

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: 7 DECEMBER 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 3 and remains unresolved, after 14 days of the date of this order, APRA and AMCOS produce to the Tribunal and other parties, in electronic form if available, the documents identified in Schedule A to these orders.
2. Within 1 day of the date of this Order (or as soon as possible thereafter as is practicable), APRA and AMCOS serve a copy of this Order on any third party that is a party to any of the agreements referred to in the the summons that is Schedule A to this Order.
3. Any person that wishes to be heard in respect of order 1 has liberty to apply to the associate to Perram J, by email copied to the solicitors for APRA and AMCOS, on 24 hours' notice. APRA and AMCOS must notify the solicitors for each other party of any application pursuant to this order.

Date stamped: 8 December 2021



Schedule A - List of documents for production

Note 1: Unless otherwise indicated, APRA and AMCOS are required to produce a copy of the current licence agreements between APRA and AMCOS (jointly), or either APRA or AMCOS (individually), and the operators of the services listed below. If no current agreement is on foot, APRA and AMCOS are required to produce a copy of the most recent agreement.

Note 2: If any of the licences produced provide for alternative bases for payment of the licence fees (for example, a percentage of revenue or a PSPM-basis), the respondents request that APRA and AMCOS indicate on which basis the licensee is making payment.

Note 3: If any of the services listed below are not licensed as a standalone service (such that there is no licence agreement for that service alone), APRA and AMCOS are required to produce a copy of the current licence agreement that includes the services listed.

APRA's and/or AMCOS' licence agreements for the following services:

Services referred to in the Confidential Annexures and Addendum to APRA's and AMCOS' Position Paper, and in paragraph 1 of Banki Haddock Fiora's letter dated 13 September 2021

1. Curiosity Stream
2. Amazon Prime
3. Acorn TV
4. Beamafilm
5. Hayu (including the licence dated 22 March 2016 and its subsequent extensions)
6. Binge
7. YouTube Premium and YouTube
8. Apple's TVOD-service
9. Sony Interactive
10. Microsoft Zune
11. Fetch
12. Ozflix
13. Google Play
14. Telstra/Bigpond
15. Amazon's TVOD-service
16. BBC iPlayer
17. The interim licence arrangements in place with any respondent
18. Vevo
19. BeIN Sports
20. NBL App

Other SVOD or similar services currently operating in Australia, including:

21. DocPlay



APRA's and/or AMCOS' licence agreements for the BVOD services, as referred to in paragraph 16 of APRA's and AMCOS' Position Paper, for the following services:

- 22. ABC iView
- 23. SBS on Demand
- 24. 7Plus
- 25. 9Now
- 26. TenPlay

APRA's and/or AMCOS' licence agreements for the services referred to in paragraph 16(d) of APRA's and AMCOS' Position Paper, for the following services:

- 27. Kayo
- 28. Optus Sport

APRA's and/or AMCOS' licence agreements for the audio-visual service providers referred to in paragraph 50 of APRA's and AMCOS' Position Paper and in paragraph 1 of Banki Haddock Fiora's letter dated 13 September 2021, for the following services:

- 29. The free-to-air services, being:
 - a. ABC
 - b. SBS
 - c. Seven Network
 - d. Nine Network
 - e. Network Ten
 - f. Any other free to air commercial television stations that are members of Free TV Australia
- 30. Foxtel, for its pay-TV service
- 31. Cinemas:
 - a. Event

APRA's and/or AMCOS' licence agreements for music streaming services:

- 32. Spotify
- 33. GooglePlay Music
- 34. Amazon Music
- 35. SoundCloud

Other licences

- 36. APRA's and/or AMCOS' licence agreement for airlines relating to their inflight audio-visual entertainment service:
 - a. Qantas
 - b. Virgin
- 37. APRA or APRA NZ's and/or AMCOS or AMCOS NZ's agreement(s) for the free-to-air television broadcasters in New Zealand.



