

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: 23 DECEMBER 2021

WHERE MADE: SYDNEY



BY CONSENT, THE TRIBUNAL ORDERS THAT:

Issues Lists

1. By 14 January 2022, APRA AMCOS is to:
 - (a) serve on each of the Respondents its initial position on the issues identified in the draft table of key issues sent to the Associate to Perram J on 18 November 2021 (**Table of Key Issues**); and
 - (b) advise each of the Respondents of those aspects of the APRA AMCOS Scheme that:
 - (i) APRA AMCOS is willing to revise based on the Respondents' Position Papers, and the proposed revision;
 - (ii) the Respondents have identified as needing revision and that APRA AMCOS is willing to discuss with the Respondents in an alternative dispute resolution process with a view to revising the Scheme; and
 - (iii) APRA AMCOS considers will need to be determined by the Tribunal.
2. By 31 January 2022, the Respondents are each to serve on APRA AMCOS a copy of the **Table of Key Issues** that documents that party's initial position on each issue.
3. By 31 January 2022 each of the Respondents is to advise APRA AMCOS:

- (i) whether the APRA AMCOS' proposed revisions to the APRA AMCOS Scheme resolves the relevant identified issue as regards that Respondent;
 - (ii) which of those aspects of the APRA AMCOS Scheme each of the Respondents is willing to discuss with APRA AMCOS (whether directly or within an ADR process) with a view to resolving that issue; and
 - (iii) which of those aspects of the APRA AMCOS Scheme each of the Respondents consider will need to be determined by the Tribunal.
4. By 31 January 2022, any party wishing to rely upon an alternative scheme or licence to that proposed by APRA AMCOS or Stan is to serve their proposed alternative scheme or licence on all parties.
5. By 11 February 2022, the parties are to confer and file:
- (a) an updated consolidated Table of Key Issues identifying those issues that:
 - (i) the parties agree are to be referred for alternative dispute resolution (**Agreed ADR Issues**); and
 - (ii) remain issues to be determined by the Tribunal.

ADR

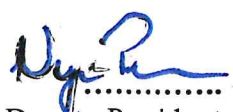
6. By 11 February 2022, the parties forward to a registrar to be nominated by the Tribunal:
- (a) the application and each scheme or licence proposed by a party to the proceeding that has been filed;
 - (b) each party's position paper;
 - (c) the current version of the Table of Key Issues completed in accordance with Order 5; and
 - (d) the contact details of each person who will participate in the ADR process.
7. The registrar will contact the parties to arrange an initial conference to discuss the conduct of the ADR process, to be facilitated by the registrar, or via such other method as the parties may agree.

Case management hearing

8. The matter be listed for a case management hearing at 9.30 am on 16 February 2022.



Date stamped: 10 January 2022


The Hon Justice Nye Perram, Deputy President