

Applicants' response to ACCC information request dated 13 June 2024

In relation to the identification of schemes which are based on a Copyright Tribunal decision, that is slightly more complex. Many of APRA's licence schemes are "based on" Copyright Tribunal decisions, including because the Tribunal's determinations contain matters relevant to rate setting even outside the licence scheme under consideration, and are also used as benchmarks for similar uses. Few licence schemes remain directly as determined by the Tribunal, including where negotiations have occurred in subsequent years, and because of CPI. However:

- The licence rate with the ABC remains as determined by the Tribunal in [Reference by Australasian Performing Right Association Limited, Re: Australian Broadcasting Corporation \[1985\] ACOPYT 2](#).
- The licence scheme for commercial radio is "based on" the determination of the Tribunal in [Australasian Performing Right Association Ltd v Federation of Australian Radio Broadcasters Ltd \[1999\] ACOPYT 4](#).
- The licence scheme for digital downloads remains as determined by the Tribunal in [Australasian Performing Right Association Limited and Australasian Mechanical Copyright Owners Society Limited \[2009\] ACOPYT 2](#).
- For most licence schemes with a background music component, that component is "based on" the determination of the Tribunal in [Reference by Australasian Performing Right Association Ltd \[2006\] ACOPYT 3](#).
- The licence scheme for fitness is "based on" the decision of the Tribunal in [Phonographic Performance Company of Australia Limited \(ACN 000680 704\) under section 154\(1\) of the Copyright Act 1968 \[2010\] ACOPYT 1](#).
- The licence scheme for recorded music to accompany dancing is "based on" the decision of the Tribunal in [Phonographic Performance Company of Australia Limited under section 154 of the Copyright Act 1968 \[2007\] ACOPY T1](#)