

Ref

2 January 2009



The General Manager  
Adjudication Branch  
Australian Competition And Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

**BY EMAIL:** adjudication@accc.gov.au

Dear Sir

**COLLECTIVE BARGAINING NOTIFICATIONS CB00059 - CB00066 LODGED BY AUSTRALIAN INDEPENDENT RECORD LABELS ASSOCIATION (AIR)**

I refer to the letter from Gavin Jones letter dated 16 December 2008 inviting Australasian Performing Right Association Limited (APRA) to provide a submission in response to AIR's collective bargaining notifications.

APRA is a performing right collecting society representing the interests of Australian and foreign composers, authors and publishers of musical and literary works. APRA owns or controls the right to perform in public and the right to communicate the vast majority of the world's repertoire of musical works. Since 1997, APRA has also administered Australasian Mechanical Copyright Owners' Society Limited (AMCOS), which is a collecting society representing the interests of the majority of music publishers in Australia and a large number of songwriters, as well as the interests of a number of foreign music publishers and songwriters. AMCOS is the exclusive licensee in Australia of the right of reproduction of musical and literary works in copyright works owned or controlled by its members or by foreign music publishers and songwriters that it represents. In particular, AMCOS licenses the reproduction of musical works in the form of records (under the statutory licence contained in Part III, Division 6 of the Act). AMCOS does not license the synchronisation of published music. The two companies operate under the name APRA|AMCOS.

APRA|AMCOS supports the proposed joint licensing arrangements detailed in AIR's notification. For the type of rights to be licensed, it is our strong view that collective bargaining and licensing is the most efficient way of ensuring that users of copyright material have legal access to that material on reasonable terms. Collective arrangements significantly the administrative costs otherwise associated with the number and extent of negotiations that would be required if each user of the material were to obtain the rights required from each individual copyright owner.

By maximising the amount of copyright material licensed, collective arrangements also significantly reduce the possibility of inadvertent infringement and the associated costs of enforcement.

APRA|AMCOS consider it is vital for the local music industry that AIR continue its efforts to promote and support Australian independent recording labels. A significant part of that support is ensuring that when recordings owned by those labels are used, the use is made under properly negotiated terms. The payment of licence fees to those labels and accordingly to artists whose

recordings are used by the targets will help sustain a commercially viable Australian independent recording labels sector, which produces a large proportion of the recordings by Australian artists.

APRA unreservedly supports the collective bargaining arrangements proposed by AIR.

Yours sincerely

for

A handwritten signature in black ink, appearing to be 'Brett Cottle', with a stylized flourish at the end.

Brett Cottle  
Chief Executive  
APRA|AMCOS