

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: **9 AUGUST 2024**

WHERE MADE: **SYDNEY**



THE TRIBUNAL ORDERS THAT:

Additional cross examination days – Phase 13

1. The matter be set down for a further 2-3 days for the cross examination of Martin Hall, Tony Samuel and Jason Ockerby on a date convenient to the Tribunal between 3 February 2025 and 14 February 2025.

Outstanding evidence of the Respondents – Phase 6

2. By 9 August 2024, the Respondents serve on APRA AMCOS versions of their respective evidence that has been redacted divided and/or reclassified in accordance with the table annexed to these orders.
3. By 16 August 2024, Netflix file and serve submissions as required by Order 6(b) made on 19 February 2024, as varied on 22 May 2024.
4. By 9 August 2024, Stan file and serve findings of fact as required by Order 4 made on 19 February 2024, as varied on 22 May 2024.
5. By 16 August 2024, Stan file and serve its response to APRA AMCOS Findings Sought as required by Order 6 made on 19 February 2024, as varied on 22 May 2024.
6. By 16 August 2024, Paramount file and serve submissions as required by Order 6 made on 19 February 2024 as varied on 22 May 2024.

7. By 23 August 2024, the Respondents file and serve a consolidated response to the APRA AMCOS Findings Sought, as required by Order 7 made on 19 February 2024, as varied on 22 May 2024.
8. By 9 September 2024, Disney file and serve evidence as required by Order 1 made on 19 February 2024, as varied on 22 May 2024.
9. By 20 September 2024, Disney file and serve submissions as required by Order 6 made on 19 February 2024, as varied on 22 May 2024.

Evidence in reply – Phase 7 and 7A

10. By 7 October 2024, APRA AMCOS file and serve submissions and evidence:
 - (a) in reply in so far as the APRA AMCOS Scheme is concerned; and
 - (b) responds to evidence and submissions in respect of any further schemes advanced by any other party.
11. By 7 October 2024, each respondent file and serve submissions and evidence in response in respect of the alternative schemes advanced by Netflix and/or Stan.
12. By 9 December 2024, Netflix and Stan file and serve submissions and evidence in reply in respect of the alternative schemes they respectively advance.

Case management hearing

13. The matter be listed for a directions hearing on 25 October 2024 at 9:30am.

THE TRIBUNAL NOTES THAT:

1. Paramount intend to rely on Netflix and Stan's responses to the APRA AMCOS Findings Sought, in so far as they agree with the extent of those findings in their final form; and will indicate any departure in accordance with order 7 above.

Date that entry is stamped: 9 August 2024



Nye Perram
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The Hon Justice Nye Perram, President

PROPOSED RECATEGORISATION OF RESPONDENTS MATERIAL

#	Filing party	Document	Existing Category	Proposed changes for APRA
1.	Stan	Statement of Cailah Sabina Ball 5 July 2024	Category A	No change, but category C version filed and served
2.	Stan	Statement of Emren Kara 8 July 2024	Category C	Category C, but can be seen by Phil Akouri and Derek Cameron upon signing of agreed undertakings
3.	Stan	Statement of Martin Kugeler 26 July 2024	Category A	No change, but category C version filed and served
4.	Stan	Expert Report of Tony Samuel 5 July 2024	Category A	No change, but category C version filed and served
5.	Netflix	Expert Report of Jason Ockerby 3 July 2024	Category A	No change, but category C version filed and served
6.	Netflix	Second Report of Jason Ockerby 17 July 2024	Category A	No change, but category C version filed and served
7.	Netflix	Statement of Jeanette Dietrich 3 July 2024	Category A	Netflix will file and serve a Category C version of this statement, and will seek instructions by 9 August 2024 on access to that Category C version for the following people: Phil Akouri and Derek Cameron (APRA's Director of Royalty Distributions)
8.	Netflix	Statement of Paul Jones 2 July 2024	Category A	Netflix will file and serve a Category C version of this statement, and will seek instructions by 9 August 2024 on access to that Category C version for the following people: Richard Davison (APRA's Head of International Services), Tim Cohan, Ashley Irwin, Andrea Kokonis and Sean Donegan
9.	Netflix	Statement of Carolyn Javier 9 July 2024	Category A	Netflix will file and serve a Category C version of this statement, and will seek instructions by 9 August 2024 on access to that Category C version for the following people: Richard Davison, Tim Cohan, Ashley Irwin and Andrea Kokonis
10.	Netflix	Statement of Nicholas Osztreicher 11 July 2024	Category A	Netflix will file and serve a Category C version of this statement, and will seek instructions by 9 August 2024 on access to that Category C version for the following people: Phil Akouri and Derek Cameron

