

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

NOTE FOR FILE

MATTER	Applications for revocation and substitution A91041 & A91042 lodged by the Phonographic Performance Company of Australia (PPCA)
Participants	PPCA – Stephen Peach, CEO of PPCA, Brent Fisse, Lawyer ACCC – Ed Willett, Scott Gregson, Joanne Palisi, Danielle Staltari, Monica Bourke.
DATE:	8 August 2007
OFFICER:	Monica Bourke
FILE:	C2007/799
VENUE:	ACCC Office Canberra

PURPOSE:

PPCA requested the meeting to discuss two of the proposed conditions imposed in the draft determination issued 18 August 2007.

Protected recordings

PPCA is to publish and maintain an updated list of those sound recordings in its repertoire which are protected under Australian copyright law and therefore covered by the PPCA blanket licence. PPCA is to publish a list within 6 months of the Commission's final determination on its website.

PPCA discussed the complex process involved in determining whether a sound recording is protected or unprotected and creating and maintaining such a list.

PPCA was invited to make a written submission addressing its concerns about the condition and may wish to suggest ways to achieve the transparency required by the ACCC.

Guidelines for direct licensing

Each PPCA licensor develop and publish on their respective websites the circumstances in which they would consider entering into direct licences with the users of public performance and transmission rights of sound recordings including the process users should follow to seek such licences. This advice should be published within 6 months of the date of the final determination.

PPCA questioned what effect non-compliance by a licensor would have on the authorisation as there are over 600 licensors.

The ACCC noted that it would give some consideration to the wording of this condition.