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06/29

11<sup>th</sup> January 2007

John Laughlin  
Transport and Prices Oversight Branch  
Australian Competition and Consumer Commission  
GPO Box 520  
Melbourne VIC 3001

Dear Mr Laughlin

**Re: Request for comments on ACCC draft publication.**

Thank you for the opportunity to comment on the draft publication *Copyright licensing and collecting societies: a guide for licensees*.

The Australian Medical Association has a large membership base which includes a wide range of medical practices who use copyright material. The type of copyright material they use includes CDs, DVD's, radio, TV and other entertainment media. This material is used to provide background music and entertainment for patients and staff. Our members would therefore find this publication quite useful and relevant given that the example used throughout the publication describes this exact situation.

**Comments**

The aim of the guide is twofold. Firstly, it aims to provide general information to users of copyright material and secondly it aims to assist users and potential users of such material in negotiating licensing arrangements with copyright collecting societies.

The first objective appears to have been met as the publication provides a good, easy to understand summary of copyright law in Australia. It is relevant for licensees to know some background to the law and the roles the various parties play in monitoring the law. However, the publication reads more like a background paper about copyright law and the majority of the publication focuses on educating the readers about the law rather than providing a practical user guide.

For this reason, we consider that the second objective of assisting users to negotiate licensing arrangements has not been as effectively met. Little practical advice is included and what there is, is difficult to find. The publication would benefit, for example, by the inclusion of tables of fees, sample licenses, flowcharts for the dispute resolution process and a question and answer section. Adding sections such as frequently asked questions, website links and contact numbers would be useful.

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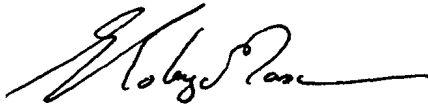
A further recommendation would be to expand the example provided to cover the most common types of background music played in reception areas and waiting rooms of most small businesses. The most common types of background music are the radio; playing CDs and DVDs, playing TV and having music-on-hold on phone lines. It would be useful to distinguish music played in the workforce for the sole benefit of staff from music played for the general public. The APRA website has information about all these licenses on its website. This information is however not covered in the guide.

Another recommendation would be to include a second example, such as a university library. This would provide a wider context especially in relation to the topic of remuneration notices which are explained in Chapter Four.

Generally, the guide is easy to read and informative. It appears to be written for the more legally-minded reader and in that regard is very useful. If however the guide was written more for the lay-person, business owner or practice manager looking for a practical easy guide to negotiate a license to play background music, then the guide is rather more complicated than practical.

I trust this is of assistance and thank you for the opportunity to provide this feedback.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E Robyn Mason', with a long horizontal flourish extending to the right.

Dr E Robyn Mason  
Secretary General