THAT:

Evidence and tender bundle

1. By 30 May 2025, Netflix file and serve any application for access for its instructor(s) to certain confidential information, together with any accompanying evidence and submissions (**Access to Confidential Information Application**).
2. By 4 June 2025, APRA AMCOS notify any third parties whose confidential information is the subject of the Access to Confidential Information Application in the form of the notice annexed to these orders.
3. By 6 June 2025, APRA AMCOS notify the Tribunal and Netflix whether they consent to the Access to Confidential Information Application, and if not, to file and serve any evidence and submissions setting out their objections to the Access to Confidential Information Application.
4. By 12 June 2025, any third party notified pursuant to order 2 of these orders who opposes access to its confidential information subject of the Access to Confidential Information Application notify the Associate to the President of the Tribunal by email

copying the solicitors for APRA AMCOS and Netflix and provide evidence and submissions setting out its objections.

5. The Tribunal to determine the Access to Confidential Information Application on the papers unless it accedes to any request for an oral hearing made by any party or third party.

Date that entry is stamped: 26 May 2025



The Hon Justice Nye Perram, President

ANNEXURE – FORM OF NOTICE

Dear Colleagues

We act for APRA and AMCOS in reference CT1/2021 which is currently before the Copyright Tribunal of Australia (the **Reference**).

There is a confidentiality regime in place between the parties to the Reference, which includes restrictions that certain information can be viewed by external legal representatives acting for a party, but cannot be disclosed to internal instructors within a party.

One of the parties to the Reference, Netflix, Inc, has made an application seeking orders that two individuals within Netflix's business be permitted to receive a document which includes information which refers to information which APRA and AMCOS understand to be confidential to **[Name of third party]**. Netflix's application seeks that the Tribunal order that those individuals be allowed access to this document, on the basis that they provide undertakings to not disclose the confidential information, for the purposes of providing instructions to Netflix in the Reference.

The Tribunal has ordered a timetable for APRA and AMCOS, and interested third parties, to notify whether they consent to or oppose Netflix's application by **[date]**, and to provide any evidence and submissions by **[date]**.

A copy of Netflix's application is enclosed, together with the Tribunal's timetabling orders, and a redacted version of the document to which Netflix seeks access (redacted to show only the confidential information relevant to you).

