

APRA SUBMISSIONS AND RESPONSE TO REQUEST FOR FURTHER INFORMATION

20 SEPTEMBER 2019

This document responds to the ACCC's Request for Further Information dated 5 September 2019, and provides additional information in relation to the proposed conditions set out in the Draft Determination. Further information and documents can be provided on request.

General – options to address concerns about APRA's licence fees

1. The Copyright Tribunal of Australia was established under the *Copyright Act 1968*, expressly to have jurisdiction to determine the reasonableness of APRA's licence fees and other terms. The ACCC has the right to seek leave to appear in any proceedings in which APRA licence schemes are to be considered. The ACCC has also published guidelines that must be taken into account in any such proceedings.
2. APRA notes that the ACCC is considering the introduction of a new condition of authorisation that would require an "independent review" of APRA's licence schemes to be undertaken. APRA is very concerned that any "independent review" of APRA's licence fees would have the effect of ousting or subverting the jurisdiction of the Tribunal. The Tribunal is presided over by a Federal Court judge, has several judicial members and a number of highly respected lay members appointed by the Commonwealth Attorney General.
3. It is unclear what power an "independent review" would have to impose licence terms on APRA or licensees, and how the findings of any "independent review" would be treated if APRA were to refer licence schemes to the Tribunal, or negotiate different terms in an ADR context or otherwise. It remains open to APRA to refer all of its licence schemes to the Tribunal for consideration.
4. An "independent review" of APRA's licence schemes would require APRA to effectively establish the reasonableness of each scheme, which would involve at least the production of lay and expert evidence. Survey evidence might also need to be obtained. It would be equivalent to litigating all of APRA's licence schemes in the Tribunal at once. The cost and drain on other resources for APRA and other stakeholders would be enormous.
5. The OneMusic Australia licence schemes have been the subject of extensive consultation, including with representative industry bodies such as the Australian Hotels Association, Live Performance Australia, and Clubs Australia. Other licence schemes operated by APRA are the result of commercial negotiation.
6. APRA has also invested significant resources into Resolution Pathways, for the specific purpose of resolving disputes with licensees. It is unclear how an "independent review" of licence schemes would relate to any disputes resolved via Resolution Pathways.
7. APRA will oppose any attempt to impose such an independent review process as a condition of authorisation.

Response to Request for further information dated 5 September 2019

Transparency of licence fees

At the pre-decision conference (PDC), the Australian Hotels Association (AHA) submitted that to facilitate greater transparency about the licence fees businesses are paying, including why seemingly comparable venues pay different licence fees, industry associations (such as the AHA) should be provided with details about the licence fees venues in their industry pay.

1. Please provide a view about this proposal.

8. As APRA has submitted previously, this is really an issue for APRA's licensees and industry bodies that sometimes represent them. The identity of APRA's licensees, and the licence fees that they pay, may be personal information under the *Privacy Act 1988*, and is often confidential information. Not all licensees in a particular industry are members of the relevant industry body. If an industry body such as the AHA can provide APRA with a list of its members and confirm that those members consent for the information to be provided, APRA is perfectly willing to share licence fee information for those members with the industry body. This is precisely the exercise that APRA did undertake with Clubs Australia, during the OneMusic Australia consultation process.
9. It is important to note that for many licensees, APRA licence fees are not calculated on a flat fee basis. Even for background music in retail premises, licence fees are dependent on the devices on which music is played, and the retail area of the premises. Some licensees would not want this information to be made available to an "industry body", especially one of which they are not a member. However, of more significance is the fact that some licence fees are calculated based on highly confidential commercial information, such as attendance and revenue figures.
10. Further, not all industry bodies are properly representative. There are a number of industries where there are several membership based bodies, whose members would not want their licensing information to be disclosed to a different body.
11. APRA primarily relies on the information that is provided by licensees to calculate licence fees. Businesses that look similar may have declared quite different music usage. However, to the extent that a representative industry body can provide information that would assist with the accurate licensing of businesses that use music controlled by APRA, APRA would welcome that assistance.
12. Any condition that required APRA to share information with industry bodies would need to be carefully worded to ensure that APRA was not required to disclose confidential or personal information without the consent of the relevant licensees.

In its submission dated 5 July 2019, Free TV submits that the ACCC's proposed transparency conditions relating to the methodology used by APRA to determine its licence fees should be extended to apply to all licensees, rather than only specific 'licence categories.' In particular, Free TV submits that APRA should be required to provide an explanation of matters taken into consideration in determining its proposed licence fee each time it commences negotiations with a prospective or current licensee.

2. Please provide a view about Free TV's proposal for a transparency condition of this type to apply with respect to all licensees.

13. APRA reiterates its earlier submissions with respect to this proposal.
14. APRA understands and endorses the need for greater transparency generally. It proposes to provide more information regarding its formulation of licence schemes, in the information guides discussed elsewhere in this submission and in earlier submissions. This would include, for example, information regarding the history of licence schemes, the parties with whom APRA negotiated the scheme, what APRA considers to be relevant benchmarks, and so on.
15. Free TV represents the free to air commercial television broadcasters, who operate multi platform entertainment services that generate revenues of \$4 billion annually. When APRA negotiates with Free TV it absolutely discloses, in without prejudice correspondence, the matters it has taken into account in making any licence fee proposals. These are commercial negotiations involving large sums of money, and they are conducted in the manner one would expect of negotiations between well resourced, sophisticated parties.

16. Free TV seeks to have a condition imposed on APRA that would require the disclosure of information to which it would otherwise not be entitled outside a litigation or formal dispute resolution process. Such a condition would give Free TV and its members a significant commercial advantage over APRA and its members, which in APRA's view is not warranted.
17. If such a condition were to be imposed, there would be a significant incentive for APRA to refer all licence schemes, at least for large commercial services, to the Copyright Tribunal so that the provision of information could be managed within the litigation process with all of the protections that process affords. The additional advantage of this approach would be that much of the work of formulating the relevant licence scheme would be performed as part of the confidential and privileged process of obtaining legal advice.

Licence fee reductions where non-APRA works are performed

In response to a concern raised at the PDC by Strawberry Fields Music Festival about works performed that are not controlled by APRA, APRA's 9 August 2019 submission states that:

The relevant scheme under which Strawberry Fields was licensed includes a provision that if the licensee has a reasonable belief that certain performed works are not represented by APRA and provides relevant information (for example the song titles and composer details) and these are verified by APRA, a reduction will apply to the total licence fee. No such request has been made.

The ACCC notes that APRA's Festival Licence, provided to the ACCC with APRA's application for re-authorisation, provides for a reduction in the licence fee where works performed at the festival are not APRA works.

Clause 2.1(c) of the Festival Licence requires licensees to provide APRA with a list, in a form reasonably required by APRA from time to time, of each musical work performed, including the name of the composer and the duration of the work (Music Use Report).

Clause 5.1 states that if the Applicant has a reasonable belief that certain works which have been performed at a Festival are not APRA works, the Applicant must notify APRA in accordance with clause 2.1(c), including providing the requisite information in accordance with clause 2.5.

Clause 2.5 states that in the event that the Applicant notifies APRA that it reasonably believes that certain works performed at the Festival are not APRA works, then the Applicant must provide APRA, along with such notification with: (a) the names and durations of all works performed at the Festival; and (b) the names and durations of any works that the Applicant considers are not APRA works performed at the Festival.

3. The ACCC notes that the festival licence fee is payable in respect of the performance in public of APRA's works. In this context, please explain why, having provided APRA with the requisite information required by clause 2.1(c), the onus is on the licensee to establish which works APRA does not have a right to charge for, rather than on APRA to establish which works it does have a right to charge for?

18. APRA does not require licensees to establish which works APRA does not control. Rather, the licensee simply needs to notify APRA that it believes that APRA does not control works that were performed. APRA then establishes whether that is the case. This is not an onerous obligation and occurs regularly as part of APRA's usual dealings with concert and festival promoters.
19. By far the majority of musical works performed in public at concerts and festivals are controlled by APRA. Unless a licensee notifies APRA that it believes a work is not controlled by APRA, APRA proceeds on the basis that all works are covered by the APRA licence. If a work performed at a festival does not match with a work in APRA's system, it is usually because the work has not yet been registered with APRA or its relevant affiliate. Accordingly, the usual approach is for APRA to wait for the relevant works registration to filter through the system, so that the copyright owner can be paid. A benefit of this approach is that the use of the work has been licensed, and so the licensee has effectively obtained an indemnity against infringement.

20. If APRA were to refund licence fees to the licensee simply because a work was not registered with APRA, the licensee would not be in a position to obtain a licence to perform the work in public in advance of the festival, and a retrospective licence may not be available. If a licensee is in a position to advise APRA in advance of the works that will be performed, a licence can be granted only for the works that APRA controls as at that date, meaning the licensee can enter into separate negotiations for a licence in relation to the remaining works. The disadvantage to this approach is that if APRA works not previously notified and licensed are performed, the licensee will have infringed the copyright in those works and will be vulnerable to enforcement proceedings.

21. If a licensee has obtained a direct licence from an APRA member, APRA should be aware of the direct licence in advance via the licence back procedure. If an APRA member has purported to grant a direct licence but has not followed the licence back process, APRA requires the member to formalise the licence back. More commonly, a licensee will inform APRA that it believes that the music it performs is so niche that its writers are not members of any performing right society. In those circumstances, on receipt of the works information, APRA makes enquiries of its affiliated societies to verify the claim. In almost all circumstances, the music is controlled by APRA. APRA has reached agreement with some festivals pursuant to which APRA analyses a sample of works performed and bases licence fees on that analysis.

4. Please also explain whether APRA automatically applies a reduction to the licence fee if it becomes aware, through the information provided in accordance with clause 2.1(3) that non-APRA works have been performed, and if not, why not?

22. APRA does “automatically” apply a reduction in those circumstances. The reduction is usually pro rated by duration. However, as noted above, APRA has agreed with some licensees to apply a percentage reduction based on analysis of a sample of works performed.

Local council licence fees

Some interested parties have raised concerns about licensing arrangements for local councils under OneMusic. In particular, concerns have been raised that the proposed base fee for councils under OneMusic, a flat per person fee based on each council's resident population (with separate rates for rural and urban councils), does not have any regard to actual use of music, which can differ significantly between councils due to factors other than population.

5. Please provide a view about the concerns raised about the licence scheme applied to local councils.

23. APRA submits that this is a matter for the Copyright Tribunal or for Resolution Pathways. At the time of formulating the OneMusic Australia licence scheme for local councils, including during the consultation process, APRA considered that population was a reasonable proxy for music use. For example, local council areas with larger populations are more likely to have more community amenities, more events at which music is performed, more licensed buskers in city areas, and larger workforces. Other than in Victoria, there has been broad market acceptance of the OneMusic licence scheme by local councils around Australia.

OneMusic – APRA and the PPCA's repertoires

In response to concerns about discrepancies between PPCA's and APRA's repertoires licenced under OneMusic, APRA's 5 July 2019 submission states that APRA and the PPCA are developing a statement regarding the PPCA's repertoire, to be displayed on the OneMusic Australia website. APRA's submission states that a copy will be provided to the ACCC shortly.

6. Please provide a copy of this statement, or alternatively, advise when it is likely to be available.

24. A copy of the statement is attached.

OneMusic tariff harmonisation

APRA has submitted, most recently in its 9 August 2019 submission, that the OneMusic tariff harmonisation scheme is intended to be revenue neutral.

7. Please confirm whether APRA means that the OneMusic tariff harmonisation scheme is intended to be:

1. revenue neutral just for APRA or
2. revenue neutral for both APRA and the PPCA (and therefore, in aggregate, licensees will not be paying more, assuming customers who were not previously appropriately licenced are excluded)?

25. The intention is for the OneMusic Australia tariff harmonisation process to be revenue neutral for both APRA and PPCA, on a licence scheme level. The exceptions to this are the licence scheme for the retail sector, under which an increase to the PPCA licence fees was incorporated, and the Dedicated Karaoke Venue licence scheme. The retail sector increase, and the Dedicated Karaoke Licence, were the subject of consultations. Otherwise, where possible, APRA added the total revenue from the relevant APRA licence scheme and the total revenue from the PPCA licence scheme, and constructed tariffs that achieved total revenue of no more than the combined amount.

26. While the intention for revenue neutrality applies on a licence scheme level, individual licensees may experience increases or decreases in their licence fees. As a result, the process has also included an examination of licensees who will experience a significant increase where they have previously been appropriately licensed by both APRA and PPCA. The majority of licensees in this category are represented by the AHA, Restaurants & Catering, and Clubs Australia. In consultation with those bodies, APRA modelled the impact of the harmonised licence schemes. It became apparent that simplicity of scheme design tended to lead to a greater number of outlier increases, and the relevant licence schemes were redesigned to reduce that impact. Individual licensees whose licence fees will increase significantly as a result of the application of the harmonised tariff will be offered payment plans to mitigate the impact of the introduction of the new scheme.

27.

APRA's 16 April 2019 submission states that under OneMusic, if a user does not require both APRA rights and PPCA rights, (in most cases) their OneMusic licence fee will be 51.75% of the fee that would apply if both sets of rights were required, regardless of whether it is the APRA rights or PPCA rights that are not required. The ACCC assumes that the level of adjustment reflects APRA/OneMusic's view that where both a musical work and a sound recording are publicly performed, they should have equal value. APRA's submission states that one of the exceptions to this practice will be 'dining', where in the first year of the OneMusic scheme, the discount for no PPCA rights will be 65% and for no APRA rights will be 35%, due to the significant discrepancy between the licence fees under the two existing APRA and PPCA licence schemes.

8. The ACCC notes that for other schemes where there were discrepancies, achieving revenue neutrality would appear to require the OneMusic licence fee to be the sum of the licence fees under the two existing APRA and PPCA licence schemes.

1. Please advise whether this is the case.
2. If this is not the case, how was revenue neutrality achieved?

Subject to the matters discussed above, APRA confirms that the starting point for the OneMusic licence fees was that the APRA and PPCA licence fees should be added together. For schemes where this appeared to result in a licence fee that APRA considered to be too high for the relevant scheme, the tariffs were adjusted down.

For schemes where the licence fee calculations could not be added together easily, APRA developed a rate to ensure revenue neutrality on a licence scheme level.

Community radio distribution practices

APRA's 9 August submission states that:

APRA has acknowledged that it needs to review its Community Radio distribution practices and has undertaken to the sector that it will consult and amend the practices prior to 30 June 2020. This has been a long term project for APRA and it has been in discussions for a number of years with the CBAA and AMRAP to that end.

9. Please provide further information about this review, including:

1. about the scope of the review, and
 2. the reasons why APRA has formed the view that its Community Radio distribution practices need to be reviewed (including any concerns APRA has with its current distribution practices, and the discussions between APRA and the CBAA and AMRAP)
28. In around 2017, a number of APRA members whose works are played on community radio began expressing the view that APRA should be increasing the level of reporting from that sector. This coincided with other changes in the industry that affected that group of songwriters, in particular the decision by the ABC to cease the broadcast of certain music programming on Radio National, and instead to move that programming to podcasts.
29. The distribution of the approximately \$1.6 million licence fees received from the community radio sector is based on decades old Nielsen sampling methodology. The sector is notoriously under resourced, and APRA is acutely aware of the fact that most stations do not have the capacity to obtain the kinds of programming software that would enable reporting at the level provided by commercial radio stations.
30. APRA commenced discussions with the CBAA and AMRAP to consider how APRA might be able to more accurately distribute community radio revenue, taking into account the resourcing issues faced by the sector. Those discussions were disrupted by a dispute between the CBAA and AMRAP.
31. As to the scope of the review, APRA will be seeking input from stakeholders regarding additional proxies for community radio playlists. It is quite clear that the sector will not be able to provide census reporting in the short to medium term. MRT is prohibitively expensive, at least in the short term. It is likely that the solution will involve the identification of third party information that reflects the music played on community radio. This may include, for example, charts produced by bodies that monitor niche music, reports made under APRA's licences with churches, and information from the ATSI communities. This will require detailed consultation with all stakeholders.
32. APRA has no intention of seeking to increase the licence fees paid by the community radio sector. Accordingly, a more accurate distribution will result in lower payments to individual members. This will require a careful communications program with affected APRA members.

CLEF

APRA's 9 August submission states that:

APRA acknowledges that of course the detail and granularity of its distribution statements could be improved and will be improved with the implementation of the new CLEF platform. However, most limitations in detail in APRA's distribution statements arise from the limited detail in reporting received from its overseas affiliate societies.

We note that APRA has provided some information about CLEF in previous submissions.

10. Please provide further information about how CLEF will improve the detail and granularity of APRA member's distribution statements.

33. The ACCC has been provided with confidential information regarding the CLEF project. Some of the original design elements of CLEF have been superseded during the course of the project. For example, APRA is of the view that its members' interests may be better served by a cloud based data management system than by onsite server hardware. Confidential attachment 1 is an update on the status of the CLEF project is attached.
34. APRA is a member organisation, and providing the highest level of services to members is a core function of APRA. Granularity of distribution statements is of great importance to members, and APRA is committed to providing distribution statements that provide as much relevant information as possible. This has been an important part of the CLEF design.
35. By far the biggest distribution line where APRA cannot currently provide a satisfactory level of granularity is the distribution of revenue from digital services. By way of contrast, APRA does provide a high level of granularity for the distribution of traditional media uses. Confidential attachment 2 is a copy of a distribution statement for an APRA member with a significant amount of broadcast royalties. APRA's aim is to be able to provide distribution information at this level with respect to digital service distributions.

11. Please provide an update on when APRA anticipates these features of CLEF will be implemented.

36. See confidential attachment 1.

Surveys of APRA members and APRA member stakeholder groups

APRA's 9 August 2019 submission states that APRA periodically conducts comprehensive surveys of its members and member stakeholder groups.

12. Please provided a full copy of the results of the most recently completed member survey referred to in the submission.

37. See confidential attachments 3(1) and 3(2).

13. If not included in the information provided in response to question 12, please also provide a full copy of the most recently completed survey of member stakeholder groups.

38. See confidential attachments 3(1) and 3(2).

14. Please also provide details of the methodology by which the survey or surveys referred to above were conducted.

39. See confidential attachments 3(1) and 3(2).

Resolution Pathways

APRA's 5 July 2019 submission states that it will immediately make information about Resolutions Pathway, including contact information, prominently available on the APRA website and the OneMusic website.

We note that a Resolutions Pathway page is included on the OneMusic website. However, when viewed by ACCC staff on 28 August 2019, the Resolution Pathways page is only available via the 'Alternative Dispute Resolution' link contained in the menu at the bottom of each page of the website and a link in the 'Find Out More' section at the bottom of the 'About' OneMusic page.

The ACCC does not consider that this would be satisfied by the proposed condition C5.20 of the ACCC's draft determination: *APRA must establish and maintain a link to information about available dispute resolution processes, including the Scheme, in a prominent location on the homepage of its own website.*

Specifically, the ACCC does not consider that these links are in prominent locations. Nor are they included on the pages on the OneMusic website where licensees would be most likely to look for this type of information, such as the FAQ and contact sections of the website.

The ACCC considers that a prominent location would include, for example, a location that is visible on the homepage without having to scroll down the page.

When viewed by ACCC staff on 28 August 2019, the APRA AMCOS homepage displayed no information about Resolution Pathways. The only place information about Resolution Pathways appears to be available is on the feedback centre page. Albeit, the information is prominently displayed on this page.

15. As noted, the ACCC has proposed a condition of authorisation requiring the display of this information in a prominent location on the homepage of APRA's website. No such condition is currently in place. However, given APRA's statement in its 5 July 2019 submission that it will immediately make information about Resolutions Pathway, including contact information, prominently available on both the APRA AMCOS and OneMusic websites, please advise what steps APRA proposes to take to more prominently display this information.

40. APRA is planning a major redesign of its website in 2020.
41. APRA will immediately place information regarding Resolution Pathways on the homepage of the APRA and OneMusic Australia websites, so that for standard devices the notice is visible without the user having to scroll down the page. APRA cannot guarantee this functionality for mobile devices.

APRA's 5 July 2019 submission explains that in the interest of maintaining the independence of Resolutions Pathways, APRA has not addressed matters in the ACCC's draft determination relating to the operation of Resolution Pathways.

16. The ACCC understands this position. However, the ACCC would welcome any views APRA considers it appropriate to express in relation to two matters concerning the funding of Resolution Pathways. These are:

- a. APRA committing a fixed annual amount to funding Resolutions Pathways (block funding), and
 - b. funding being provided by APRA for the Resolutions Pathways Governance Committee to meet face-to-face annually.
42. APRA is willing to commit a fixed annual amount to funding Resolution Pathways (block funding). APRA is willing to fund an annual face to face meeting for the Resolution Pathways Governance Committee, as opposed to the much larger Consultative Committee.

Further response to proposed conditions of authorisation as set out in the Draft Determination

43. APRA reiterates its earlier submissions in response to the proposed conditions and makes the following further submissions.

Condition C1.1

44. APRA submits that the Plain English Guides (now called "Information Guides") are most effective when they are simple. APRA is concerned that the amount and complexity of information set out in proposed condition C1.1 would make each Guide difficult to understand for the average licensee.
45. APRA can provide all of the information referred to in proposed condition C1.1 but repeats its earlier submission that rather than publish a comparative table of all licence schemes, it would be more constructive to publish for each broad industry

sector a comparative table of the licence schemes that are relevant to that industry sector.

Condition C1.2

46. APRA submits that the condition should require APRA to provide information relating to the history of the scheme, including any relevant Copyright Tribunal decisions, industry negotiations, and other relevant considerations. APRA maintains that in the interests of simplicity, detailed information should be contained in a separate document such as the tables referred to in paragraph 45.
47. Confidential attachment 4 sets out the general information that APRA would include in such a document, showing the way that APRA develops licence schemes.
48. APRA is concerned that a condition that requires the publication of commercially sensitive and confidential information will encourage the early referral of licence schemes to the Copyright Tribunal in order to obtain the protection of legal professional privilege.
49. APRA should not be required to disclose third party confidential information, or privileged information.

Condition C1.6

50. APRA submits that this condition should reflect the obligations imposed by the BACR recommendation and require APRA to provide information in response to reasonable requests. It would be extremely inefficient for APRA to have different obligations in relation to substantially the same subject matter.

Condition C2.2

51. APRA reiterates its submission that this condition should be consistent with the BACR recommendation and require the provision of information in response to reasonable requests.

Condition C4

52. APRA has no objection to publishing a separate Transparency Report each year, at the same time as it publishes its annual accounts. APRA understands that if this is a condition of authorisation, the first Transparency Report would be published in 2020. In each year, the Transparency Report would be published within five months of 30 June, in line with the publication of the annual accounts.
53. APRA can provide all of the information set out in proposed Condition C4. APRA can provide details of distribution pools but cannot provide an allocation of costs specific to those pools.

Further information that can be provided

54. Following discussions with the ACCC, APRA confirms that in addition to the currently proposed requirements under C2, it could provide confidential information about the movement in the numbers of members receiving distributions of various dollar thresholds over the past five years, reflecting the long tail of digital use. Attachment 5 provides that information.
55. There have been a number of submissions made to the ACCC that claim that APRA's licence fees are higher than fees under comparable international schemes, APRA says that the reasonableness of its licence schemes is not best judged by reference to international schemes and in any event is a matter for the

Copyright Tribunal. However, APRA has prepared, to the best of its ability, a table that compares OneMusic Australia licence schemes with comparable schemes in other jurisdictions. With the single exception of the nightclub licence scheme, which directly reflects a Copyright Tribunal determination and is the subject of an ongoing stakeholder consultation and review, the OneMusic Australia licence fees are the same as or lower than the international licence fees. A copy of the table is attached and will be published on the APRA website.

Australian Company					
	Year ended 2015	Year ended 2016	Year ended 2017	Year ended 2018	Year ended 2019
Number of writer members who received a distribution	39,338	42,434	43,559	47,596	44,482
Number of publisher members who received a distribution	411	432	419	440	410
Number of International affiliated societies who received a distribution	97	99	99	100	99
Total number of recipients	39,846	42,965	44,077	48,136	44,991
Number of writer members who received a distribution:					
\$0.01<\$2,500	37,446	40,293	41,353	45,273	42,049
\$2,501<\$5,000	808	901	982	1,022	1,067
\$5,001<\$10,000	480	549	553	581	566
\$10,001 +	604	691	671	720	800
Number of publisher members who received a distribution:					
\$0.01<\$2,500	284	309	289	308	281
\$2,501<\$5,000	21	19	19	18	23
\$5,001<\$10,000	21	17	19	19	14
\$10,001 +	85	87	92	95	92
Number of International affiliated societies who received a distribution:					
\$0.01<\$2,500	52	45	45	44	40
\$2,501<\$5,000	4	10	8	3	7
\$5,001<\$10,000	7	9	5	12	9
\$10,001 +	34	35	41	41	43
NZ Company					
Number of writer members who received a distribution	9,905	10,108	12,621	19,008	16,110
Number of publisher members who received a distribution	224	229	241	278	252
Number of International affiliated societies who received a distribution	80	82	89	96	95
Total number of recipients	10,209	10,419	12,951	19,382	16,457
Number of writer members who received a distribution:					
\$0.01<\$2,500	9,734	9,867	12,338	18,734	15,784
\$2,501<\$5,000	102	137	152	162	198
\$5,001<\$10,000	38	65	78	56	80
\$10,001 +	31	39	53	56	48
Number of publisher members who received a distribution:					
\$0.01<\$2,500	162	162	172	212	183
\$2,501<\$5,000	15	15	13	11	7
\$5,001<\$10,000	7	8	7	7	15
\$10,001 +	40	44	49	48	47
Number of International affiliated societies who received a distribution:					
\$0.01<\$2,500	58	55	62	67	64
\$2,501<\$5,000	2	1	1	3	6
\$5,001<\$10,000	6	3	3	3	2
\$10,001 +	14	23	23	23	23

INTERNATIONAL TARIFF COMPARISONS



We have conducted a comparative study of licence fees under OneMusic Australia to those payable in:

- Canada
- United Kingdom
- France
- United States
- Ireland
- New Zealand

Using examples from the following industries:

- Retail
- Hospitality (*Restaurants, Hotels, Bars, Nightclubs*)
- Fitness
- Concerts

General Notes

The tables below set out the fee comparisons for equivalent tariffs offered by the relevant territory's copyright collection society/ies. The case studies are general scenarios for the particular industry. It is important to note that direct comparisons are difficult for a number of reasons such as different metrics being applied (e.g. per attendee or percentage of revenue), special conditions or rates for industry association members or based on number of employees. We have set out the differences in further detail in the specific country notes and end notes to the case studies.

Country Notes

Canada

Public performance right royalties are administered by a joint initiative, Entandem, on behalf of SOCAN (musical works) and RE:Sound (sound recordings).

All tariffs in Canada must be certified by the Copyright Board of Canada before implementation. This means that the rates currently charged in Canada are rates certified for past periods. For example, Tariff 6A (sound recording rights rate for recorded music for dance) was certified in 2011 for the period 2008 to 2012. Rates proposed for the period covering 2019 for this and other tariffs are not yet in force. As a result, rates listed for the current period for Canada may be subject to change in the future. Details of the Copyright Board of Canada tariff approval process can be found at <https://www.resound.ca/tariffs/copyright-board/>.

Music video use is not included in the fitness or hospitality rates in Canada as they are with the OneMusic packages used in the case study scenarios. Separate licensing is required from a different collection society, <https://connectmusic.ca/licensing/faq.aspx> (the rates are not published online).

United States

The United States does not recognise full public performance rights for sound recordings, this means for the case study scenarios there is no fee payable for the sound recording right.

There are four collection societies that collect royalties for the public performance rights for musical works, each collection society represents different repertoire, which means to ensure blanket coverage (as offered by OneMusic Australia) a business must obtain licences from all four societies. Two of the societies (SESAC and Global Music Rights (GMR)) do not publish their rates. Accordingly, for the case study scenarios we have only calculated the fees by using the combined fees of two of the four societies (ASCAP and BMI). Thus fees stated in the case study scenarios for the United States represent licences for a limited repertoire.

Music video use is not included in the licences offered by the collection societies. Music video rights are dealt with directly by the relevant copyright owners (usually the record companies).

United Kingdom

Public performance rights for both the musical works and sound recordings are now administered jointly by PRS and PPL respectively under the banner 'The Music Licence'. However, separate tariffs and rates apply for each of the PRS and PPL rights.

These licences have a higher rate in the first licence year, where the collection society has to approach the business to obtain a licence, and a standard rate for renewed licenses. The standard rates have been used. All schemes used in the case studies are subject to annual CPI adjustment.

Music video use is not included in the fitness or hospitality rates as they are with the OneMusic packages used in the case studies. Separate licensing is required from a different collection society but administered by PRS and PPL under The Music Licence (rates start from £310 and vary depending on use).

In 2018 PPL proposed to revise its 'specially featured entertainment' tariff, which covers recorded music at nightclubs and DJ nights in hotels and pubs. It has recently been referred to the United Kingdom Copyright Tribunal for independent review. Depending on the outcome of the review the rates listed in the case study for hotels, bars and nightclubs for 2019 may be subject to change in the future. Further information about the review process of the United Kingdom Copyright Tribunal can be found here <https://www.gov.uk/government/organisations/copyright-tribunal>.

Ireland

Public performance rights for both musical works and sound recordings are administered by IMRO (on behalf of itself and PPI) under the banner 'The Dual Music Licence'. However, separate tariffs and rates apply for each of IMRO and PPI rights.

Like the United Kingdom, IMRO have a higher rate in the first licence year and a standard rate for renewed licenses. The standard rates have been used. All schemes used in the case studies are subject to CPI adjustment.

For hospitality industry schemes musical works rates vary depending on location (Dublin or other locale) and sound recording rates vary depending on whether the venue is a member of specific industry associations or particular provisions of the venue's liquor licence

Music video use is not included in the fitness or hospitality rates as they are with the OneMusic packages used in the case studies. Separate licensing is required (the rates are not published online).

France

In France public performance rights for sound recordings in some industries are administered and collected by the musical works collection society SACEM. For restaurants, bars and nightclubs the sound recording rights are still administered by SPRE, which means licences are required from two separate organisations for the one venue.

The French copyright collection societies also apply a higher rate in the first licence year and a standard rate for renewed licenses. The standard rates have been used.

For sound recording use in restaurants with 'ambiance musicale', bars and nightclubs (with annual revenue of more than €153,000) fees are calculated on a percentage (1.65%) of gross revenue. Gross revenue includes entry fees, food and alcohol sales, cloak rooms, cigarette, phone points, room hire, private functions, student parties, karaoke, advertising contributions, sponsorship and all receivables in relation to furnishing service or sales to clientele. For musical works in these venues fixed rates apply based on tiered average drink prices. Accordingly, it is impossible to provide an effective comparison in such cases.

Music video use is not included in the licences offered by SACEM or SPRE and a separate licence from a different collection society is required (the rates are not published online).

New Zealand

In most cases (excluding concerts) the public performance rights for musical works and sound recordings are offered in a combined licence by OneMusic NZ.

Australia

OneMusic Australia offers a combined licence and rates for the use of both musical works and sound recordings. There is a mechanism in place allowing a reduction in the fees where only one set of rights is used by a licensee.

The OneMusic Australia rates used for the fitness and hospitality sectors include the use of music videos, which is not the case for other territories listed above and often this requires a separate fee and in some instances an additional licence from a further collection society than that offering the public performance licence.

CASE STUDIES

Table 1 summarises the fees payable by country for the relevant industry. The following tables provide a breakdown of what uses of music are included in the fees, the metrics used to calculate the fees and additional notes for various territories.

All fees are listed excluding any taxes, such as GST or VAT. Fees were calculated in local currency and the totals converted to Australian dollars using the OFD yearly average for the last 3 year sourced from <https://www.ofx.com/en-au/forex-news/historical-exchange-rates/yearly-average-rates/>. Links to the relevant tariffs are set out in the endnotes at the end of the document.

SUMMARY









	Australia	New Zealand	United States	Canada	United Kingdom	Ireland	France
Retail	\$123.64	\$296.07	\$668.14	\$149.93	\$555.56	\$416.02	\$669.09
Fitness	\$5,728.55	\$3,017.64	\$1,017.57	\$1,253.77	\$7,763.91	\$5,344.06	\$837.69
Hotels (Bars)	\$3,865.50	\$2,822.60	\$4,848.65	\$1,870.36	\$11,285.05	\$6,774.65	1.65% of Revenue
Nightclubs	\$51,436.36	\$3,109.71	\$2,905.41	\$1,354.75	\$12,103.11	\$12,333.72	1.65% of Revenue
Restaurants	\$1,215.00	\$394.75	\$1,037.84	\$219.80	\$1,450.91	\$594.02	\$2,552.75
Concerts*	2%	1.85%	0.40%	3%	4.2%	4.5%	11%

* Assuming no sound recordings are used

INTERNATIONAL TARIFF COMPARISONS

RETAIL

Non-chain retail premises with 50m² audible area using a digital music service with 3 speakers, 4 employees operating 360 days per year.

TERRITORY	TOTAL (AUD)	INCLUSIONS	VARIABLES
Australia*	\$123.64 ⁱ	 Background music	Premises size (tiered)
Canada*	\$149.93 ⁱⁱ	 Background music	Premises size (flat) and per day of operation
NZ*	\$296.07 ⁱⁱⁱ	 Background music  Music videos	Premises size (tiered)
Ireland*	\$416.02 ^{iv}	 Background music	Premises size (tiered)
UK**	\$555.56 ^v	 Background music	Premises size (tiered)
US (2 OF 4 PROS)	\$668.14 ^{vi}	 Background music (musical works only)	Premises size (tiered)
France	\$669.09 ^{vii}	 Background music	Number of employees

* Australia, Canada, New Zealand, Ireland and France have no restrictions on device numbers.


















** United Kingdom has no restriction on device numbers but for premises with over 5 employees an additional tariff applies.

***ASCAP rate is limited to three speakers

INTERNATIONAL TARIFF COMPARISONS

FITNESS

Non-chain fitness centre with 200m² exercise area, 500 members, with 20 classes per week with an average of 10 participants in each class/room of 50 m².

TERRITORY	TOTAL (AUD)	INCLUSIONS	VARIABLES
France	\$837.69 ^{viii}	 Background music  Music in fitness classes	Per member
US (2 OF 4 PROS)	\$1,017.57 ^{ix}	 Background music (musical works only)  Music in fitness classes (musical works only)	Combination of member and participant numbers
Canada*	\$1,253.77 ^x	 Background music  Music in fitness classes	Combination of premises size and member, participant and class numbers
NZ	\$3,017.64 ^{xi}	 Background music  Music in fitness classes  Music videos	Combination of member numbers and premises size
Ireland	\$5,344.06 ^{xii}	 Background music  Music in fitness classes	Combination of participant and class numbers plus premises size
Australia	\$5,728.55 ^{xiii}	 Background music  Music in fitness classes  Music videos	Combination of member and class numbers
UK**	\$7,763.91 ^{xiv}	 Background music  Music in fitness classes  Music videos	Combination of class numbers and premises size and location number (music videos)




















*Canada - SOCAN requires two separate licences for background music and music in conjunction with exercise and dance instruction; Re:Sound applies a separate rate structure applies to background music supplied by background music suppliers.

**United Kingdom - PPL has 2 possible background tariffs, background music for health and leisure centres and background music for gymnasium workouts. A separate licence from a different collection society is required for music video use.

INTERNATIONAL TARIFF COMPARISONS

HOTELS (BARS)

Non-chain hotel with 500m² common area, capacity of 200, operating 350 days per annum, with featured recorded music on 104 days plus \$23,000 live expenditure per annum and no entry fee.

TERRITORY	TOTAL (AUD)	INCLUSIONS	VARIABLES
Canada	\$1,870.36 ^{xv}	 Background Music  Live Entertainment (no sound recording use)	Combination of entertainment expenditure and premises size, capacity or attendance
NZ	\$2,822.60 ^{xvi}	 Background Music  Music Videos  Live Entertainment (no sound recording use)	Combination of day rate and premises size
Australia	\$3,865.50 ^{xvii}	 Background Music  Music Videos  Featured recorded music  Live Entertainment (no sound recording use)	Combination of expenditure, attendance and capacity
US (2 OF 4 PROS)	\$4,848.65 ^{xviii}	 Background Music (musical works only)  Enhanced recorded music (musical works only)  Live Entertainment (musical works only)	Fixed rate for different uses by capacity
Ireland**	\$6,774.65 ^{xix}	 Background Music  Special featured entertainment (recorded)  Live Entertainment	Combination of flat fee for premises size and per event based on capacity
UK***	\$11,285.05 ^{xx}	 Background Music  Music Videos  Special featured entertainment (recorded)  Live Entertainment	Combination of device, capacity, attendance numbers/event duration and premises size rates
France****	Unable to calculate, SACEM fee (musical works) is calculated based on the average drink price multiplied by capacity and the SPRE (sound recording) fee is 1.65% of the hotel's total *annual revenue ^{xxi}		

*Canada - There is no equivalent featured recorded rate for either society as there are in other territories. SOCAN: 3-4 separate tariffs (and licence applications) apply to music use in hotels.

** Ireland – IMRO apply separate tariff for bars, late bars and lounges in the City and County of Dublin, and in the postal districts of Bray and Greystones and all other areas. PPI calculate background music fees for industry association members on percentage of turnover.

*** United Kingdom – PRS tariff does not include music use in restaurants, dining areas, halls, concert rooms or function rooms within the premises. PPL apply two separate tariffs for background and featured entertainment. The fee above includes one music video screen (small) playing music videos as featured entertainment.

**** France - SPRE: gross annual revenue comprises entry fees, food and alcohol sales, cloak rooms, cigarette, phone points, room hire, private functions, student parties, karaoke, advertising contributions, sponsorship and all receivables in relation to furnishing service or sales to clientele.

NIGHTCLUBS/RECORDED MUSIC FOR DANCE

Nightclub with 300m² premises and a capacity of 200 operating for 6 hour/150 days per year with 17,500 attendees per year.

TERRITORY	TOTAL (AUD)	INCLUSIONS	VARIABLES
Canada	\$1,354.75 ^{xxii}	Recorded Music for Dance	Combination of flat and capacity
US (2 OF 4 PROS)	\$2,905.41 ^{xxiii}	Background Music Enhanced recorded music (dancing)	Per occupant
NZ	\$3,109.71 ^{xxiv}	Recorded Music for Dance	Days of operation
Ireland	\$12,333.72 ^{xxv}	Special featured entertainment (recorded)	Combination of capacity, sessions and event duration
UK*	\$12,103.11 ^{xxvi}	Background Music Special featured entertainment (recorded)	Combination of flat fee and average attendance and event duration
Australia	\$51,436.36 ^{xxvii}	Recorded Music for Dance	Combination of attendance and capacity per day of operation
France	Unable to calculate, SACEM (musical works) is calculated on a fixed fee based on a tiered range of annual revenue and the SPRE (sound recording) fee is 1.65% of nightclubs total *annual revenue ^{xxviii}		

*United Kingdom – PPL apply two separate tariffs for background and featured entertainment. The fee above includes one music video screen (small) playing music videos as featured entertainment.

**France - Calculated on a percentage of gross annual revenue which comprises, entry fees, food and alcohol sales, cloak rooms, cigarette, phone points, room hire, private functions, student parties, karaoke, advertising contributions, sponsorship and all receivables in relation to furnishing service or sales to clientele.

RESTAURANTS

Case Study: Non-chain restaurant in a 30,000 municipality with a seating capacity of 42 and 100m² dining area operating 310 days per year playing recorded background music.

TERRITORY	TOTAL (AUD)	INCLUSIONS	VARIABLES
Canada	\$219.80 ^{xxix}	Background Music	Premises size per m2 and per day of operation
NZ	\$394.75 ^{xxx}	Background Music Music Video	Premises size per m2
Ireland*	\$594.02 ^{xxxi}	Background Music	Seating number
US (2 OF 4 PROS)	\$1,037.84 ^{xxxii}	Background Music (musical works only)	Per occupant
Australia	\$1,215.00	Background Music Music Video	Seating capacity
UK**	\$1,450.91 ^{xxxiii}	Background Music Music Videos	Premises size tiered
France***	\$2,552.75 ^{xxxiv}	Background Music	Combination of municipality population (tiered) and seating number

*Ireland – PPI apply different rates for industry association members. Standard rates are listed above.

** United Kingdom - The fee above includes one music video screen (small) playing music videos as background entertainment.

***France - SPRE rates listed apply to background music only. For restaurants classified as “ambiance musicale” fees are calculated at 1.65% of annual revenue.

CONCERTS

Live music concert tariffs around the world for musical works are generally based on a percentage of Gross Box Office per event. Below we have set out the rates for each territory:

TERRITORY	PERCENTAGE OF GBO*
US (2 OF 4 PROS)	0.40% ^{xxxv}
NZ	1.85% ^{xxxvi}
Australia	2% ^{xxxvii}
Canada	3% ^{xxxviii}
UK	4.2% ^{xxxix}
Ireland*	4.5% ^{xl}
France**	11% ^{xli}

*Ireland – excludes multi-stage events and performances of classical music.

** France – excludes theatre productions and festivals.

Tariff notes

Retail

- i. OMA https://onemusic.com.au/media/Licences/Retail_Agreement.pdf
- ii. SOCAN Tariff 15A (Background Music). Tariff 15A covers music that is not covered by Tariff 16 (Background Music Suppliers), http://www.socan.com/tariff/Infocard_15A_EN.pdf certified June 30 2012 for period 2008 – 2011
Re:Sound Tariff 3B (Background music by establishment, including telephone on hold). Tariff 3A to be used if using background music supplier, <https://www.resound.ca/tariffs/>, <https://cb-cda.gc.ca/tariffs-tarifs/certified-homologues/2017/2017-02-09-GAZ.pdf> certified September 2017 for period 2010 – 2015
- iii. OMNZ <https://www.onemusicnz.com/music-licences/retail-plus-services/>
- iv. IMRO TARIFF RS, <https://www.imro.ie/wp-content/uploads/2018/12/RS-Tariff-0119-1219-Inc-Tariff-SC.pdf>
PPI Tariff 7 (Retail Premises and Retail Financial Institutions), <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-7-2019.pdf>
- v. PRS Tariff RS (Shops and Stores), <https://pplprs.co.uk/wp-content/uploads/Shops-and-Stores-Tariff-PRS.pdf>.
PPL Background Music Tariff (Shops & Stores), <https://pplprs.co.uk/wp-content/uploads/Background-Music-Tariff-Shops-Stores-PPLPP211.pdf>
- vi. ASCAP, <https://www.ascap.com/~media/files/pdf/licensing/classes/2019-licensing-rates-reports/retail-stores-rate.pdf> and BMI <https://www.bmi.com/licensing/entry/533020?q=Retail+Establishment>
- vii. SACEM Background Tariff (Shops), <https://clients.sacem.fr/autorisations/magasin-ou-commerce-de-detail>, SACEM tariff excludes food outlets that can accommodate more than 10 people. SPRE Background Tariff (Shops), https://clients.sacem.fr/docs/autorisations/RGAT_Commerce_Magasin.pdf

Fitness

- viii. SACEM Sport, Relaxation Centres and/or Health Care, <https://clients.sacem.fr/autorisations/salle-de-sports-ou-centre-de-soins>, if Group Classes are held at the premises, the Ambient Uses fee will not apply.
SACEM/SPRE https://clients.sacem.fr/docs/autorisations/RGAT_Centres_soins_detente.pdf.
- ix. ASCAP <https://www.ascap.com/~media/files/pdf/licensing/classes/2019-licensing-rates-reports/fitness2017-10.pdf> and https://www.bmi.com/licensing/entry/fitness_clubs
- x. SOCAN Tariff 19 (Physical Exercise and Dance Instruction) and Tariff 15A (Background Music). Tariff 15A covers music that is not covered by Tariff 16 (Background Music Suppliers), http://www.socan.com/tariff/Infocard_19_EN.pdf and http://www.socan.com/tariff/Infocard_15A_EN.pdf. These rates were certified in 2012 for 2008-2011 and certified in 2017 for 2013-2017, respectively.
Re:Sound Tariff 6B (Use of Recorded Music to Accompany Fitness Activities) <https://cb-cda.gc.ca/tariffs-tarifs/certified-homologues/2018/2018-01-12-GAZ.pdf>. A separate rate structure is available for background music provided by background music suppliers.
- xi. OMNZ <https://www.onemusicnz.com/music-licences/exercise/>
- xii. IMRO STANDARD TARIFF HLC, <https://www.imro.ie/wp-content/uploads/2018/12/HLC-Tariff-0119-1219.pdf>
PPI Tariff 12 (Background Music - Clubs (Snooker / Golf / Health / Sports etc.) Excluding Casinos), <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-12-2019.pdf> and Tariff 8 (Fitness Classes), <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-8-2019.pdf>
- xiii. OMA https://onemusic.com.au/media/Licences/Fitness_Agreement.pdf
- xiv. PRS Tariffs F&D, <https://pplprs.co.uk/wp-content/uploads/Tariff-FD-PRS-Fitness-Dance-2019.pdf>
PPL Background Music Tariff (Leisure Centres and Health/Fitness Clubs and Background Music - Gymnasium Workout), <https://pplprs.co.uk/wp-content/uploads/PPL-Tariff-PPLPP054-Leisure-Centres-and-HealthFitness-Clubs-2019.pdf> and Exercise to Music, <https://pplprs.co.uk/wp-content/uploads/PPLPP222-Exercise-to-music-May-2019.pdf>

Hotels (Bars)

- xv. SOCAN Tariff 15A (Background Music) (certified in 2012 for 2008-2011), Tariff 15A covers music that is not covered by Tariff 16 (Background Music Suppliers), http://www.socan.com/tariff/Infocard_15A_EN.pdf; Tariff 3A (Live Music), http://www.socan.com/tariff/Infocard_3A_EN.pdf; (certified in 2017 for 2013-2017, Tariff 3B (Recorded Music accompanying live), http://www.socan.com/tariff/Infocard_3B_EN.pdf (certified in 2017 for 2013-2017).
Re:Sound : Tariff 3B (Background music by establishment). Tariff 3A to be used if using background music supplier, <https://cb-cda.gc.ca/tariffs-tarifs/certified-homologues/2017/2017-02-09-GAZ.pdf>; Tariff 5A (Recorded Music accompanying live entertainment, Bars etc) <https://cb-cda.gc.ca/tariffs-tarifs/certified-homologues/2017/2017-02-09-GAZ-5A.pdf> certified in September 2017 for 2010 – 2015.
- xvi. OMNZ <https://www.onemusicnz.com/music-licences/hospitality/>
- xvii. OMA https://onemusic.com.au/media/Licences/Hotels_Agreement.pdf
- xviii. ASCAP <https://www.ascap.com/~media/files/pdf/licensing/classes/2019-licensing-rates-reports/restaurants-bars-and-nightclubs-rate.pdf> and BMI <https://www.bmi.com/licensing/entry/532981?q=Bar>
- xix. IMRO STANDARD TARIFF PLVA (Dublin Pubs), <https://www.imro.ie/wp-content/uploads/2018/12/PLVA-Tariff-0119-1219-DUAL.pdf> and other areas <https://www.imro.ie/wp-content/uploads/2018/12/PVFI-Tariff-0119-1219-DUAL.pdf>
PPI Tariff 13 (Hotel Bars and Public Houses (excluding VFI & IHF members) <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-13-2019.pdf>; other applicable tariffs <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-48-2019.pdf>; <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-49-2019.pdf>; <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-2A-2019.pdf>; <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-47-2019.pdf>

xx. PRS Tariff P (Public Houses), <https://pplprs.co.uk/wp-content/uploads/Tariff-P-Public-Houses.pdf>
PPL Background Music Tariff (Public Houses/Bars/Restaurants and Cafes/Hotels) <https://pplprs.co.uk/wp-content/uploads/Background-Music-Tariff-Public-Houses-Bars-Restaurants-and-Cafes-Hotel-PPLPP210.pdf>; Specially
Featured Entertainment Tariff, <https://pplprs.co.uk/wp-content/uploads/PPLPP001-Specially-Featured-Entertainment-Tariff.pdf>

xxi. SACEM, <https://clients.sacem.fr/autorisations/bar-a-ambiance-musicale>
SPRE, https://www.spre.fr/index.php?page_id=114

Nightclubs/Recorded Music for Dance

xxii. SOCAN Tariff 18 (Recorded Music for Dancing) – Licence to play (publicly perform) recorded music for dancing in bars, clubs, cabarets, discotheques and other eating/drinking establishments, http://www.socan.com/tariff/Infocard_18_EN.pdf certified May 6 2017 for 2013 – 2017.

Re:Sound Tariff 6A (Recorded music for dance), <https://cb-cda.gc.ca/tariffs-tarifs/certified-homologues/2011/Re-Sound-6.A-2008-2012.pdf> certified July 16 2011 for 2008 – 2012.

xxiii. ASCAP, <https://www.ascap.com/~media/files/pdf/licensing/classes/2019-licensing-rates-reports/restaurants-bars-and-nightclubs-rate.pdf> and BMI <https://www.bmi.com/licensing/entry/532981?q=Bar>

xxiv. OMNZ, <https://www.onemusicnz.com/music-licences/hospitality/>

xxv. IMRO STANDARD TARIFF HRNPD, <https://www.imro.ie/wp-content/uploads/2018/12/HRNPD-Tariff-0119-1219.pdf>
PPI Tariff 2 (Commercial Discotheque and Nightclub venues) <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-2-2019.pdf>

xxvi. PRS Tariff D, <https://pplprs.co.uk/wp-content/uploads/PRS-for-Music-Tariff-D-Discotheques-Commercial-Dance-Halls-2019.pdf>
PPL Background Music Tariff (Nightclubs, Discotheques and Dance Halls), <https://pplprs.co.uk/wp-content/uploads/Background-Music-Tariff-Nightclubs-Discotheques-and-Dance-Halls-PPLPP017.pdf> and Specially Featured
Entertainment Tariff, <https://pplprs.co.uk/wp-content/uploads/PPLPP001-Specially-Featured-Entertainment-Tariff.pdf>

xxvii. OMA https://onemusic.com.au/media/Licences/RMFD_Agreement.pdf

xxviii. SACEM, <https://clients.sacem.fr/autorisations/discotheque-ou-bar-dansant> and SPRE http://www.spre.fr/document/guide_assujettissement_disco_bad_bam_assimiles.pdf

Restaurants

xxix. SOCAN Tariff 15A (Background Music). Tariff 15A covers music that is not covered by Tariff 16 (Background Music Suppliers), http://www.socan.com/tariff/Infocard_15A_EN.pdf certified June 30 2012 for period 2008 – 2011.
Re:Sound Tariff 3B (Background music by establishment), <https://cb-cda.gc.ca/tariffs-tarifs/certified-homologues/2017/2017-02-09-GAZ.pdf> certified September 2017 for period 2010 – 2015.

xxx. OMNZ <https://www.onemusicnz.com/music-licences/hospitality/>

xxxi. IMRO STANDARD TARIFF HRNPD, <https://www.imro.ie/wp-content/uploads/2018/12/HRNPD-Tariff-0119-1219.pdf>
PPI Tariff 14 (Restaurants and Cafes), <https://www.imro.ie/wp-content/uploads/2018/12/Tariff-14-2019.pdf>

xxxii. ASCAP, <https://www.ascap.com/~media/files/pdf/licensing/classes/2019-licensing-rates-reports/restaurants-bars-and-nightclubs-rate.pdf> and BMI <https://www.bmi.com/licensing/entry/532981?q=Bar>

xxxiii. PRS Tariff HR <https://pplprs.co.uk/wp-content/uploads/PRS-for-Music-Tariff-HR-Hotels-restaurants-cafes-2019.pdf>
PPL Background Music Tariff (Public Houses/Bars/Restaurants and Cafes/Hotels), <https://pplprs.co.uk/wp-content/uploads/Background-Music-Tariff-Public-Houses-Bars-Restaurants-and-Cafes-Hotel-PPLPP210.pdf>

xxxiv. SACEM Café and Restaurant Tariff - Music in cafes and restaurants (excluding bars, fast food establishments and tea rooms, <https://clients.sacem.fr/autorisations/cafe-ou-restaurant>
SPRE Café and Restaurant Tariff - Music in cafes and restaurants, <https://clients.sacem.fr/autorisations/cafe-ou-restaurant>

Concerts

xxxv. ASCAP, <https://www.ascap.com/~media/files/pdf/licensing/classes/2019-licensing-rates-reports/concert-rate.pdf>
and <https://www.bmi.com/licensing/entry/533029?q=Promoter+%2F+Presenter>

xxxvi. New Zealand Licenced separately by APRA AMCOS NZ and PPNZ, <http://apraamcos.co.nz/music-customers/licence-types/using-music-at-your-event/>

xxxvii. OMA <https://onemusic.com.au/licences/events/>

xxxviii. SOCAN Tariff 4A1 (Popular Music Concert, Per Event), http://www.socan.com/tariff/Infocard_4A1_EN.pdf certified May 6 2017 for 2015 – 2017.

xxxix. PRS Tariff LP, <https://pplprs.co.uk/wp-content/uploads/Tariff-Popular-Music-Concerts-modified-2018.pdf>

xl. IMRO Tariff LP, <https://www.imro.ie/music-users/which-licence-suits-my-business/live-music/>

xli. SACEM Concert Tariff, <https://clients.sacem.fr/autorisations/concert-ou-spectacle>

WHAT IS ONEMUSIC AUSTRALIA

MUSIC LICENSING BASICS

BACKGROUND MUSIC SUPPLIERS

DANCE AND SYLLABUS

COMPLIMENTARY LICENCE

CINEMA AND FILM

EVENTS

MUSIC TIPS

What sound recordings are covered by PPCA?

PPCA's repertoire is made up of all of the sound recordings and/or music videos owned or controlled in Australia by its licensors and the labels they control. As at July 2019 the number of labels registered with PPCA exceeds 55,000. The repertoire expands to cover new sound recordings as they are released by PPCA's licensors. Given the sheer volume of sound recordings controlled by its licensors it is impractical to publish a list of tracks included in the repertoire. However a list of PPCA's licensors and the labels they control are available here <http://www.pcca.com.au/labels/list-of-current-licensors/>. The licensors and labels are made up of thousands of Australian recording artists and labels, both local and international, majors and independents. These licensors have granted PPCA a non-exclusive right to license businesses to play protected sound recordings and music videos.

The Copyright Act protects certain sound recordings for public performance. PPCA's public performance licence covers all 'protected recordings' within its repertoire. Some recordings released in Australia (and within PPCA's repertoire) are not protected and a licence is not required to publicly perform those sound recordings. Working out whether or not a recording is protected may require the application of complex provisions of the Copyright Act to determine and require an understanding of:

1. the country where the recording was made;
2. the nationality and residence of everyone performing on the recording (including all session musicians);
3. the country where the recording was first released;
4. the date of the first release; and
5. the age of the recording.

A list of 'protected countries' can be found here [http://www.pcca.com.au/ignitionSuite/uploads/docs/Schedule%203%20Countries\[2\].pdf](http://www.pcca.com.au/ignitionSuite/uploads/docs/Schedule%203%20Countries[2].pdf). The United States is not a 'protected country'. However recordings made in the United States (or by US citizens) can still be considered 'protected' under the Copyright Act if one of the criteria above is met. Eg: a track recorded by an Australian or British artist in the United States for release in Australia and elsewhere is likely to be protected and a public performance licence required.

As a general statement, recordings made in territories such as Australia, New Zealand, the UK, Europe and Canada are usually protected and a licence is required to play these recordings in public. All music videos are protected recordings and all sound recordings used as telephone on hold music are protected.

If you have any questions regarding the scope of PPCA repertoire, please contact PPCA <http://www.pcca.com.au/Contact/>