

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 (Deputy President)

DATE: 22 FEBRUARY 2022

WHERE MADE: SYDNEY

THE TRIBUNAL ORDERS THAT:

Document Production

1. By 2 March 2022, in relation to each licence produced by APRA or AMCOS pursuant to Order 1 of 7 December 2021 that provides for alternative bases for payment of the licence fees, APRA and AMCOS notify the respondents of the basis on which the licensee is making payment.
2. By 3 March 2022, APRA AMCOS serve lists of documents for further document production it seeks from any Respondent.
3. By 10 March 2022, any Respondent served with a list of documents pursuant to Order 2 is to notify APRA AMCOS of any objection to production.
4. By 17 March 2022, APRA AMCOS email to the Associate to Perram J:
 - a. any request that the Tribunal issue a summons to a Respondent, which shall reflect the production that is pressed by APRA AMCOS notwithstanding objection;
 - b. any request that the Tribunal issue a summons to a third party.

5. By 24 March 2022, any Respondent that objects to any summons requested pursuant to Order 4(a) file and serve submissions of no more than 5 pages setting out its objections.
6. By 31 March 2022, APRA AMCOS file and serve submissions of no more than 5 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 and 6 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 in Chief

8. By 14 July 2022, APRA AMCOS file and serve:
 - a. its evidence in chief on matters on which it bears the onus, consisting of lay and expert statements and a document bundle;
 - b. submissions in chief on matters on which it bears the onus addressing:
 - i. findings on non-expert facts which will be sought;
 - ii. findings on expert matters which will be sought;
 - iii. submissions addressing issues on which it bears the onus in the Table of Key Issues (as defined in the orders of 23 December 2021) (unless any have been completely resolved by the ADR process set out in Orders 6 and 7 of the Orders of 23 December 2021); and
 - iv. brief comments on each clause of each proposed scheme or licence, cross-referenced to the submissions.

Case Management Hearing

9. The matter be listed for a case management hearing on a date to be fixed in consultation with the parties after 14 July 2022.

Date that entry is stamped: 22 February 2022



The Hon Justice Nye Perram, Deputy President