



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: 47715  
Contact Officer: Anna Giannakos  
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5 April 2012

Dear Sir/Madam

**Viscopy Limited & Copyright Agency Limited application for authorisation A91285/86  
- Draft Determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination today in respect of the application for authorisation lodged by Viscopy Limited (Viscopy) and Copyright Agency Limited (CAL). Attached is a summary of the authorisation process including how to make a submission to the ACCC.

The applicants are seeking authorisation to enter a Service Agreement under which CAL will provide various services to Viscopy including the management and administration of day-to-day operations. The authorisation sought would allow the applicants to jointly discuss and negotiate common terms and conditions including fees and scope of services, and to make and give effect to contracts arrangements and understandings between them, and continue to give effect jointly to the provisions of such agreements.

**Draft determination**

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for five years. The ACCC's assessment is set out in Chapter 4 on pages 13 to 23.

**Next steps**

Once the ACCC issues a draft determination, the applicants or any interested party may make a submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a written submission in response to the ACCC's draft determination please lodge your submission by **20 April 2012**.

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the

discussion. If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **20 April 2012**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

### **Timetable**

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

<b>6 December 2011</b>	Lodgement of applications and supporting submission.
<b>15 December 2011</b>	Public consultation process begins.
<b>25 January 2012</b>	Closing date for submissions from interested parties.
<b>8 February 2012</b>	Applicants responds to issues raised in the public consultation process.
<b>5 April 2012</b>	Draft determination.
<b>20 April 2012</b>	Public consultation on draft determination including any conference if called.
<b>May/June 2012</b>	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Anna Giannakos on (03) 9290 6920 or by email on [anna.giannakos@accc.gov.au](mailto:anna.giannakos@accc.gov.au).

Yours sincerely



Dr Richard Chadwick  
General Manager  
Adjudication Branch

**A91285 & A91286 Viscopy Limited & Copyright Agency Limited –  
Interested Party Consultation List – Draft Determination**

1. Australian Copyright Council
2. National Association for Visual Arts
3. Screenrights