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:

3 NOVEMBER 2021

WHERE MADE:

SYDNEY

THE TRIBUNAL ORDERS THAT:

- 1. Pursuant to s 167(3) of the *Copyright Act 1968*, except with respect to any documents with respect to which any application has been made in accordance with order 4 and remains unresolved on or before 42 days of the date of this order, Netflix, Inc, produce to the Tribunal, in electronic form if available, the documents identified in category 2 of Schedule A to this Order.
- 2. Within 1 day of the date of this Order (or as soon as possible thereafter as is practicable), Netflix, Inc serve a copy of this Order on any third party that is a party to any of the agreements referred to in category 1 of the summons that is Schedule A to this Order.
- 3. Except in the case of documents in respect of which notification has been made in accordance with Order 4 below, after 14 days of the date of this order, Netflix, Inc produce to the Tribunal, in electronic form if available, the documents identified in category 1 of Schedule A to this Order.
- 4. Any person that wishes to be heard in respect of order 1-3 above has liberty to apply to the Associate to Perram J, by email copied to the solicitors for Netflix, Inc., on 24 hours'

notice. Netflix, Inc must notify the solicitors for each other party of any application pursuant to this Order.

Date stamped: 3 November 2021

Schedule A

1.	All licence agreements with collecting societies for the reproduction and/or communication of musical works on the Netflix service in the following territories:			
	a.	The United Kingdom, or any part thereof;		
	b.	The Republic of Ireland;		
	C.	Canada;		
	d.	France;		
	e.	Germany;		
	f.	Sweden;		
	g.	Brazil;		
	h.	Korea;		
	i.	Chile;		
	j.	Finland;		
	k.	Colombia;		
	I.	Peru;		
	m.	Portugal;		
	n.	Czech Republic;		
	0.	Hong Kong;		
	p.	Ecuador; and		
	q.	Uruguay,		
	in place at the following times:			
	r.	immediately prior to the Netflix service starting in Australia; and		
	S.	current as at the date of this re	equest.	
2.	The agreements that Netflix considers give rise to a direct licence of the Australian			
	reproduction and communication rights in musical works contained in the following titles:			
	a.	Glow Season 2;		4 AUSTRALIA
	b.	Stranger Things Season 3;		AIGHT TRIBUTUR

- c. The Ridiculous Six;
- d. Easy Season 1;
- e. Bulbbul;
- f. Extinction;
- g. Russian Doll Season 1;
- h. Unbelievable Season 1;
- i. Ozark Season 1;
- j. Star Trek Discovery Season 1.

