

**From:** jamison young  
**Sent:** Wednesday, 10 February 2010 1:17 AM  
**To:** Jones, Gavin  
**Cc:**  
**Subject:** Re: Australasian Performing Right Association - ACCC draft determination [SEC=UNCLASSIFIED]

Hi Gavin,

Thanks for sending me this information.

This statement here:

"The ACCC considers that, in general, APRA offers composers and music users significant benefits in terms of helping users get licences to play music and ensuring songwriters are rewarded for their efforts through royalties."

I would argue that more than 98 percent of the revenues that APRA collect go towards the efforts of artists that have assigned their rights to publishers, as the APRA board is broken up into 50 percent publishers and 50 percent creators, and the more an artist or publishers collects, the more votes they are given. Maybe it would be fair to state that APRA offers "published composers" benefits. I feel also the term "music user" here has been stretched and is out of context, APRA are unable to provide for the needs of general public, as much of the popular music needs the co-operation of music labels, to make the license fit.

to go on... ACCC state.

"The particular arrangements for which APRA has sought re-authorisation include requirements for the exclusive assignment of works from composers, subject to its opt-out and licence-back processes, blanket licences for users and its alternative dispute resolution process – which provides for expert determination."

APRA could offer artists a situation where artists should be able to opt-out for certain works. Its interesting to note that artists are able to join ASCAP (The license terms for the contract of ASCAP are non-exclusive) in the US, and thus make something free and collect for the use as well, this is a good situation for the artist not with a publisher. This means artists are able to license freely and also collect. Consider that the impact of APRA's exclusive license, is massive for servers that want to broadcast music based in Australia, mysapce and youtube are able to create terms and conditions, so that artists can give up rights and be a member of ASCAP, where as APRA are unable to do so. The long term effects of such a situation, don't seem very positive for the public, as the users of music expand into the creators, with the changes in technology. The situation as it is, is of huge benefit to publishers of content created in the past. Keep in mind also that APRA are giving out funding for songwriters and events, so this would make the idea of a songwriter joining ASCAP, not such a great idea.

APRA could be making reforms as to the way they collect and distribute revenues, however any reform that would change from exclusive to non-exclusive, might decrease revenues. My thoughts are that self publishing artists need to be able to license what they create for commercial use and also be able to make what they create

free. I don't think its such a problem for the artist to collect those revenues, i have done so, having had a song in hollywood film and also having the song under free license. The issue of an artist making what they create free, is much more complicated than i initially thought though... these issues are not musical..

I hope this information from my view helps. Regards, Jamison