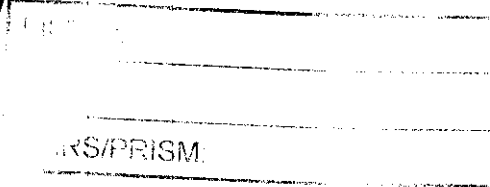




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9 January 2006

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear Sir/Madam

ACCC Draft Determination on Australasian Performing Right Association Authorisation Applications

We refer to the Australian Competition and Consumer Commission (ACCC) Draft Determination dated 31 August 2005, in relation to the Authorisation Applications lodged by the Australasian Performing Right Association Limited (APRA), and previous submissions by Free TV Australia Limited (Free TV) in respect of those Applications and the Draft Determination.

Free TV notes the revised reply by APRA to submissions by Cinema Operators and Free TV to Draft Determination, dated 11 November 2005 (**Revised Reply**). Free TV does not propose to elaborate on its previous submissions by way of response to the Revised Reply.

However Free TV notes that, at paragraph 43(c) of the Revised Reply, APRA states as follows:

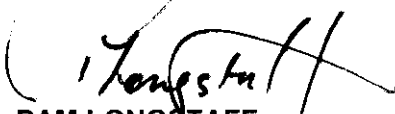
"In Canada, there is no provision for composers to take their works out of the repertoire of collecting societies, on an exclusive or non-exclusive basis."

Information obtained by Free TV from the Canadian Association of Broadcasters (CAB), and confirmed by the Society of Composers, Authors and Music Publishers of Canada (SOCAN), is that members of SOCAN are able to obtain non-exclusive licences from SOCAN in respect of their works for the purpose of enabling Modified Blanket Licences (MBL). That is, members of SOCAN can obtain a non-exclusive licence from SOCAN to enable the composer to directly sub-licence the performing right in their work to a television broadcaster for use in a program.

SOCAN offers MBL's as an option to television broadcasters and pay television operators, as a consequence of the decision of the Copyright Board of Canada regarding Public Performance of Musical Works dated 19 March 2004. The MBL's enable television broadcasters and television operators to reduce the amount of royalties they pay to SOCAN when they air programmes that do not use music for which they need a SOCAN licence.

Please contact me if you would like further information regarding arrangements in Canada or a copy of the decision of the Copyright Board of Canada.

Yours sincerely


PAM LONGSTAFF
Director, Legal & Broadcasting Policy

